

June 1, 2005

OLYMPIA, WASHINGTON

ISSUE 05-11



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CITATION

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

PUBLIC INSPECTION OF DOCUMENTS

A copy of each document filed with the code reviser's office, pursuant to chapter 34.05 RCW, is available for public inspection during normal office hours. The code reviser's office is located 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 June 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 June 2005 is 5.177%.

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

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

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Dennis W. Cooper
Code Reviser

Gary Reid
Chief Assistant Code Reviser

Kerry S. Radcliff
Editor

Jennifer C. Meas
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STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following eight sections:

- (a) **PREPROPOSAL**-includes the Preproposal Statement of Inquiry that will be used to solicit public comments on a general area of proposed rule making before the agency files a formal notice.
- (b) **PROPOSED**-includes the full text of formal proposals, continuances, supplemental notices, and withdrawals.
- (c) **EXPEDITED RULE MAKING**-includes the full text of the rule being proposed using the expedited rule-making process. Expedited rule makings are not consistently filed and may not appear in every issue of the register.
- (d) **PERMANENT**-includes the full text of permanently adopted rules.
- (e) **EMERGENCY**-includes the full text of emergency rules and rescissions.
- (f) **MISCELLANEOUS**-includes notice of public meetings of state agencies, rules coordinator notifications, summaries of attorney general opinions, executive orders and emergency declarations of the governor, rules of the state Supreme Court, and other miscellaneous documents filed with the code reviser's office under RCW 34.08.020 and 42.30.075.
- (g) **TABLE**-includes a cumulative table of the WAC sections that are affected in the current year.
- (h) **INDEX**-includes a cumulative index of Register Issues 01 through 24.

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

2. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

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

- (a) In amendatory sections—
 - (i) underlined material is new material;
 - (ii) ~~deleted material is ((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	Count 20 days from -	For hearing on or after	First Agency Adoption Date
For Inclusion in -	File no later than 12:00 noon -					
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
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05 - 11	Apr 20, 05	May 4, 05	May 18, 05	Jun 1, 05	Jun 21, 05	Jul 19, 05
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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
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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;

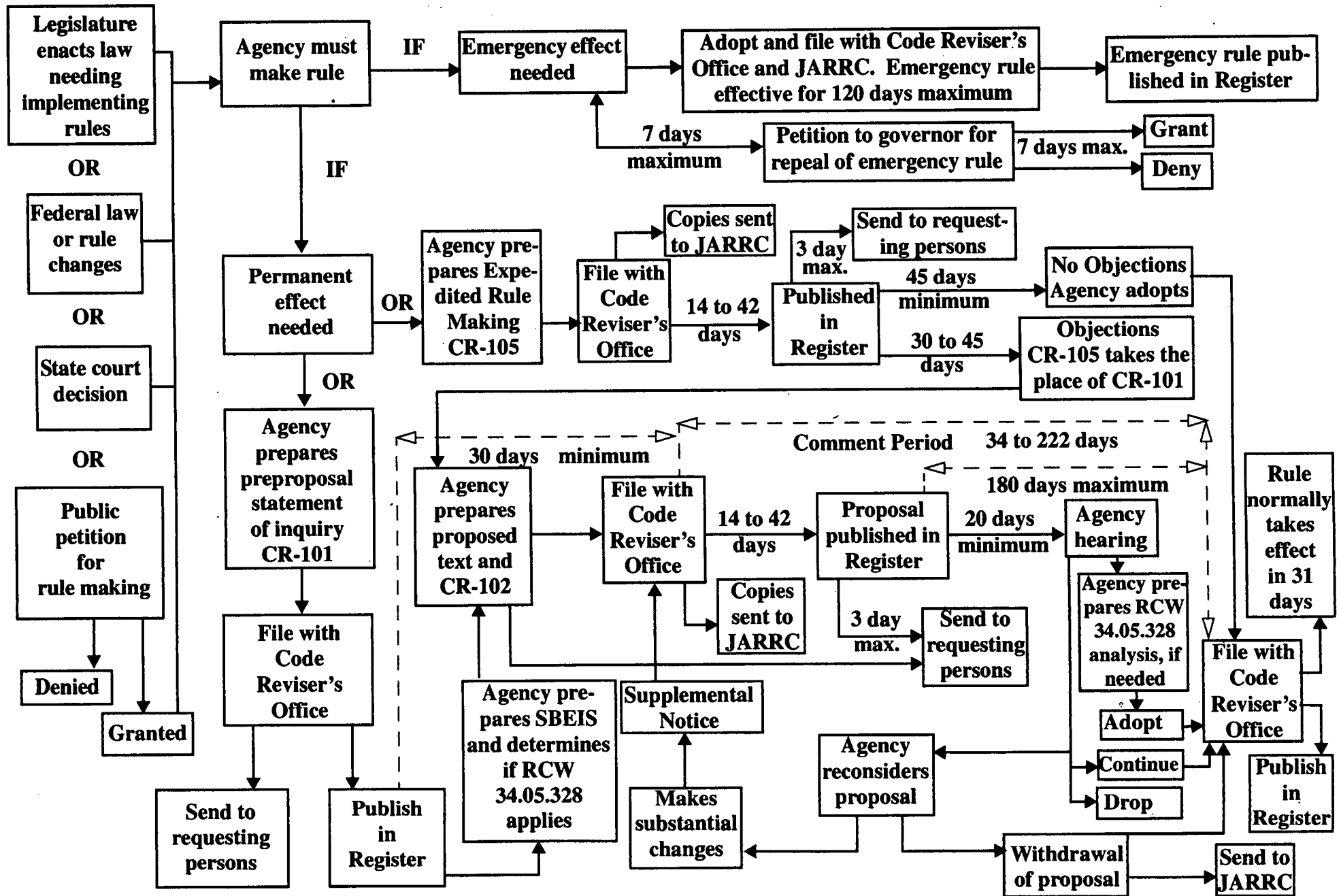
There is less than minor economic impact on business;

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 05-11-011**PREPROPOSAL STATEMENT OF INQUIRY
UNIVERSITY OF WASHINGTON**

[Filed May 6, 2005, 11:32 a.m.]

Subject of Possible Rule Making: Use of University of Washington, Bothell and Cascadia Community College joint facilities, new chapter 478-137 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.20.130.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The University of Washington, Bothell (UWB) and Cascadia Community College (CCC) share Washington state's only colocated higher education campus. The colocation agreement provides that the institutions have dedicated joint building spaces. UWB has been able to govern operations of its dedicated campus facility use under chapter 478-136 WAC, Use of University of Washington facilities, but there is currently no rule to govern the use of spaces shared with CCC. These new rules would allow the institutions to improve the efficiency and effectiveness of shared campus space.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The University of Washington will coordinate with the Cascadia Community College to promulgate rules jointly, under separate agency authorization.

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. Written comments or inquiries may be directed to Rebecca Goodwin Deardorff, Director of Rules Coordination, by one of the following routes: US Mail University of Washington, 4014 University Way N.E., Seattle, WA 98105-6203; campus mail Box 355509; e-mail rules@u.washington.edu; or fax (206) 616-6294.

May 4, 2005

Rebecca Goodwin Deardorff
Director of Rules Coordination

WSR 05-11-012**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed May 9, 2005, 2:49 p.m.]

Subject of Possible Rule Making: Amendment of WAC 308-13-020 Qualifications and application for licensure, 308-13-024 Application for examination, and 308-13-100 Reinstatement of delinquent, suspended, or revoked licenses.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.96.060 Board—Rules—Quorum—Hearings.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Clarify and simplify the language and requirements for the examination and reinstatement process.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Joan Y. Robinson, Program Manager, Department of Licensing, Business and Professions Division, Landscape Architect Registration Board, P.O. Box 9045, Olympia, WA 98507-9045, (360) 664-1387, fax (360) 664-1495.

May 5, 2005

Joe Vincent Jr.
Administrator

WSR 05-11-034**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE**

[Filed May 11, 2005, 8:03 a.m.]

Subject of Possible Rule Making: Application of pesticides near schools, hospitals, nursing homes, adult and child day care centers.

Add definition of "responsible person" to WAC 16-228-1010.

Modify or delete the definition of "fumigant" in WAC 16-228-1010.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 17.21.030 (1)(a).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Public comment was received during the revision of the general pesticide rules (chapter 16-228 WAC) in 2003/4 concerning further modifications to WAC 16-228-1220(4), application of pesticides near schools, hospitals, nursing homes and similar establishments - beyond what was proposed by the agency. It was agreed to adopt the suggested change but reopen this section of chapter 16-228 WAC to consider possible further changes or additions to the general pesticide rules.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The federal Environmental Protection Agency (EPA). The Washington State Department of Agriculture rules are adopted under state laws which have authority delegated from EPA.

Process for Developing New Rule: Stakeholder technical advisory group.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Laurie Mauerman, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, fax (360) 902-2093, e-mail lmauerman@agr.wa.gov. Stakeholder Advisory Group contact Ann Wick, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-2051, fax (360) 902-2093, e-mail awick@agr.wa.gov.

May 9, 2005

Bob Arrington
Assistant Director

PREPROPOSAL

WSR 05-11-045
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION

[Filed May 12, 2005, 2:41 p.m.]

Subject of Possible Rule Making: Gambling equipment.
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: Currently, items defined as gambling equipment may only be sold and purchased by a licensed manufacturer, distributor or operator. The amendment looks to remove specific nonprofessional items from the definition of gambling equipment. For example, nonlogo cards/chips and nonprofessional gaming tables (such as those found at retail stores). Amendments would also remove discontinued logo cards/chips from the definition of gambling equipment.

It would also remove amusement games from the definition of gambling equipment. WAC 230-20-508 describes which amusement games are authorized and provides a process to introduce new coin or token activated amusement games into the state. Amusement games will continue to be addressed under WAC 230-20-508.

Process for Developing New Rule: Rule change developed by agency staff. Interested parties can participate in the discussion of this proposed change by attending a commission meeting, or contacting the agency rules coordinator at the contact information below.

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, e-mail Susana@wsgc.wa.gov.

[Meetings on] June 10, 2005, at the LaConner Maple Hall, 108 Commercial Street, LaConner, WA 98257, (360) 466-3101; on August 12, 2005, at The Heathman Lodge, 7801 N.E. Greenwood Drive, Vancouver, WA 98662, (360) 254-3100; and on September 9, 2005, at the Red Lion Hotel Pasco, 2525 North 20th Avenue, Pasco, WA 99301, (509) 544-3910.

May 11, 2005
Susan Arland
Rules Coordinator

WSR 05-11-055
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed May 16, 2005, 3:22 p.m.]

Subject of Possible Rule Making: Chapter 392-153 WAC, Traffic safety education.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28A.220 RCW, RCW 46.20.100.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Update old, insufficient language; clarify definitions; update and clarify teacher and instructor qualification sections; and update rules regarding public school programming.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Allen J. Jones, Director, Pupil Transportation and Traffic Safety Education, P.O. Box 47200, Olympia, WA 98504-7200, (360) 725-6120, fax (360) 586-6124.

May 16, 2005
Dr. Terry Bergeson
Superintendent of
Public Instruction

WSR 05-11-057
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed May 17, 2005, 9:52 a.m.]

Subject of Possible Rule Making: Commercial shellfish 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: Commercial crawfish gear does not have an escape panel requirement. Commercial shellfish gear will be reviewed to ensure consistency.

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 Lew Atkins, Fish Program Assistant Director, 600 Capitol Way North, Olympia, WA 98504-1091, phone (360) 902-2651. Contact by June 16, 2005. Expected proposal filing on or after June 17, 2005.

May 17, 2005
Evan Jacoby
Rules Coordinator

WSR 05-11-063
PREPROPOSAL STATEMENT OF INQUIRY
POLLUTION LIABILITY
INSURANCE AGENCY

[Filed May 17, 2005, 10:17 a.m.]

Subject of Possible Rule Making: Underground storage tank community assistance program, chapter 374-60 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.148.130.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The passage of SHB 1823 requires that the rules pertaining to the awards and criteria of the community assistance program, chapter 374-60 WAC, be amended to be consistent with chapter 70.148 RCW.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Environmental Protection Agency (EPA), Washington State Department of Ecology (WSDOE). Contact Robert Cutler, State UST Coordinator (EPA) and Dave Smith, UST/LUST Coordinator (WSDOE), during rule development process.

Process for Developing New Rule: Administrative change so chapter 374-60 WAC is consistent with chapter 70.148 RCW.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Russell Olsen, Rules Coordinator, 1015 10th Avenue S.E., phone (360) 586-5997, fax (360) 586-7187, rolsen@plia.wa.gov; or Lynn Gooding, Deputy Director, 1015 10th Avenue S.E., phone (360) 586-5997, fax (360) 586-7187, lgooding@plia.wa.gov; or Roger Dovel, Director, 1015 10th Avenue S.E., phone (360) 586-5997, fax (360) 586-7187, rdovel@plia.wa.gov.

May 16, 2005

Russell E. Olsen

UST Reinsurance Program Manager

WSR 05-11-072

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Medical Assistance Administration)

[Filed May 17, 2005, 4:26 p.m.]

Subject of Possible Rule Making: WAC 388-513-1350 Defining the maximum amount of resources allowed and determining resources availability for long-term care (LTC) services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.500, 74.09.530, and 74.09.575.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Change the maximum resource amount for the community spouse from \$40,000 to \$41,943 effective July 1, 2005.

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

Process for Developing New Rule: The department invites the interested public to review and provide input on the draft language of this 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 pub-

lication by contacting Lori Rolley, P.O. Box 45534, Olympia, WA 98504-5534, phone (360) 725-1304, fax (360) 664-0910, TTY 1-800-848-5429, e-mail rollej@dshs.wa.gov.

May 16, 2005

Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 05-11-073

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Medical Assistance Administration)

[Filed May 17, 2005, 4:28 p.m.]

Subject of Possible Rule Making: WAC 388-513-1380 Determining a client's participation in the cost of care for long-term care (LTC) services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.500, and 74.09.530; Section 1924 of the Social Security Act (42 U.S.C. 1396R-5).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To change the community spouse excess shelter standard due to a change in federal standards effective April 1, 2005.

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

Process for Developing New Rule: The department invites the interested public to review and provide input on the draft language of this 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 Lori Rolley, P.O. Box 45534, Olympia, WA 98504-5534, phone (360) 725-1304, fax (360) 664-0910, TTY 1-800-848-5429, e-mail rollej@dshs.wa.gov.

May 16, 2005

Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 05-11-083

PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed May 17, 2005, 4:48 p.m.]

Subject of Possible Rule Making: Commercial and non-profit licensees—Problem gambling fee.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070 and 9.46.071.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: After the 2004 legislative session, then Governor Locke requested the commission resume its contributions to problem gambling. In November 2004, the commission adopted a rule to establish a fee to pro-

vide a stable funding source of approximately \$232,000 each year for a problem gambling helpline, and training and awareness services (RCW 9.46.071). The fee was to be paid by licensed charitable/nonprofit and commercial organizations and included language that the fee would automatically expire if the legislature adopted a law that appropriated funds for the same purposes.

During the 2005 legislative session, a law was adopted to fund problem gambling treatment, education, and awareness. The law transfers state lottery revenue and creates a new business and occupation (B&O) tax on gambling businesses (Gambling Commission licensees and live horse racing tracks) that have annual gross income over \$50,000. The B&O tax will be 0.1% of gross income (after prizes) through June 30, 2006, and 0.13% thereafter. The bill takes effect July 1, 2005. The bill prohibits the Gambling Commission, while the new B&O tax is in effect, from increasing license fees to fund a program for problem and pathological gambling. However, should the B&O tax later be repealed, the Gambling Commission, Horse Racing Commission, and the state lottery may contract for services to assist in providing treatment for problem and pathological gambling, and the Gambling Commission may increase license fees to fund the authorized services. As written, in the commission's original rule and the legislation that passed, the commission's problem gambling fee will expire. However, in the interest of being clear, this rule is up for repeal.

Process for Developing New Rule: Rule change developed by agency staff. Interested parties can participate in the discussion of this proposed change by attending a commission meeting, or contacting the agency rules coordinator at the contact information below.

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; and Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail Susana@wsgc.wa.gov.

[Meetings on] June 10, 2005, at the LaConner Maple Hall, 108 Commercial Street, LaConner, WA 98257, (360) 466-3101; and on August 12, 2005, at The Heathman Lodge, 7801 N.E. Greenwood Drive, Vancouver, WA 98662, (360) 254-3100.

May 17, 2005
Susan Arland
Rules Coordinator

WSR 05-11-093

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed May 18, 2005, 7:38 a.m.]

Subject of Possible Rule Making: Chapter 16-54 WAC, Animal importation, the department is considering amendments throughout the entire chapter that will clarify language,

update references, bring procedures into line with industry needs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 16.36.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To prevent the introduction and dissemination of vesicular stomatitis among the livestock of Washington, we need to update the rule. Vesicular stomatitis is a disease that has started to occur on a yearly basis in states bordering Mexico. It presently has been diagnosed in Arizona and New Mexico. At this time we will also be updating other changes that include another reference for a health certificate entitled certificate of veterinary inspection, creating a section covering illegal importation of animals infected with or exposed to reportable diseases under the OIE disease list, clarification on age for rabies vaccination on dogs and cats entering Washington state and the elimination of brucellosis and tuberculosis testing on alpacas and llamas being imported into the state. The present WAC has not been updated since 1999.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: USDA-APHIS, Veterinary Services. RCW 16.36.100 authorizes the director of the Washington State Department of Agriculture to cooperate with agencies of Washington, other states and the federal government.

Process for Developing New Rule: Due to the seriousness of preventing the introduction and dissemination of vesicular stomatitis and other reportable diseases among livestock in Washington state, the Department of Agriculture has been making contact with affected stakeholder organizations regarding the rule proposal. In addition, other communication tools will be utilized regarding this matter. All interested persons are encouraged to contact the agency contact person below with their questions and comments.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dr. Leonard E. Eldridge, State Veterinarian, Food Safety, Animal Health and Consumer Services, P.O. Box 42577, Olympia, WA 98504-2577, (360) 902-1881, fax (360) 902-2087, e-mail l Eldridge@agr.wa.gov.

May 17, 2005
Kathy Kravit-Smith
Assistant Director

WSR 05-11-096

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE

[Filed May 18, 2005, 8:35 a.m.]

Subject of Possible Rule Making: WAC 458-20-193 Inbound and outbound ((interstate)) sales of tangible personal property from or to persons in other states or foreign countries and 458-20-193C Imports and exports—Sales of goods from or to persons in foreign countries.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.32.300 and 82.01.060(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 458-20-193 (Rule 193) explains the application of business and occupation (B&O) and retail sales taxes to interstate sales of tangible personal property. WAC 458-20-193C (Rule 193C) explains the application of B&O and retail sales taxes to sales of tangible personal property from or to persons in foreign countries.

The department is considering revision of Rule 193 to:

- Change the determining factor for where a sale of tangible personal property takes place from "receipt" to "delivery," and to provide detailed information and examples on what constitutes delivery;
- Eliminate the ability of taxpayers to "dissociate" sales made in Washington if the sales are not significantly associated in any way with the taxpayer's in-state activities that establish or maintain a market for its products. The department believes that "dissociation" is an outdated notion that is not consistent with current United States Supreme Court jurisprudence defining the boundaries of state taxation of interstate commerce;
- Provide information about the taxability of drop shipments; and
- Update and incorporate the subject matter of Rule 193C. The information in Rule 193C will be updated to reflect current United States Supreme Court Commerce clause jurisprudence, and this information will be added to Rule 193. Rule 193C will be repealed.

Consolidating these rules will provide the information to the public in a more efficient and user-friendly manner.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: There are not other federal or state agencies that regulate the subject matter of these rules.

Process for Developing New Rule: Parties interested in this rule making may contact the individual listed below. The public may also participate by providing written comments throughout this rule making or giving oral testimony at the public meeting or public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments may be submitted by mail, fax, or at the public meeting. Oral comments will be accepted at the public meeting. A preliminary draft of the proposed changes is available upon request. Written comments on and/or requests for copies of the rule may be directed to Gilbert Brewer, Interpretations and Technical Advice Unit, P.O. Box 47453, Olympia, WA 98504-47453, phone (360) 570-6133, fax (360) 586-5543.

Public Meeting Location: Capitol Plaza Building, 4th Floor, Executive Large Conference Room, 1025 Union Avenue S.E., Olympia, WA, on June 22, 2005, at 1:30 p.m.

May 18, 2005

Janis P. Bianchi, Manager
Interpretations and Technical Advice Unit

WSR 05-11-100

PREPROPOSAL STATEMENT OF INQUIRY SECRETARY OF STATE

(Elections Division)

[Filed May 18, 2005, 9:30 a.m.]

Subject of Possible Rule Making: Implementation of a new top-two primary election system pursuant to chapter 2, Laws of 2005.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 2, Laws of 2005; RCW 29A.04.611.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Initiative 872 created a new primary election system, known as the top-two primary. Initiative 872 passed in November 2005: Chapter 2, Laws of 2005. The top-two primary conflicts with the nominating primary still described in statute. Because the Secretary of State is legally obligated to implement the new law, and because implementing legislation did not pass during the 2005 legislative session, the Secretary of State must implement the new primary through rule making.

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 Katie Blinn, Assistant Director of Elections, P.O. Box 40220, Olympia, WA 98504-0220, (360) 902-4168.

May 18, 2005

Steve Excell

Assistant Secretary of State

WSR 05-11-103

PREPROPOSAL STATEMENT OF INQUIRY POTATO COMMISSION

[Filed May 18, 2005, 10:34 a.m.]

Subject of Possible Rule Making: The purpose of this rule making is to amend and repeal sections within the rules of the Washington State Potato Commission. Proposed amendments will update "hosting" language and will remove language referring to prepayment of assessments through the purchase of stamps.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 15.66 RCW, specifically RCW 15.66.140(2), and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington State Potato Commission is proposing to discontinue activities relating to advertising and promotion. All references to "promotional" hosting are being removed. The proposal also removes outdated language related to the collection of assessments.

Process for Developing New Rule: The proposal has been developed as a result of a collaborative effort between the Washington State Potato Commission and the Washington State Department of Agriculture. Once the draft amendments are finalized, notices will be published and mailed to all producers and handlers within the affected area who may be directly affected by these rule changes. Interested parties

can submit comments during the public comment period and can also participate during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Pat Boss, Executive Director, Washington State Potato Commission, 108 Interlake Road, Moses Lake, WA 98837, phone (509) 765-8845, fax (509) 765-4853, e-mail pboss@potatoes.com.

May 17, 2005
Allen Floyd, Chairman
Potato Commission

WSR 05-11-104

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed May 18, 2005, 10:47 a.m.]

Subject of Possible Rule Making: Chapter 308-56A WAC, Certificates of title—Motor vehicles, etc. and chapter 308-96A WAC, Vehicle licenses, to include but not limited to rules associated with implementation of 2SSB 5916, Tax incentives for clean/alternate fuel vehicles.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.16.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required to implement the requirements of 2SSB 5916, that was passed in the 59th legislature (2005 regular session). The amended rules would provide definitions for "light duty trucks," "medium duty passenger vehicles," and "hybrid technology." A new rule would describe how the Department of Licensing would work with the Department of Revenue and provide a list of qualified vehicles that are provided by the Environmental Protection Agency.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of Revenue.

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 Dale R. Brown, Management Analyst, Policy and Project Office, Mailstop 48001, P.O. Box 2956, Olympia, WA 98507-2957 or by phone (360) 902-4020, fax (360) 902-3827, TTY (360) 664-8885, e-mail DBROWN@dol.wa.gov.

Steve Boruchowitz, Manager
Policy and Project Office

WSR 05-11-105

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed May 18, 2005, 10:49 a.m.]

Subject of Possible Rule Making: Chapter 308-56A WAC, Certificates of title—Motor vehicles, etc. and chapter

308-96A WAC, Vehicle licenses, to include but not limited to rules associated with implementation of ESSB 6103, relating to transportation revenue.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.16.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required to implement the requirements of ESSB 6103, which were passed in the 59th legislature (2005 regular session). The result of the rules will be a definition of acceptable forms of scale weight and a definition of private use single-axle trailers of two thousand pounds scale weight or less.

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 Dale R. Brown, Management Analyst, Policy and Project Office, Mailstop 48001, P.O. Box 2956, Olympia, WA 98507-2957 or by phone (360) 902-4020, fax (360) 902-3827, TTY (360) 664-8885, e-mail DBROWN@dol.wa.gov.

Steve Boruchowitz, Manager
Policy and Project Office

WSR 05-11-108

WITHDRAWAL OF PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed May 18, 2005, 11:20 a.m.]

Following is a memo asking for withdrawal of rules from the Code Reviser's Office. FSL was asked by the Department of Health rules coordinator to review all pending CR-101's to determine if they are active, or no longer valid. Program has advised me they are no longer proceeding with the following CR-101s and they need to be withdrawn.

If you have any questions, please contact Allen Spaulding, Rules Coordinator, at (360) 236-2929.

This memo serves as notice that the department is withdrawing the CR-101 for health, safety and administrative standards for various state institutions which was filed July 16, 1998, and published in WSR 98-15-085. The original proposal was to develop rules for state owned institutions and facilities regarding sanitation, health care and to indicate reimbursement rates to the department of health. Since the filing of WSR 98-15-085, the department has successfully participated in interagency agreements that achieve the same goal. For this reason, the CR-101 is no longer needed.

This memo serves as notice that the department is withdrawing the CR-101 for WAC 246-314-990 which was filed May 2, 2001, and published in WSR 01-10-123. The original proposal was to adopt fees to cover services provided. The department plans to reassess the necessity for adopting new or restructured fees at a future date. For this reason, the CR-101 for WAC 246-314-990 is no longer needed.

Individuals requiring information on this rule should contact Gary Bennett, Facilities and Services Licensing at (360) 236-2902.

Mary C. Selecky
Secretary

lication 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.

May 18, 2005
R. M. Leichner
Executive Secretary

WSR 05-11-111
PREPROPOSAL STATEMENT OF INQUIRY
SECRETARY OF STATE
(Elections Division)
[Filed May 18, 2005, 11:24 a.m.]

Subject of Possible Rule Making: Declarations of candidacy, vote by mail, absentee and provisional ballots and envelopes, polling places, canvassing and certification, and election recounts.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 29A.04.611.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Election legislation passed by the 2005 legislature and to clarify issues that arose from the recounts of the 2004 general election for governor.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sheryl Moss, Certification and Training Manager, P.O. Box 40232, Olympia, WA 98504-0232, phone (360) 902-4146, fax (360) 664-4619.

May 18, 2005
Steve Excell
Assistant Secretary of State

WSR 05-11-112
PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION
[Filed May 18, 2005, 11:37 a.m.]

Subject of Possible Rule Making: To establish a new chapter to regulate handicapping contests involving the outcome of multiple horse races.

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: SSB 5953 passed the state legislature and was signed by the governor to allow for handicapping contests. Section 2 of this bill requires the commission to establish rules for the conduct of handicapping contests involving the outcome of multiple horse races.

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 pub-

WSR 05-11-113
PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION
[Filed May 18, 2005, 11:38 a.m.]

Subject of Possible Rule Making: Chapter 260-49 WAC, Advance deposit wagering, to amend the appropriate sections regarding the distribution of the source market fee.

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: The commission is considering amending the applicable sections in chapter 260-49 WAC to allow the 90% of the total source market fee, paid to the class 1 racing association, to be paid per the agreement between the class 1 racing association and the advance deposit wagering service provider. The commission will continue to require the 10% paid to the commission to be paid on a monthly basis.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Robert 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.

May 18, 2005
R. M. Leichner
Executive Secretary



WSR 05-11-007
PROPOSED RULES
DEPARTMENT OF REVENUE

[Filed May 4, 2005, 3:48 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 05-06-017.

Title of Rule and Other Identifying Information: Amending WAC 458-12-342 New construction—Assessment.

Hearing Location(s): Capital Plaza Building, 4th Floor, L&P Large Conference Room, 1025 Union Avenue S.E., Olympia, WA, on June 21, 2005, at 9:30 a.m.

Date of Intended Adoption: June 28, 2005.

Submit Written Comments to: James A. Winterstein, P.O. Box 47453, Olympia, WA 98504-7453, e-mail JimWi@dor.wa.gov, fax (360) 586-5543, by June 21, 2005.

Assistance for Persons with Disabilities: Contact Sandy Davis no later than ten days before the hearing date, TTY 1-800-451-7985 or (360) 725-7499.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: WAC 458-12-342 is proposed to be amended to conform to the law and allow new construction, for which a building permit is required, to be added to the assessment roll when the new construction is located on leased public land. The proposed amendment also clarifies when new construction, that is not completed before July 31, is added to the assessment roll. The proposed amendment to the rule also brings it up to date with the law regarding the time period for filing appeals of the value placed on new construction by the assessor.

Reasons Supporting Proposal: The proposed amendments to the rule bring it into conformity with current law and provide guidance to assessors and taxpayers with respect to the assessment of new construction.

Statutory Authority for Adoption: RCW 84.08.010 and 84.41.090.

Statute Being Implemented: RCW 84.40.040.

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

Name of Proponent: Department of Revenue, governmental.

Name of Agency Personnel Responsible for Drafting: James A. Winterstein, 1025 Union Avenue S.E., Suite #544, Olympia, WA, (360) 570-5880; Implementation and Enforcement: Peri Maxey, 1025 Union Avenue S.E., Suite #200, Olympia, WA, (360) 570-5860.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required for the reason that the rule does not impose any new performance requirement or administrative burden on any small business.

A cost-benefit analysis is not required under RCW 34.05.328. The proposed rule is not a significant legislative rule as defined by RCW 34.05.328.

May 4, 2005
 Alan R. Lynn
 Rules Coordinator

AMENDATORY SECTION (Amending WSR 93-08-049, filed 4/2/93, effective 5/3/93)

WAC 458-12-342 New construction—Assessment.

(1) New construction covered under the provisions of RCW 36.21.070 and 36.21.080, and defined in WAC 458-19-005 (2)(q), shall be assessed at its true and fair value as of July 31st each year regardless of its percentage of completion. In instances when new construction continues after July 31 of any year, the increase in value of the property due to the new construction that occurs between August 1 of that year through July 31 of the following year is added to the assessment roll as "new construction" in the following year. New construction as used in this section refers only to real property, as defined in RCW 84.04.090 and further defined in WAC 458-12-010, and also to improvements, as described in WAC 458-12-005(4), located on leased public land, for which a building permit was issued or should have been issued pursuant to chapter 19.27, 19.27A, or 19.28 RCW or other laws providing for building permits.

(2) The assessor is authorized to place new construction on the assessment rolls up to August 31st each year and shall notify the owner, or person responsible for payment of taxes, of the value of any new construction that has been assessed. The notice shall advise the owner, or person responsible for payment of taxes, that ((he)) such owner or person has thirty days from the date of mailing of the notice, or up to sixty days when the county legislative authority has adopted a longer time period, whichever is later, to appeal the valuation to the county board of equalization as provided in WAC 458-14-056.

WSR 05-11-019
PROPOSED RULES
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed May 10, 2005, 10:29 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 05-07-030.

Title of Rule and Other Identifying Information: WAC 415-501-110 Definitions, amending the definition of "eligible employee."

Hearing Location(s): Department of Retirement Systems, 6835 Capitol Boulevard, Conference Room 115, Tumwater, WA, on June 21, 2005, at 9:00 a.m.

Date of Intended Adoption: June 22, 2005.

Submit Written Comments to: Leslie L. Saeger, Rules Coordinator, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, e-mail leslies@drs.wa.gov, fax (360) 753-3166, by 5:00 p.m. on June 21, 2005.

Assistance for Persons with Disabilities: Contact Leslie Saeger, Rules Coordinator, by June 13, 2005, TDD (360) 664-7291, TTY (360) 586-5450, phone (360) 664-7291.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This amendment brings the definition of "eligible employee" in line with the definition in RCW 41.50.770. As currently written the rule

appears to limit the participation of employees who work less than half time.

Statutory Authority for Adoption: RCW 41.50.780(10).
Statute Being Implemented: RCW 41.50.770.

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

Name of Proponent: Department of Retirement Systems, governmental.

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

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules have no effect on businesses.

A cost-benefit analysis is not required under RCW 34.05.328. The Department of Retirement Systems is not one of the named departments in RCW 34.05.328.

May 9, 2005

Leslie Saeger

Rules and Contracts Coordinator

AMENDATORY SECTION (Amending WSR 04-22-053, filed 10/29/04, effective 11/29/04)

WAC 415-501-110 Definitions. (1) **Accumulated deferrals.** Compensation deferred under the plan, adjusted by income received, increases or decreases in investment value, fees, and any prior distributions made.

(2) **Beneficiary.** A beneficiary of a participant, a participant's estate, or any other person whose interest in the plan is derived from the participant.

(3) **Compensation.** All payments made to a public employee by the employer as remuneration for services rendered.

(4) **Deferred compensation.** The amount of the participant's compensation that is deferred under a participation agreement. See WAC 415-501-410.

(5) **Deferred compensation plan or plan.** A plan that allows employees of the state of Washington and approved political subdivisions of the state of Washington to defer a portion of their compensation according to the provisions of Section 457(b) of the Internal Revenue Code.

(6) **Department.** The department of retirement systems created by RCW 41.50.020 or its designee.

(7) **Eligible employee.** Any person who is employed by and receives any type of compensation from ~~((an))~~ a participating employer for whom services are provided, and who is:

(a) A full-time, ~~((permanent))~~ part-time ~~((working half-time, or more)),~~ or career seasonal employee of ~~((the employer))~~ Washington state, a county, a municipality, or other political subdivision of the state, whether or not covered by civil service;

(b) An elected or appointed official of the executive branch of the government, including ~~((any))~~ a full-time member of a board, commission, or committee;

(c) A justice of the supreme court, or a judge of the court of appeals or of a superior or district court; or

(d) A member of the state legislature or of the legislative authority of a county, city, or town.

(8) **Eligible rollover distribution.** A distribution to a participant of any or all funds from an eligible retirement plan unless it is:

(a) One in a series of substantially equal annuity payments;

(b) One in a series of substantially equal installment payments payable over ten years or more;

(c) Required to meet minimum distribution requirements of the plan; or

(d) Distributed for hardship or unforeseeable emergency from a 457 plan.

(9) **Employee retirement benefits board.** The board created by RCW 41.50.086.

(10) **Employer.**

(a) The state of Washington; and

(b) Approved political subdivisions of the state of Washington.

(11) **Normal retirement age.** An age designated by the participant for purposes of the three-year catch-up provision described in WAC 415-501-430(2). The participant may choose a normal retirement age between:

(a) The earliest age at which an eligible participant has the right to receive retirement benefits without actuarial adjustment from his/her retirement plan with the same employer; and

(b) Age seventy and one-half.

(12) **Participant.** An eligible employee:

(a) Who has submitted a participation agreement that is approved by the department; and

(b) Who either:

(i) Is currently deferring compensation under the plan; or

(ii) Has previously deferred compensation and has not received a distribution of his/her entire benefit under the plan.

(13) **Participation agreement.** The agreement executed by an eligible employee pursuant to WAC 415-501-410, in which the eligible employee chooses to become a plan participant.

(14) **You,** as used in this chapter, means a participant as defined in subsection (12) of this section.

WSR 05-11-030

PROPOSED RULES

**SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed May 10, 2005, 3:09 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 05-07-002.

Title of Rule and Other Identifying Information: Chapter 392-125 WAC, Finance—Educational service district (ESD) budgeting.

Hearing Location(s): Old Capitol Building, 600 South Washington, Olympia, WA 98504-7200, on June 21, 2005, at 9:00 a.m.

Date of Intended Adoption: July 19, 2005.

Submit Written Comments to: Administrative Resource Services, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 753-4201, by June 6, 2005.

Assistance for Persons with Disabilities: Contact Sheila Emery by June 1, 2005, TTY (360) 664-3631 or (360) 725-6271.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The rules are being amended to accommodate repealing of RCW 28A.310.380 and also incorporate guidance for use of inter-fund loans used by the ESDs.

This will allow ESDs to establish enterprise funds to account for those operations requiring enterprise fund accounting.

This will establish authority to allow ESDs to use inter-fund loans between the general fund and enterprise fund operations. This authority is modeled after the school district interfund loan process.

Statutory Authority for Adoption: Chapter 28A.150 RCW.

Statute Being Implemented: Chapter 28A.310 RCW.

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

Name of Proponent: [Superintendent of Public Instruction], governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Ron Stead, Olympia, Washington.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule is not applicable to nongovernmental agencies.

A cost-benefit analysis is not required under RCW 34.05.328. This rule is not applicable to nongovernmental agencies.

May 2, 2005

Marty Daybell

for Dr. Terry Bergeson

State Superintendent

AMENDATORY SECTION (Amending Order 81-19, filed 9/4/81)

WAC 392-125-010 Principles of accounting. In all cases, the budgeting and accounting systems of educational service districts shall be governed by generally accepted accounting principles modified where necessary by statute and/or this chapter. *The Accounting Manual for Educational Service Districts* shall govern the accounting system of educational service districts and is hereby incorporated into this chapter by this reference. Prior to any revision thereof, the superintendent of public instruction shall publish notice of such proposed action and shall hold at least one public hearing. ~~((The general expense fund of an educational service district shall be the only fund of the district and shall be used for all activities which an educational service district performs.))~~

NEW SECTION

WAC 392-125-100 Interfund loans—Definition. An interfund loan is considered to be a temporary loan of moneys between one educational service district fund and another. An interfund loan is not considered to be an investment.

NEW SECTION

WAC 392-125-105 Interfund loans allowable. Loans are allowable to the general expense fund and the enterprise fund. Loans shall not be made to the detriment of any function or project for which the fund was established.

NEW SECTION

WAC 392-125-110 Interfund loans—Identification of temporary loans. A temporary loan is considered to be a loan which is completely liquidated in less than one year.

NEW SECTION

WAC 392-125-120 Interfund loans—Payment of interest. Interest shall be charged by the loaning fund to be paid by the borrowing fund. The rate of interest shall be not less than the current warrant interest rate prevailing in the county in which the educational service district is considered to be located. The interest shall be credited to the loaning fund and shall not be transferred to any other fund.

NEW SECTION

WAC 392-125-130 Interfund loans—Full disclosure on financial statements. Financial reports of each educational service district, including the monthly financial reports provided to the board of directors of the educational service district, shall specify all outstanding interfund loans and all interest charges involved. The proceeds of any interfund loan shall not be used to balance the budget of the borrowing fund.

NEW SECTION

WAC 392-125-140 Interfund loans—board resolution adopted—Contents. The board of directors of an educational service district shall adopt a resolution before any interfund loan transaction may take place. The resolution shall contain the exact amount of the loan, the funds involved, the specific source of funds for repayment, the schedule for repayment, and the interest rate involved.

WSR 05-11-041
PROPOSED RULES
PENINSULA COLLEGE
[Filed May 12, 2005, 10:03 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 05-07-015.

Title of Rule and Other Identifying Information: Chapter 132A-156 WAC, College housing, WAC 132A-156-006

Applications, 132A-156-011 Fees, 132A-156-016 Discipline, and chapter 132A-350 WAC, Grievances—Discrimination.

Hearing Location(s): Peninsula College, Room A12, 1502 East Lauridsen Boulevard, Port Angeles, WA 98362, on June 21, 2005, at 5:00 p.m.

Date of Intended Adoption: April [June] 26, 2005.

Submit Written Comments to: Bonnie Cauffman, 1502 East Lauridsen Boulevard, Port Angeles, WA 98362, e-mail bonniec@pcadmin.ctc.edu, fax (360) 417-6315, by June 21, 2005.

Assistance for Persons with Disabilities: Contact Bonnie Cauffman by June 10, 2005, TTY (360) 417-6339.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: WAC 132A-350-015, correction to get WAC in line with current board policy.

WAC 132A-156-006, 132A-156-011, and 132A-156-016, repeal as we no longer have need for such a policy.

Reasons Supporting Proposal: To correspond with current policies, practices, and procedures.

Statutory Authority for Adoption: RCW 28B.50.140 and chapter 28B.50 RCW.

Statute Being Implemented: RCW 28B.50.140.

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

Name of Proponent: [Peninsula College], public.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bonnie Cauffman, Peninsula College, Port Angeles, Washington 98362, (360) 417-6212.

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

A cost-benefit analysis is not required under RCW 34.05.328.

May 9, 2005

Bonnie Cauffman

Director of

Human Resources

AMENDATORY SECTION (Amending WSR 99-15-072, filed 7/20/99, effective 8/20/99)

WAC 132A-350-015 Peninsula College antidiscrimination policy. (1) **Preamble.** Peninsula College is committed to protecting the rights and dignity of each individual in the campus community and will not tolerate any form of discrimination. All Peninsula College employees and students may report alleged discriminatory behavior without fear of restraint, reprisal, interference, or coercion. No employee's or student's status with the college shall be adversely affected in any way because he or she utilizes the following procedures. Peninsula College's informal and formal grievance procedures are designed to ensure fairness and consistency in the college's relations with its employees and students. Nothing in these procedures shall be construed as abridging the right of an employee or student to allege discrimination in exercising constitutional or statutory rights which may be available.

(2) **Informal review procedures.** Any employee or student is urged to communicate his or her discrimination griev-

ance to the appropriate supervisor. Every effort should be made to resolve the grievance informally within the department. However, should an employee or student feel that he or she is unable to discuss the grievance with the appropriate supervisor, then that employee or student should go to the major administrator for that unit, department, or division to discuss the problem. The employee or student may also wish to exercise his or her rights to pursue an informal resolution, which may include mediation with the assistance of the affirmative action officer.

(3) **Formal review procedures.** The following formal review procedures have been established for those kinds of discrimination problems which remain unsolved after informal review has occurred and when the informal procedure has failed to resolve the conflict to the satisfaction of the parties.

(a) Any employee or student who believes he or she has been discriminated against in connection with a violation of the college's affirmative action policy may, after the informal procedures have failed, file a formal complaint in writing with the college's affirmative action officer, stating the grievance and requesting a remedy. Within five working days of the filing, the affirmative action officer shall serve a copy of the complaint to the respondent and notify the respondent's major administrator. The respondent has five working days in which to respond to the allegations in the complaint in writing and submit the reply to the affirmative action officer. Within five working days of the receipt of the reply, the affirmative action officer shall show the reply to the complainant, and ask both the complainant and respondent if they will mediate the complaint. If so, the affirmative action officer will initiate the mediation within ten working days of receiving the reply, unless availability of the parties involved necessitates an extension.

(b) If the complaint is unresolved after mediation, or if either party refuses to mediate, the affirmative action officer, or a qualified designee shall then investigate the complaint. Depending upon the circumstances, this investigation may include meetings with the employee, the immediate supervisor, the major administrator, and any other person who may be involved. A finding of probable cause or no probable cause shall be given to the employee or student by the affirmative action officer within sixty working days of the filing of the complaint. This time may be extended by mutual agreement between the complainant and the ~~((committee))~~ respondent.

(c) If the complainant or respondent is not satisfied with the results of the review as indicated above, that person may appeal to the college president. All information regarding the complaint shall be forwarded to the president by the affirmative action officer, and the complainant or respondent may submit any further information desired. The president shall, within ten working days, communicate in writing to the complainant or respondent a decision, with a copy to the affirmative action officer. Again, the time may be extended by mutual agreement. The decision of the president shall be the college's final decision.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 132A-156-006 Applications.
- WAC 132A-156-011 Fees.
- WAC 132A-156-016 Discipline.

**WSR 05-11-052
PROPOSED RULES
DEPARTMENT OF REVENUE**

[Filed May 16, 2005, 11:45 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 05-06-059.

Title of Rule and Other Identifying Information: WAC 458-40-660 Timber excise tax—Stumpage value tables.

Hearing Location(s): Capital Plaza Building, 4th Floor, Large L&P Conference Room, 1025 Union Avenue S.E., Olympia, WA, on June 22, 2005, at 10:00 a.m.

Date of Intended Adoption: June 28, 2005.

Submit Written Comments to: Gilbert Brewer, P.O. Box 47453, Olympia, WA 98504-7453, e-mail gilb@dor.wa.gov, fax (360) 586-5543, by June 22, 2005.

Assistance for Persons with Disabilities: Contact Sandy Davis no later than ten days before the hearing date, TTY 1-800-451-7985 or (360) 725-7499.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The rule contains eight tables of stumpage values used to determine timber excise taxes. These eight tables represent the areas in the state in which timber is harvested. Each table breaks out the values by timber species, quality, and a downward adjustment for hauling. The rule also contains two harvest adjustment tables for the volume per acre that is harvested, logging conditions, remote island harvesting, damaged timber, and thinning. In addition, the rule also contains a domestic market adjustment table for export restricted public timber not sold through a competitive bidding process. The proposed rule adjusts the stumpage value tables as required by RCW 84.33.091.

Reasons Supporting Proposal: RCW 84.33.091 requires the values to be updated twice a year. This is the semi-annual update to be used for the second half of the calendar year 2005.

Statutory Authority for Adoption: RCW 82.32.300, 82.01.060(2), and 84.33.096.

Statute Being Implemented: RCW 84.33.091.

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

Name of Proponent: Washington State Department of Revenue, governmental.

Name of Agency Personnel Responsible for Drafting: Gilbert Brewer, 1025 Union Avenue S.E., Suite #544, Olympia, WA, (360) 570-6133; Implementation and Enforcement:

Stuart Thronson, 1025 Union Avenue S.E., Suite #300, Olympia, WA, (360) 570-3230.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required when a legislative rule is being adopted under RCW 34.05.328.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Roseanna Hodson, 1025 Union Avenue S.E., Suite #544, Olympia, WA, 98504-7453, phone (360) 570-6119, fax (360) 586-5543, e-mail roseannah@dor.wa.gov.

May 16, 2005

Alan R. Lynn

Rules Coordinator

Interpretation and

Technical Advice Unit

AMENDATORY SECTION (Amending WSR 05-02-040, filed 12/30/04, effective 1/1/05)

WAC 458-40-660 Timber excise tax—Stumpage value tables—Stumpage value adjustments. (1) **Introduction.** This rule provides stumpage value tables and stumpage value adjustments used to calculate the amount of a harvester's timber excise tax.

(2) **Stumpage value tables.** The following stumpage value tables are used to calculate the taxable value of stumpage harvested from ((January)) July 1 through ((June-30)) December 31, 2005:

((TABLE 1—Stumpage Value Table
Stumpage Value Area 1
January 1 through June 30, 2005

Stumpage Values per Thousand Board Feet Net Scribner Log Scale(1)

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$473	\$466	\$459	\$452	\$445
		2	441	434	427	420	413
		3	400	393	386	379	372
		4	352	345	338	331	324
Western Redcedar(2)	RC	1	759	752	745	738	731
Western Hemlock and Other Conifer(3)	WH	1	331	324	317	310	303
		2	223	216	209	202	195
		3	223	216	209	202	195
		4	223	216	209	202	195
Red Alder	RA	1	370	363	356	349	342
		2	297	290	283	276	269
Black Cottonwood	BC	1	13	6	1	1	
Other Hardwood	OH	1	196	189	182	175	168

PROPOSED

TABLE 6—Stumpage Value Table
Stumpage Value Area 6
January 1 through June 30, 2005

Stumpage Values per Thousand Board Feet Net Scribner Log Scale(1)

Species	Name	Timber		Hauling										
		Quality	Quantity	Distance	Zone Number									
Douglas Fir(2)	DF	+	\$312	\$305	\$298	\$291	\$284	1	2	3	4	5		
								Lodgepole Pine	1	207	200	193	186	179
								Ponderosa Pine	1	251	244	237	230	223
								Ponderosa Pine	2	199	192	185	178	171
								Western Redcedar(3)	1	475	468	461	454	447
True Firs and Spruce(4)	WH	+	219	212	205	198	191	1	2	3	4	5		
								Western White Pine	1	302	295	288	281	274
								Hardwoods	1	50	43	36	29	22
								Western Redcedar Poles	1	475	468	461	454	447
								Small Logs(5)	1	25	24	23	22	21
Red Alder	RA	+	370	363	356	349	342	1	2	3	4	5		
								Black Cottonwood	1	13	6	1	1	1
								Black Cottonwood	1	13	6	1	1	1
								Other Hardwood	1	196	189	182	175	168
								Douglas Fir Poles	1	657	650	643	636	629
Western Redcedar Poles	RCL	+	1191	1184	1177	1170	1163	1	2	3	4	5		
								Chipwood(5)	1	1	1	1	1	
								RC Shake Blocks	1	303	296	289	282	275
								RC Shingle Blocks	1	121	114	107	100	93
								RC & Other Poles(6)	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees(7)	DPX	+	0.25	0.25	0.25	0.25	0.25	1	2	3	4	5		
								Other Christmas Trees(7)	1	0.50	0.50	0.50	0.50	0.50
								White Pine, and Lodgepole Pine	1	0.25	0.25	0.25	0.25	0.25
								White Pine, and Lodgepole Pine	1	0.25	0.25	0.25	0.25	0.25
								Stumpage value per ton	1	0.25	0.25	0.25	0.25	0.25

(1) Log scale conversions Western and Eastern Washington—See conversion methods WAC 458-40-680.	(2) Includes Western Larch.	(3) Includes Alaska Cedar.	(4) Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce, Pacific Silver Fir, as "White Fir."	(5) Stumpage value per ton.	(6) Stumpage value per lineal foot or portion thereof.	(7) Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.	(8) Stumpage value per lineal foot.
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TABLE 5—Stumpage Value Table
Stumpage Value Area 5
January 1 through June 30, 2005

Stumpage Values per Thousand Board Feet Net Scribner Log Scale(1)

Species	Name	Timber		Hauling										
		Quality	Quantity	Distance	Zone Number									
Douglas Fir(2)	DF	+	\$440	\$433	\$426	\$419	\$412	1	2	3	4	5		
								Lodgepole Pine	1	207	200	193	186	179
								Ponderosa Pine	1	251	244	237	230	223
								Ponderosa Pine	2	199	192	185	178	171
								Western Redcedar(3)	1	475	468	461	454	447
Western Hemlock and Other Conifer(4)	WH	+	321	324	317	310	303	1	2	3	4	5		
								Western Redcedar Poles	1	1191	1184	1177	1170	1163
								Chipwood(5)	1	1	1	1	1	1
								RC Shake Blocks	1	303	296	289	282	275
								RC Shingle Blocks	1	121	114	107	100	93
RC & Other Poles(6)	RCP	+	0.45	0.45	0.45	0.45	0.45	1	2	3	4	5		
								Other Christmas Trees(7)	1	0.50	0.50	0.50	0.50	0.50
								White Pine, and Lodgepole Pine	1	0.25	0.25	0.25	0.25	0.25
								White Pine, and Lodgepole Pine	1	0.25	0.25	0.25	0.25	0.25
								Stumpage value per ton	1	0.25	0.25	0.25	0.25	0.25

(1) Log scale conversions Western and Eastern Washington—See conversion methods WAC 458-40-680.	(2) Includes Western Larch.	(3) Includes Alaska Cedar.	(4) Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce, Pacific Silver Fir, as "White Fir."	(5) Stumpage value per ton.	(6) Stumpage value per lineal foot or portion thereof.	(7) Stumpage value per lineal foot.
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PROPOSED

(1) Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

(2) Includes Western Larch.

(3) Includes Alaska Cedar.

(4) Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

(5) Stumpage value per ton.

(6) Stumpage value per 8 lineal foot or portion thereof.

(7) Stumpage value per lineal foot.

Species Name	Species Code	Timber Quality	Distance-Zone Number	1	2	3	4	5
Douglas Fir(2)	DF	+	\$420	\$413	\$406	\$399	\$392	
Lodgepole Pine	LP	+	207	200	193	186	179	
Ponderosa Pine	PP	+	251	244	237	230	223	
Ponderosa Pine	PP	3	199	192	185	178	171	
Western Redcedar(3)	RC	+	745	738	731	724	717	
Western Hemlock and Other Conifer(4)	WH	+	317	310	303	296	289	
Hardwoods	OH	+	50	43	36	29	22	
Western Redcedar Poles	RCP	+	475	468	461	454	447	
Small Logs(5)	SMB	+	25	24	23	22	21	
Chipwood(5)	CHW	+	+	+	+	+	+	
RC Shake & Shingle Blocks	RCS	+	92	85	78	71	64	
LP & Other Poles(6)	LPP	+	0.35	0.35	0.35	0.35	0.35	
Pine Christmas Trees(7)	PX	+	0.25	0.25	0.25	0.25	0.25	
Other Christmas Trees(8)	DPX	+	0.25	0.25	0.25	0.25	0.25	
Chipwood(5)	CHW	+	+	+	+	+	+	
Black Cottonwood	BC	+	+	+	+	+	+	
Other Hardwood	OH	+	182	175	168	161	154	
Douglas Fir Poles	DPP	+	642	636	629	622	615	
Western Redcedar Poles	RCP	+	1177	1170	1163	1156	1149	
Chipwood(5)	CHW	+	+	+	+	+	+	
RC Shake Blocks	RCS	+	303	296	289	282	275	
RC Shingle Blocks	RCS	+	121	114	107	100	93	
RC & Other Poles(6)	RCP	+	0.45	0.45	0.45	0.45	0.45	
DP Christmas Trees(7)	DPX	+	0.25	0.25	0.25	0.25	0.25	
Other Christmas Trees(7)	DPX	+	0.50	0.50	0.50	0.50	0.50	

(1) Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

(2) Includes Western Larch.

(3) Includes Alaska Cedar.

(4) Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

(5) Stumpage value per ton.

(6) Stumpage value per 8 lineal foot or portion thereof.

(7) Stumpage value per lineal foot.

(8) Stumpage value per lineal foot.

Species Name	Species Code	Timber Quality	Distance-Zone Number	1	2	3	4	5
Douglas Fir(2)	DF	+	\$345	\$338	\$331	\$324	\$317	
Lodgepole Pine	LP	+	225	218	211	204	197	
Ponderosa Pine	PP	+	240	233	226	219	212	
Ponderosa Pine	PP	3	206	199	192	185	178	
Western Redcedar(3)	RC	+	475	468	461	454	447	
True Fir and Spruce(4)	WH	+	266	259	252	245	238	
Western White Pine	WP	+	302	295	288	281	274	
Hardwoods	OH	+	50	43	36	29	22	
Western Redcedar Poles	RCP	+	475	468	461	454	447	
Small Logs(5)	SMB	+	25	24	23	22	21	
Chipwood(5)	CHW	+	+	+	+	+	+	
RC Shake & Shingle Blocks	RCS	+	92	85	78	71	64	
LP & Other Poles(6)	LPP	+	0.35	0.35	0.35	0.35	0.35	
Pine Christmas Trees(7)	PX	+	0.25	0.25	0.25	0.25	0.25	
Other Christmas Trees(8)	DPX	+	0.25	0.25	0.25	0.25	0.25	
Chipwood(5)	CHW	+	+	+	+	+	+	
Black Cottonwood	BC	+	+	+	+	+	+	
Other Hardwood	OH	+	182	175	168	161	154	
Douglas Fir Poles	DPP	+	642	636	629	622	615	
Western Redcedar Poles	RCP	+	1177	1170	1163	1156	1149	
Chipwood(5)	CHW	+	+	+	+	+	+	
RC Shake Blocks	RCS	+	303	296	289	282	275	
RC Shingle Blocks	RCS	+	121	114	107	100	93	
RC & Other Poles(6)	RCP	+	0.45	0.45	0.45	0.45	0.45	
DP Christmas Trees(7)	DPX	+	0.25	0.25	0.25	0.25	0.25	
Other Christmas Trees(7)	DPX	+	0.50	0.50	0.50	0.50	0.50	

TABLE 8 - Stumpage Value Table
Stumpage Value Area 10
January 1 through June 30, 2005

TABLE 7 - Stumpage Value Table
Stumpage Value Area 7
January 1 through June 30, 2005

PROPOSED

Stumpage Values per Thousand Board Feet Net Scribner Log Scale(1)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale(1)

**TABLE 1—Stumpage Value Table
Stumpage Value Area 1
July 1 through December 31, 2005**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$461	\$454	\$447	\$440	\$433
		2	459	452	445	438	431
		3	411	404	397	390	383
		4	377	370	363	356	349
Western Redcedar ⁽²⁾	RC	1	703	696	689	682	675
Western Hemlock and Other Conifer ⁽³⁾	WH	1	351	344	337	330	323
		2	287	280	273	266	259
		3	280	273	266	259	252
		4	280	273	266	259	252
Red Alder	RA	1	374	367	360	353	346
		2	291	284	277	270	263
Black Cottonwood	BC	1	31	24	17	10	3
Other Hardwood	OH	1	197	190	183	176	169
Douglas-Fir Poles	DFL	1	679	672	665	658	651
Western Redcedar Poles	RCL	1	1250	1243	1236	1229	1222
Chipwood ⁽⁴⁾	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	347	340	333	326	319
RC Shingle Blocks	RCF	1	231	224	217	210	203
RC & Other Posts ⁽⁵⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁶⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁶⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

⁽²⁾ Includes Alaska-Cedar.

⁽³⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁽⁴⁾ Stumpage value per ton.

⁽⁵⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁶⁾ Stumpage value per lineal foot.

**TABLE 2—Stumpage Value Table
Stumpage Value Area 2
July 1 through December 31, 2005**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$489	\$482	\$475	\$468	\$461
		2	489	482	475	468	461
		3	468	461	454	447	440
		4	415	408	401	394	387
Western Redcedar ⁽²⁾	RC	1	703	696	689	682	675
Western Hemlock and Other Conifer ⁽³⁾	WH	1	392	385	378	371	364
		2	334	327	320	313	306
		3	323	316	309	302	295
		4	317	310	303	296	289
Red Alder	RA	1	374	367	360	353	346
		2	291	284	277	270	263
Black Cottonwood	BC	1	31	24	17	10	3
Other Hardwood	OH	1	197	190	183	176	169
Douglas-Fir Poles	DFL	1	679	672	665	658	651
Western Redcedar Poles	RCL	1	1250	1243	1236	1229	1222
Chipwood ⁽⁴⁾	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	347	340	333	326	319
RC Shingle Blocks	RCF	1	231	224	217	210	203
RC & Other Posts ⁽⁵⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁶⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁶⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

⁽²⁾ Includes Alaska-Cedar.

⁽³⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁽⁴⁾ Stumpage value per ton.

⁽⁵⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁶⁾ Stumpage value per lineal foot.

PROPOSED

TABLE 3—Stumpage Value Table
Stumpage Value Area 3
 July 1 through December 31, 2005

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$407	\$400	\$393	\$386	\$379
		2	385	378	371	364	357
		3	385	378	371	364	357
		4	310	303	296	289	282
Western Redcedar ⁽³⁾	RC	1	703	696	689	682	675
Western Hemlock and Other Conifer ⁽⁴⁾	WH	1	392	385	378	371	364
		2	287	280	273	266	259
		3	236	229	222	215	208
		4	236	229	222	215	208
Red Alder	RA	1	374	367	360	353	346
		2	291	284	277	270	263
Black Cottonwood	BC	1	31	24	17	10	3
Other Hardwood	OH	1	197	190	183	176	169
Douglas-Fir Poles	DFL	1	679	672	665	658	651
Western Redcedar Poles	RCL	1	1250	1243	1236	1229	1222
Chipwood ⁽⁵⁾	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	347	340	333	326	319
RC Shingle Blocks	RCF	1	231	224	217	210	203
RC & Other Posts ⁽⁶⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁷⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁷⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

⁽²⁾ Includes Western Larch.

⁽³⁾ Includes Alaska-Cedar.

⁽⁴⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁽⁵⁾ Stumpage value per ton.

⁽⁶⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁷⁾ Stumpage value per lineal foot.

TABLE 4—Stumpage Value Table
Stumpage Value Area 4
 July 1 through December 31, 2005

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$468	\$461	\$454	\$447	\$440
		2	461	454	447	440	433
		3	461	454	447	440	433
		4	461	454	447	440	433
Lodgepole Pine	LP	1	227	220	213	206	199
Ponderosa Pine	PP	1	261	254	247	240	233
		2	195	188	181	174	167
Western Redcedar ⁽³⁾	RC	1	703	696	689	682	675
Western Hemlock and Other Conifer ⁽⁴⁾	WH	1	392	385	378	371	364
		2	311	304	297	290	283
		3	290	283	276	269	262
		4	290	283	276	269	262
Red Alder	RA	1	374	367	360	353	346
		2	291	284	277	270	263
Black Cottonwood	BC	1	31	24	17	10	3
Other Hardwood	OH	1	197	190	183	176	169
Douglas-Fir Poles	DFL	1	679	672	665	658	651
Western Redcedar Poles	RCL	1	1250	1243	1236	1229	1222
Chipwood ⁽⁵⁾	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	347	340	333	326	319
RC Shingle Blocks	RCF	1	231	224	217	210	203
RC & Other Posts ⁽⁶⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁷⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁷⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

⁽²⁾ Includes Western Larch.

⁽³⁾ Includes Alaska-Cedar.

⁽⁴⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁽⁵⁾ Stumpage value per ton.

⁽⁶⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁷⁾ Stumpage value per lineal foot.

PROPOSED

TABLE 5—Stumpage Value Table
Stumpage Value Area 5
 July 1 through December 31, 2005

TABLE 6—Stumpage Value Table
Stumpage Value Area 6
 July 1 through December 31, 2005

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

PROPOSED

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$520	\$513	\$506	\$499	\$492
		2	474	467	460	453	446
		3	458	451	444	437	430
		4	424	417	410	403	396
Lodgepole Pine	LP	1	227	220	213	206	199
Ponderosa Pine	PP	1	261	254	247	240	233
		2	195	188	181	174	167
Western Redcedar ⁽³⁾	RC	1	703	696	689	682	675
Western Hemlock and Other Conifer ⁽⁴⁾	WH	1	405	398	391	384	377
		2	317	310	303	296	289
		3	317	310	303	296	289
		4	317	310	303	296	289
Red Alder	RA	1	374	367	360	353	346
		2	291	284	277	270	263
Black Cottonwood	BC	1	31	24	17	10	3
Other Hardwood	OH	1	197	190	183	176	169
Douglas-Fir Poles	DFL	1	679	672	665	658	651
Western Redcedar Poles	RCL	1	1250	1243	1236	1229	1222
Chipwood ⁽⁵⁾	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	347	340	333	326	319
RC Shingle Blocks	RCF	1	231	224	217	210	203
RC & Other Posts ⁽⁶⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁷⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁷⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$302	\$295	\$288	\$281	\$274
Lodgepole Pine	LP	1	227	220	213	206	199
Ponderosa Pine	PP	1	261	254	247	240	233
		2	195	188	181	174	167
Western Redcedar ⁽³⁾	RC	1	520	513	506	499	492
True Firs and Spruce ⁽⁴⁾	WH	1	211	204	197	190	183
Western White Pine	WP	1	327	320	313	306	299
Hardwoods	OH	1	50	43	36	29	22
Western Redcedar Poles	RCL	1	520	513	506	499	492
Small Logs ⁽⁵⁾	SML	1	30	29	28	27	26
Chipwood ⁽⁵⁾	CHW	1	1	1	1	1	1
RC Shake & Shingle Blocks	RCE	1	92	85	78	71	64
LP & Other Posts ⁽⁶⁾	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁽⁷⁾	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁸⁾	DFX	1	0.25	0.25	0.25	0.25	0.25

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

⁽²⁾ Includes Western Larch.

⁽³⁾ Includes Alaska-Cedar.

⁽⁴⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁽⁵⁾ Stumpage value per ton.

⁽⁶⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁷⁾ Stumpage value per lineal foot.

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

⁽²⁾ Includes Western Larch.

⁽³⁾ Includes Alaska-Cedar.

⁽⁴⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁽⁵⁾ Stumpage value per ton.

⁽⁶⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁷⁾ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

⁽⁸⁾ Stumpage value per lineal foot.

TABLE 7—Stumpage Value Table
Stumpage Value Area 7
 July 1 through December 31, 2005

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$356	\$349	\$342	\$335	\$328
Lodgepole Pine	LP	1	245	238	231	224	217
Ponderosa Pine	PP	1	259	252	245	238	231
		2	197	190	183	176	169
Western Redcedar ⁽³⁾	RC	1	520	513	506	499	492
True Firs and Spruce ⁽⁴⁾	WH	1	263	256	249	242	235
Western White Pine	WP	1	327	320	313	306	299
Hardwoods	OH	1	50	43	36	29	22
Western Redcedar Poles	RCL	1	520	513	506	499	492
Small Logs ⁽⁵⁾	SML	1	26	25	24	23	22
Chipwood ⁽⁵⁾	CHW	1	1	1	1	1	1
RC Shake & Shingle Blocks	RCF	1	92	85	78	71	64
LP & Other Posts ⁽⁶⁾	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁽⁷⁾	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁸⁾	DFX	1	0.25	0.25	0.25	0.25	0.25

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

⁽²⁾ Includes Western Larch.

⁽³⁾ Includes Alaska-Cedar.

⁽⁴⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁽⁵⁾ Stumpage value per ton.

⁽⁶⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁷⁾ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

⁽⁸⁾ Stumpage value per lineal foot.

TABLE 8—Stumpage Value Table
Stumpage Value Area 10
 July 1 through December 31, 2005

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$454	\$447	\$440	\$433	\$426
		2	447	440	433	426	419
		3	447	440	433	426	419
		4	447	440	433	426	419
Lodgepole Pine	LP	1	227	220	213	206	199
Ponderosa Pine	PP	1	261	254	247	240	233
		2	195	188	181	174	167
Western Redcedar ⁽³⁾	RC	1	689	682	675	668	661
Western Hemlock and Other Conifer ⁽⁴⁾	WH	1	378	371	364	357	350
		2	297	290	283	276	269
		3	276	269	262	255	248
		4	276	269	262	255	248
Red Alder	RA	1	360	353	346	339	332
		2	277	270	263	256	249
Black Cottonwood	BC	1	17	10	3	1	1
Other Hardwood	OH	1	183	176	169	162	155
Douglas-Fir Poles	DFL	1	665	658	651	644	637
Western Redcedar Poles	RCL	1	1236	1229	1222	1215	1208
Chipwood ⁽⁵⁾	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	347	340	333	326	319
RC Shingle Blocks	RCF	1	231	224	217	210	203
RC & Other Posts ⁽⁶⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁷⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁷⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

⁽²⁾ Includes Western Larch.

⁽³⁾ Includes Alaska-Cedar.

⁽⁴⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁽⁵⁾ Stumpage value per ton.

⁽⁶⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁷⁾ Stumpage value per lineal foot.

PROPOSED

(3) **Harvest value adjustments.** The stumpage values in subsection (2) of this rule for the designated stumpage value areas are adjusted for various logging and harvest conditions, subject to the following:

(a) No harvest adjustment is allowed for special forest products, chipwood, or small logs.

(b) Conifer and hardwood stumpage value rates cannot be adjusted below one dollar per MBF.

(c) Except for the timber yarded by helicopter, a single logging condition adjustment applies to the entire harvest unit. The taxpayer must use the logging condition adjustment class that applies to a majority (more than 50%) of the acreage in that harvest unit. If the harvest unit is reported over more than one quarter, all quarterly returns for that harvest unit must report the same logging condition adjustment. The helicopter adjustment applies only to the timber volume from the harvest unit that is yarded from stump to landing by helicopter.

(d) The volume per acre adjustment is a single adjustment class for all quarterly returns reporting a harvest unit. A harvest unit is established by the harvester prior to harvesting. The volume per acre is determined by taking the volume logged from the unit excluding the volume reported as chipwood or small logs and dividing by the total acres logged. Total acres logged does not include leave tree areas (RMZ, UMZ, forested wetlands, etc.) over 2 acres in size.

(e) A domestic market adjustment applies to timber which meet the following criteria:

(i) **Public timber**—Harvest of timber not sold by a competitive bidding process that is prohibited under the authority of state or federal law from foreign export may be eligible for the domestic market adjustment. The adjustment may be applied only to those species of timber that must be processed domestically. According to type of sale, the adjustment may be applied to the following species:

Federal Timber Sales: All species except Alaska-cedar. (Stat. Ref. - 36 C.F.R. 223.10)

State, and Other Nonfederal, Public Timber Sales: Western Redcedar only. (Stat. Ref. - 50 U.S.C. appendix 2406.1)

(ii) **Private timber**—Harvest of private timber that is legally restricted from foreign export, under the authority of The Forest Resources Conservation and Shortage Relief Act (Public Law 101-382), (16 U.S.C. Sec. 620 et seq.); the Export Administration Act of 1979 (50 U.S.C. App. 2406(i)); a Cooperative Sustained Yield Unit Agreement made pursuant to the act of March 29, 1944 (16 U.S.C. Sec. 583-583i); or Washington Administrative Code (WAC 240-15-015(2)) is also eligible for the Domestic Market Adjustment.

The following harvest adjustment tables apply from ((January)) July 1 through ((June-30)) December 31, 2005:

TABLE 9—Harvest Adjustment Table
Stumpage Value Areas 1, 2, 3, 4, 5, and 10
((January)) July 1 through ((June-30)) December 31, 2005

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of 30 thousand board feet or more per acre.	\$0.00
Class 2	Harvest of 10 thousand board feet to but not including 30 thousand board feet per acre.	-\$15.00
Class 3	Harvest of less than 10 thousand board feet per acre.	-\$35.00
II. Logging conditions		
Class 1	Ground based logging a majority of the unit using tracked or wheeled vehicles or draft animals.	\$0.00
Class 2	Cable logging a majority of the unit using an overhead system of winch driven cables.	-\$30.00
Class 3	Applies to logs yarded from stump to landing by helicopter. This does not apply to special forest products.	-\$145.00
III. Remote island adjustment:		
	For timber harvested from a remote island	-\$50.00
IV. Thinning		
Class 1	A limited removal of timber described in WAC 458-40-610 (28)	-\$100.00

TABLE 10—Harvest Adjustment Table
Stumpage Value Areas 6 and 7
((January)) July 1 through ((June-30)) December 31, 2005

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 8 thousand board feet per acre.	\$0.00
Class 2	Harvest of 3 thousand board feet to 8 thousand board feet per acre.	-\$7.00
Class 3	Harvest of less than 3 thousand board feet per acre.	-\$10.00
II. Logging conditions		
Class 1	The majority of the harvest unit has less than 40% slope. No significant rock outcrops or swamp barriers.	\$0.00
Class 2	The majority of the harvest unit has slopes between 40% and 60%. Some rock outcrops or swamp barriers.	-\$20.00
Class 3	The majority of the harvest unit has rough, broken ground with slopes over 60%. Numerous rock outcrops and bluffs.	-\$30.00
Class 4	Applies to logs yarded from stump to landing by helicopter. This does not apply to special forest products.	-\$145.00

PROPOSED

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
Note: A Class 2 adjustment may be used for slopes less than 40% when cable logging is required by a duly promulgated forest practice regulation. Written documentation of this requirement must be provided by the taxpayer to the department of revenue.		

III. Remote island adjustment:		
	For timber harvested from a remote island	- \$50.00

TABLE 11—Domestic Market Adjustment

Class	Area Adjustment Applies	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
Class 1:	SVA's 1 through 6, and 10	\$0.00
Class 2:	SVA 7	\$0.00

Note: The adjustment will not be allowed on special forest products.

(4) **Damaged timber.** Timber harvesters planning to remove timber from areas having damaged timber may apply to the department of revenue for an adjustment in stumpage values. The application must contain a map with the legal descriptions of the area, an accurate estimate of the volume of damaged timber to be removed, a description of the damage sustained by the timber with an evaluation of the extent to which the stumpage values have been materially reduced from the values shown in the applicable tables, and a list of estimated additional costs to be incurred resulting from the removal of the damaged timber. The application must be received and approved by the department of revenue before the harvest commences. Upon receipt of an application, the department of revenue will determine the amount of adjustment to be applied against the stumpage values. Timber that has been damaged due to sudden and unforeseen causes may qualify.

(a) Sudden and unforeseen causes of damage that qualify for consideration of an adjustment include:

(i) Causes listed in RCW 84.33.091; fire, blow down, ice storm, flood.

(ii) Others not listed; volcanic activity, earthquake.

(b) Causes that do not qualify for adjustment include:

(i) Animal damage, root rot, mistletoe, prior logging, insect damage, normal decay from fungi, and pathogen caused diseases; and

(ii) Any damage that can be accounted for in the accepted normal scaling rules through volume or grade reductions.

(c) The department of revenue will not grant adjustments for applications involving timber that has already been harvested but will consider any remaining undisturbed damaged timber scheduled for removal if it is properly identified.

(d) The department of revenue will notify the harvester in writing of approval or denial. Instructions will be included for taking any adjustment amounts approved.

WSR 05-11-056
WITHDRAWAL OF PROPOSED RULES
OFFICE OF
INSURANCE COMMISSIONER
 (By the Code Reviser's Office)
 [Filed May 17, 2005, 8:23 a.m.]

WAC 284-58-260, proposed by the Office of Insurance Commissioner in WSR 04-22-089 appearing in issue 04-22 of the State Register, which was distributed on November 17, 2004, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
 Washington State Register

WSR 05-11-060
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed May 17, 2005, 10:14 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 05-07-122.

Title of Rule and Other Identifying Information: Physician assistants ordering physical therapy, occupational therapy, and massage therapy, WAC 296-23-220, 296-23-230, and 296-23-250.

Hearing Location(s): Department of Labor and Industries, Auditorium, 7273 Linderson Way S.W., Tumwater, WA 98501, on July 19, 2005, at 2:00 p.m.

Date of Intended Adoption: August 30, 2005.

Submit Written Comments to: Jami Lifka, Office of the Medical Director, P.O. Box 44321, Olympia, WA 98504-4321, e-mail lifk235@lni.wa.gov, fax (360) 902-6315, by July 26, 2005.

Assistance for Persons with Disabilities: Contact Office of Information and Assistance by June 30, 2005, TTY (360) 902-5797 or (360) 902-4941.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This rule making is being proposed in response to a petition to amend WAC 296-23-220 to allow physician assistants to order physical therapy. WAC 296-23-220, 296-23-230, and 296-23-250 will be amended to allow physician assistants to order physical therapy, occupational therapy, and massage therapy for the attending doctor without requiring a co-signature by the supervising physician.

Reasons Supporting Proposal: The proposed changes will allow timely necessary medical treatment. The current rule which requires a co-signature by the attending doctor when therapy is ordered by a physician assistant can result in a delay in treatment particularly in rural areas where the physician and physician assistant are not present at the same location.

Statutory Authority for Adoption: RCW 51.04.020 and 51.04.030.

Statute Being Implemented: RCW 51.04.030.

PROPOSED

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

Name of Proponent: Darcie Adams, PA-C, private.

Name of Agency Personnel Responsible for Drafting: Jami Lifka, 7273 Linderson Way S.W., Tumwater, (360) 902-4941; Implementation: Gary Franklin, MD, Medical Director, (360) 902-5020; and Enforcement: Robert Malooly, Assistant Director for Insurance Services, (360) 902-4209.

No small business economic impact statement has been prepared under chapter 19.85 RCW. RCW 19.85.030 (1)(a) states: In the adoption of a rule under chapter 35 RCW [Title 34 RCW], an agency shall prepare a small business economic impact statement if the proposed rule will impose more than minor costs on businesses in an industry. Since the proposed changes to WAC 296-23-220, 296-23-230 and 296-23-250 will not impose any costs on businesses, no small business economic impact statement is required.

A cost-benefit analysis is not required under RCW 34.05.328. This rule will impose no costs.

May 17, 2005

Judy Schurke
Acting Director

AMENDATORY SECTION (Amending WSR 04-09-100, filed 4/20/04, effective 7/1/04)

WAC 296-23-220 Physical therapy rules. Practitioners should refer to WAC 296-20-010 through 296-20-125 for general information and rules pertaining to the care of workers.

Refer to WAC 296-20-132 and 296-20-135 regarding the use of conversion factors.

All supplies and materials must be billed using HCPCS Level II codes. Refer to chapter 296-21 WAC for additional information. HCPCS codes are listed in the fee schedules.

Refer to chapter 296-20 WAC (WAC 296-20-125) and to the department's billing instructions for additional information.

Physical therapy treatment will be reimbursed only when ordered by the worker's attending doctor and rendered by a licensed physical therapist or a physical therapist assistant serving under the direction of a licensed physical therapist. In addition, physician assistants may order physical therapy under these rules for the attending doctor. Doctors rendering physical therapy should refer to WAC 296-21-290.

The department or self-insurer will review the quality and medical necessity of physical therapy services provided to workers. Practitioners should refer to WAC 296-20-01002 for the department's rules regarding medical necessity and to WAC 296-20-024 for the department's rules regarding utilization review and quality assurance.

The department or self-insurer will pay for a maximum of one physical therapy visit per day. When multiple treatments (different billing codes) are performed on one day, the department or self-insurer will pay either the sum of the individual fee maximums, the provider's usual and customary charge, or \$104.12 whichever is less. These limits will not apply to physical therapy that is rendered as part of a physical capacities evaluation, work hardening program, or pain man-

agement program, provided a qualified representative of the department or self-insurer has authorized the service.

The department will publish specific billing instructions, utilization review guidelines, and reporting requirements for physical therapists who render care to workers.

Use of diapulse or similar machines on workers is not authorized. See WAC 296-20-03002 for further information.

A physical therapy progress report must be submitted to the attending doctor and the department or the self-insurer following twelve treatment visits or one month, whichever occurs first. Physical therapy treatment beyond initial twelve treatments will be authorized only upon substantiation of improvement in the worker's condition. An outline of the proposed treatment program, the expected restoration goals, and the expected length of treatment will be required.

Physical therapy services rendered in the home and/or places other than the practitioner's usual and customary office, clinic, or business facilities will be allowed only upon prior authorization by the department or self-insurer.

No inpatient physical therapy treatment will be allowed when such treatment constitutes the only or major treatment received by the worker. See WAC 296-20-030 for further information.

The department may discount maximum fees for treatment performed on a group basis in cases where the treatment provided consists of a nonindividualized course of therapy (e.g., pool therapy; group aerobics; and back classes).

Biofeedback treatment may be rendered on doctor's orders only. The extent of biofeedback treatment is limited to those procedures allowed within the scope of practice of a licensed physical therapist. See chapter 296-21 WAC for rules pertaining to conditions authorized and report requirements.

Billing codes and reimbursement levels are listed in the fee schedules.

AMENDATORY SECTION (Amending WSR 04-09-100, filed 4/20/04, effective 7/1/04)

WAC 296-23-230 Occupational therapy rules. Practitioners should refer to WAC 296-20-010 through 296-20-125 for general information and rules pertaining to the care of workers.

Refer to WAC 296-20-132 and 296-20-135 for information regarding the conversion factors.

All supplies and materials must be billed using HCPCS Level II codes, refer to the department's billing instructions for additional information.

Occupational therapy treatment will be reimbursed only when ordered by the worker's attending doctor and rendered by a licensed occupational therapist or an occupational therapist assistant serving under the direction of a licensed occupational therapist. In addition, physician assistants may order occupational therapy under these rules for the attending doctor. Vocational counselors assigned to injured workers by the department or self-insurer may request an occupational therapy evaluation. However, occupational therapy treatment must be ordered by the worker's attending doctor or by the physician assistant.

An occupational therapy progress report must be submitted to the attending doctor and the department or self-insurer following twelve treatment visits or one month, whichever occurs first. Occupational therapy treatment beyond the initial twelve treatments will be authorized only upon substantiation of improvement in the worker's condition. An outline of the proposed treatment program, the expected restoration goals, and the expected length of treatment will be required.

The department or self-insurer will review the quality and medical necessity of occupational therapy services. Practitioners should refer to WAC 296-20-01002 for the department's definition of medically necessary and to WAC 296-20-024 for the department's rules regarding utilization review and quality assurance.

The department will pay for a maximum of one occupational therapy visit per day. When multiple treatments (different billing codes) are performed on one day, the department or self-insurer will pay either the sum of the individual fee maximums, the provider's usual and customary charge, or \$104.12 whichever is less. These limits will not apply to occupational therapy which is rendered as part of a physical capacities evaluation, work hardening program, or pain management program, provided a qualified representative of the department or self-insurer has authorized the service.

The department will publish specific billing instructions, utilization review guidelines, and reporting requirements for occupational therapists who render care to workers.

Occupational therapy services rendered in the worker's home and/or places other than the practitioner's usual and customary office, clinic, or business facility will be allowed only upon prior authorization by the department or self-insurer.

No inpatient occupational therapy treatment will be allowed when such treatment constitutes the only or major treatment received by the worker. See WAC 296-20-030 for further information.

The department may discount maximum fees for treatment performed on a group basis in cases where the treatment provided consists of a nonindividualized course of therapy (e.g., pool therapy; group aerobics; and back classes).

Billing codes, reimbursement levels, and supporting policies for occupational therapy services are listed in the fee schedules.

AMENDATORY SECTION (Amending WSR 93-16-072, filed 8/1/93, effective 9/1/93)

WAC 296-23-250 Massage therapy rules. Practitioners should refer to WAC 296-20-010 through 296-20-125 for general information and rules pertaining to the care of workers. See WAC 296-20-125 for billing instructions.

Refer to WAC 296-20-132 and 296-20-135 for information regarding use of the conversion factors.

Massage therapy treatment will be permitted when given by a licensed massage practitioner only upon written orders from the worker's attending doctor. In addition, physician assistants may order massage therapy under these rules for the attending doctor.

A progress report must be submitted to the attending doctor and the department or the self-insurer following six

treatment visits or one month, whichever comes first. Massage therapy treatment beyond the initial six treatments will be authorized only upon substantiation of improvement in the worker's condition in terms of functional modalities, i.e., range of motion; sitting and standing tolerance; reduction in medication; etc. In addition, an outline of the proposed treatment program, the expected restoration goals, and the expected length of treatment will be required.

Massage therapy in the home and/or places other than the practitioners usual and customary business facilities will be allowed only upon prior justification and authorization by the department or self-insurer.

No inpatient massage therapy treatment will be allowed when such treatment constitutes the only or major treatment received by the worker. See WAC 296-20-030 for further information.

Massage therapy treatments exceeding once per day must be justified by attending doctor.

Billing codes, reimbursement levels, and supporting policies for massage therapy services are listed in the fee schedules.

WSR 05-11-067
PROPOSED RULES
DEPARTMENT OF
NATURAL RESOURCES
[Filed May 17, 2005, 3:02 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 05-06-098.

Title of Rule and Other Identifying Information: WAC 332-30-151 Reserves (RCW 79.68.060).

Hearing Location(s): Tacoma Public Library, 1102 Tacoma Avenue South, Tacoma, WA 98402, on June 21, 2005, at 7:00 p.m.; or at the Bellingham Public Library, 210 Central Avenue, Bellingham, WA 98225, on June 22, 2005, at 7:00 p.m.

Date of Intended Adoption: July 5, 2005.

Submit Written Comments to: Matt Niles, 1111 Washington Street S.E., P.O. Box 47027, Olympia, WA 98504-7027, e-mail matthew.niles@wadnr.gov, fax (360) 902-1786, by June 24, 2005.

Assistance for Persons with Disabilities: Contact Matt Niles by June 24, 2005, TTY (360) 902-1125.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposal is to amend WAC 332-30-151 in order to provide a more clearly defined method of managing aquatic reserves in Washington state. The proposal will clarify the existing rule and describe in more detail the process used by the Department of Natural Resources (DNR) to manage aquatic reserves.

Reasons Supporting Proposal: DNR is directed by the Revised Code of Washington to manage state-owned aquatic lands to provide a balance of public benefits that include encouraging public access, fostering water-dependent use, ensuring environmental protection, utilizing renewable

resources, and generating revenue when consistent with these other benefits. The management guidelines for aquatic reserves contained in WAC 332-30-151 provide general direction to the DNR for managing aquatic reserves, but the existing rule lacks the specificity needed for effective reserve management. Amending the rule to provide additional clarity as to how the DNR will manage uses that may impact aquatic reserves will help ensure the consistent implementation of DNR's aquatic reserves management program.

Statutory Authority for Adoption: RCW 79.10.210.

Statute Being Implemented: RCW 79.10.210.

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

Name of Proponent: Washington Department of Natural Resources, Aquatic Resources Division, governmental.

Name of Agency Personnel Responsible for Drafting: Matt Niles, 1111 Washington Street S.E., Olympia, WA 98504-7027, (360) 902-1100; Implementation: David Palazzi, 1111 Washington Street S.E., Olympia, WA 98504-7027, (360) 902-1100; and Enforcement: Loren Stern, 1111 Washington Street S.E., Olympia, WA 98504-7027, (360) 902-1100.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Pursuant to RCW 19.85.025, a small business economic impact statement is not required because the proposed rule is described in RCW 34.05.310(4), as follows: (1) The rule relates only to internal governmental operations that are not subject to violation by a nongovernmental party; and (2) the rule only clarifies the language of the existing rule without changing its effect.

A cost-benefit analysis is not required under RCW 34.05.328. Pursuant to RCW 34.05.328, a cost-benefit analysis is not required for the proposed rule because the proposed rule relates only to internal governmental operations that are not subject to violation by a nongovernmental party and only clarifies the language of the existing rule without changing its effect.

May 17, 2005
Doug Sutherland
Commissioner of
Public Lands

AMENDATORY SECTION (Amending Order 343, filed 7/3/80)

WAC 332-30-151 (~~(Reserves (RCW 79.68.060))~~)
Reserves. (1) Types of reserves: Educational, environmental, scientific - see definitions (WAC 332-30-106).

(2) Aquatic lands of special educational (~~(of)~~), scientific (~~(interest)~~), or (~~(aquatic lands of special)~~) environmental importance (~~(threatened by degradation shall)~~) will be considered for reserve status. (~~(Leases for activities in conflict with reserve status shall not be issued.)~~)

(3) The department or other governmental, public, or private entity or institution may nominate specific areas for consideration for reserve status.

(4) Such nominations will be reviewed and accepted or rejected by the commissioner of public lands based upon the following criteria:

(a) The site will accomplish the purpose as stated for each reserve type.

(b) The designation of the site will ((not conflict)) be consistent with other current or projected uses of the ((area-If it does-)) area as determined by local, state, and federal plans, including, but not limited to, those adopted pursuant to the Growth Management Act and the Shoreline Management Act. If it is not, then a determination must be made by the commissioner of public lands as to which use best serves the public benefit.

(c) Management of the reserve can be effectively accomplished by either the department's management program or by assignment to another (~~(governmental agency or institution-))~~ entity.

(5) The department's reserves management program (~~(consists of prevention of conflicting))~~ seeks to ensure consistent land use activities ((in or near the reserve through lease actions. In those cases where physical protection of the area may be necessary the management of the area may be assigned to another agency-)) through actions identified in management plans that will be prepared or approved by the department for each reserve in accordance with WAC 332-30-107(5).

~~((6))~~ (a) When (~~(DNR))~~ the department retains the management of a reserve (~~(areas the extent of the))~~ area, management will ((consist of)) include a critical review of lease applications within the reserve area to ((insure)) ensure proposed activities or structures will ((not conflict with the basis for reserve designation-)) be consistent with the designated reserve management plan. This review will consist of at least the following:

~~((a))~~ (i) An environmental (~~(assessment-))~~ evaluation.

~~((b))~~ (ii) Request of agencies or institutions previously identified as having a special interest in the area for their concerns with regard to the project.

(b) Legally authorized structures or activities in existence within the reserve area at the time of reserve nomination will be allowed to continue until the end of the lease term according to terms of the lease.

(c) Legally authorized structures or activities in existence within the reserve area at the time of reserve nomination may expand, intensify their use, or be renewed provided said expansion, intensification, or renewal is consistent with the designated reserve management plan.

(d) Leases for new structures or new activities within the reserve area must be consistent with the designated reserve management plan.

~~((7))~~ (e) Proposed leases for structures or activities (~~(immediately adjacent to any))~~ outside of any designated reserve area will be subjected to the same critical review ((as)) described in subsections 5(a) through 5(d) of this section for leases within the reserve area if ((the)) similar structures and/or similar activities have demonstrated the potential ((of)) to adversely impact habitats and species identified for conservation in the designated reserve management plan by:

~~((a))~~ Degrading water quality;

(b) Altering local currents;

(c) Damaging marine life; or

(d) Increasing vessel traffic.

(8) All management costs are to be borne by the administering agency. Generally, no lease fee is required.)

(i) Degrading water or sediment quality within the reserve.

(ii) Altering local hydrology within the reserve, or

(iii) Damaging aquatic life within the reserve.

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

WSR 05-11-068
PROPOSED RULES
PUGET SOUND
CLEAN AIR AGENCY

[Filed May 17, 2005, 3:57 p.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 70.94.141(1).

Title of Rule and Other Identifying Information: Amend Regulation I, Sections 5.07 (Annual Registration Fees) and 6.04 (Notice of Construction Fees).

Hearing Location(s): Puget Sound Clean Air Agency, 110 Union Street, Suite 500, Seattle, WA 98101, on June 23, 2005, at 9:15 a.m.

Date of Intended Adoption: June 23, 2005.

Submit Written Comments to: Lynn Hughes, Puget Sound Clean Air Agency, 110 Union Street, #500, Seattle, WA 98101, e-mail lynn@pscleanair.org, fax (206) 343-7522, by June 22, 2005.

Assistance for Persons with Disabilities: Contact Agency Receptionist, (206) 689-4010, by June 16, 2005, TTY (800) 833-6388 or (800) 833-6385 (Braille).

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The agency annually reviews the fees charged for administering its programs in order to ensure that fees collected cover the costs of implementing these programs; and the fees are then adjusted as necessary. The fees for our Registration and Notice of Construction programs will be increased for certain categories with this proposal.

Reasons Supporting Proposal: The program fees that the agency charges need to cover the cost of administering the programs.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Statute Being Implemented: RCW 70.94.141.

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

Name of Proponent: Puget Sound Clean Air Agency, governmental.

Name of Agency Personnel Responsible for Drafting: Steve Van Slyke, 110 Union Street, #500, Seattle, WA 98101, (206) 689-4052; Implementation and Enforcement: Jim Nolan, 110 Union Street, #500, Seattle, WA 98101, (206) 689-4053.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This agency is not sub-

ject to the small business economic impact provision of the Administrative Procedure Act.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to local air agencies, per RCW 70.94.141.

May 16, 2005

Steve M. Van Slyke
Supervisory Engineer

AMENDATORY SECTION

REGULATION I SECTION 5.07 ANNUAL REGISTRATION FEES

(a) The Agency shall assess annual fees as set forth in Section 5.07(c) of this regulation for services provided in administering the registration program. Fees received under the registration program shall not exceed the cost of administering the program, which shall be defined as initial registration and annual or other periodic reports from the source owner providing information directly related to air pollution registration, on-site inspections necessary to verify compliance with registration requirements, data storage and retrieval systems necessary for support of the registration program, emission inventory reports and emission reduction credits computed from information provided by sources pursuant to registration program requirements, staff review, including engineering analysis for accuracy and currentness, of information provided by sources pursuant to registration program requirements, clerical and other office support provided in direct furtherance of the registration program, and administrative support provided in directly carrying out the registration program. Payment of these fees by the owner or operator of a source shall maintain its active registration status (even if it is not actively operating).

(b) Upon assessment by the Agency, registration fees are due and payable within 45 days of the date of the invoice. They shall be deemed delinquent if not fully paid within 45 days of the date of the invoice and shall be subject to an additional delinquent fee equal to 25% of the original fee, not to exceed \$1,000. Persons knowingly under-reporting emissions or other information used to set fees, or persons required to pay emission or permit fees who are more than 90 days late with such payments may be subject to a penalty equal to 3 times the amount of the original fee owed (in addition to other penalties provided by chapter 70.94 RCW).

(c) Except as specified in Section 5.07 (d) and (e) of this regulation, registered sources shall be assessed a fee of \$850, plus the following fees:

(1) Sources subject to a federal emission standard as specified in Section 5.03 (a)(1) of this regulation shall be assessed \$1,750 per subpart of 40 CFR Parts 60-63;

(2) Sources subject to a federally enforceable emission limitation as specified in Section 5.03 (a)(2) or meeting the emission thresholds specified in Section 5.03 (a)(3) of this regulation shall be assessed \$2,000; ~~(and)~~

(3) Sources subject to the emission reporting requirements under Section 5.05(b) of this regulation shall be assessed \$23 for each ton of CO and \$46 for each ton of NO_x, PM₁₀, SO_x, HAP, and VOC, based on the emissions reported during the previous calendar year(-);

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(4) Sources with more than one coffee roaster installed on-site shall be assessed \$2,000; and

(5) Sources of commercial composting with raw materials from off-site shall be assessed \$5,000.

(d) Gasoline dispensing facilities shall be assessed the following fees based on their gasoline throughput during the previous calendar year (as certified at the time of payment):

- (1) More than 6,000,000 gallons \$3,000 ((2,000));
- (2) 3,600,001 to 6,000,000 gallons . . . \$1,500 ((1,000));
- (3) 1,200,001 to 3,600,000 gallons \$1,000 ((750));
- (4) 840,001 to 1,200,000 gallons \$500;
- (5) 200,001 to 840,000 gallons \$250.

(e) The following registered sources shall be assessed an annual registration fee of \$100, provided that they meet no other criteria listed in Section 5.03(a) of this regulation:

(1) Sources with spray-coating operations subject to Section 9.16 of this regulation that use no more than 4,000 gallons per year of total coatings and solvents;

(2) Gasoline dispensing facilities subject to Section 2.07 of Regulation II with gasoline annual throughput during the previous calendar year (as certified at the time of payment) of no more than 200,000 gallons;

(3) Motor vehicle and mobile equipment coating operations subject to Section 3.04 of Regulation II; and

(4) Unvented dry cleaners subject to Section 3.03 of Regulation III.

AMENDATORY SECTION

REGULATION I SECTION 6.04 NOTICE OF CONSTRUCTION FEES

(a) A Notice of Construction application is incomplete until the Agency has received fees as shown below:

Filing Fee (for each application, to be paid prior to any review)	\$750
Spray-Coating Booth (commercially manufactured) . .	\$250
Coffee Roaster (less than 40 pounds/batch, with thermal oxidizer)	\$500
Hot Mix Asphalt Batch Plant	\$7,000
Soil Thermal Desorption Unit.	\$5,000
Electric Generation Project: (combined heat input capacity)	
10 - 100 million Btu/hr (2.9 - 29 MW)	\$5,000
101 - 250 million Btu/hr (29 - 73 MW)	\$10,000
> 250 million Btu/hr (> 73 MW)	\$25,000
Composting Facility	\$10,000
Commercial Solid Waste Handling Facility	\$10,000
Landfill Gas System	\$2,500
Refuse Burning Equipment: (rated charging capacity)	
≤ 12 tons per day	\$5,000
> 12 tons and ≤ 250 tons per day	\$20,000
> 250 tons per day	\$50,000
Other (not listed above) for each Piece of Equipment and Control Equipment	\$500
Additional Charges (for each application):	
SEPA Threshold Determination	\$500
(DNS, under Regulation I, Section 2.04)	
SEPA Threshold Determination	\$1,500
(MDNS, under WAC 173-400-171)	

Public Notice	\$500
(under WAC 173-400-171)	(+ publication costs)
NSPS or NESHAP.	\$1,000
(per subpart of 40 CFR Parts 60, 61, and 63)	
Refined Dispersion Modeling Analysis	\$500
(under Regulation III, Section 2.07 (c)(2))	
Major Source, Major Modification, or Emission Increases Greater than Prevention of Significant Deterioration (PSD) Thresholds	\$5,000
(under WAC 173-400-112 or WAC 173-400-113)	(+ Ecology fees)
An Agency request for an Inapplicability Determination for PSD Program Requiring Written Applicability Determination from Ecology	\$5,000
Construction or Reconstruction of a Major Source of Hazardous Air Pollutants (see 40 CFR 63.2)	\$2,500
Tier II Air Toxics Review	\$5,000
(under WAC 173-460-090)	(+ Ecology fees)
Opacity/Grain Loading Correlation.	\$5,000

(b) A notification under Section 6.03 (b)(1) through Section 6.03 (b)(9) of this regulation is incomplete until the Agency has received a fee of \$100. An application processed as a Notice of Construction exemption under Section 6.03 (b)(10) requires payment of the Notice of Construction filing fee only. An application for coverage under a general order of approval issued by this Agency is not subject to the fees in Section 6.04(a) and instead requires payment of a \$500 fee, which is due prior to any review of the application.

(c) The Control Officer is authorized to enter into a written cost-reimbursement agreement with an applicant as provided in RCW 70.94.085.

(d) Additional Fee for Service - Second Incomplete Application

Upon receipt of a second incomplete Notice of Construction application from the same applicant for the same project, the Control Officer may cease review of the application and provide written notification of that determination. The Control Officer may resume review of the application if, within 30 days of the date of the notification describing the Agency's receipt of the second incomplete Notice of Construction application, the applicant has deposited \$1,000 with the Agency, and executed a fee-for-service agreement with the Agency that allows the Agency to recover the reasonable direct and indirect costs that arise from processing the Notice of Construction application, including the requirements of other relevant laws such as the Washington State Environmental Policy Act (SEPA).

The agreement shall require that the applicant assume full responsibility for paying the Agency for the costs incurred under the fee-for-service agreement. The Agency shall credit the \$1,000 deposit made by the applicant towards the costs required by a fee-for-service agreement. The fee-for-service agreement may require the applicant to make progress payments during the application review period. The \$1,000 deposit referred to in this section and the costs pro-

vided for in a fee-for-service agreement are in addition to the fees required in Section 6.04(a).

If the applicant has not made a \$1,000 deposit and executed such a fee-for-service agreement within 30 days of the date of the notification from the Agency describing its receipt of a second incomplete application, the Agency may issue an Intent to Disapprove an Application.

The \$1,000 deposit required under this section is not refundable. In addition, any payments made to the Agency under a fee-for-service agreement are not refundable.

(e) Additional Fee - Revised Application

The Control Officer may assess an additional fee for processing a Notice of Construction application when a subsequent significantly revised application is submitted after the original application was determined to be complete and prior to the Agency issuing an Order of Approval or Intent to Disapprove an Application regarding the original application. The revision fee shall be the amount of the fee that was charged for the original Notice of Construction application, including the filing fee. The resulting total fee is the fee for the original Notice of Construction application plus the revision fee.

WSR 05-11-071

WITHDRAWAL OF PROPOSED RULES

**DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Aging and Disability Services Administration)

[Filed May 17, 2005, 4:25 p.m.]

The DSHS Aging and Disability Services Administration would like to withdraw the following new and repealed sections of the Washington Administrative Code proposed in WSR 05-03-096: New sections WAC 388-106-1000, 388-106-1005, 388-106-1010, 388-106-1015, 388-106-1020, 388-106-1025, 388-106-1030, 388-106-1035, 388-106-1040, 388-106-1045, 388-106-1050, and 388-106-1055; and repealed WAC 388-71-0900, 388-71-0905, 388-71-0910, 388-71-0915, 388-71-0920, 388-71-0925, 388-71-0930, 388-71-0935, 388-71-0940, 388-71-0945, 388-71-0950, 388-71-0955, 388-71-0960, and 388-71-0965.

The sections above proposed for repeal will remain in chapter 388-71 WAC, Home and community services and programs.

Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 05-11-075

PROPOSED RULES

**DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Medical Assistance Administration)

[Filed May 17, 2005, 4:32 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-21-073.

Title of Rule and Other Identifying Information: WAC 388-478-0065 Income and resource standards for family medical programs.

Hearing Location(s): Office Building 2, Auditorium, DSHS Headquarters Building, 1115 Washington, Olympia, WA 98504 (public parking at 11th and Jefferson), on June 21, 2005, at 10:00 a.m.

Date of Intended Adoption: Not sooner than June 22, 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., June 21, 2005.

Assistance for Persons with Disabilities: Contact Stephanie Schiller, DSHS Rules Consultant, by June 17, 2005, TTY (360) 664-6178 or (360) 664-6097.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed change are technical corrections to add language to confirm that an unborn child is counted as a household member when determining Medicaid program eligibility for families, children and pregnant women. The [rule] is also changed to clarify the intent of the rule.

Reasons Supporting Proposal: Clarify the intent and meaning of the rule.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.08.090, and 74.09.530.

Statute Being Implemented: RCW 74.04.050, 74.04.057, 74.08.090, and 74.09.530.

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: Joanie Scotson, P.O. Box 45534, Olympia, WA 98504-5534, (360) 725-1330.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There is no impact on small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. Client eligibility rules for medical assistance are exempt under RCW 34.05.328 (5)(b)(vii).

May 11, 2005

Andy Fernando, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-18-056, filed 8/30/01, effective 9/30/01)

WAC 388-478-0065 (~~Categorically needy~~) **Income** (~~level (CNIL)~~) **and resource standards for** (~~families~~) **family medical programs.** (1) The categorically needy income level (CNIL) standard for family medical is the same as the grant payment standards for the TANF cash program as stated in WAC 388-478-0020.

(2) The countable resource standards for family medical are the same as those of the TANF/SFA cash program as stated in WAC 388-470-0005.

(3) ~~((For all medical programs an))~~ Each unborn child is counted as a household member when determining household size for:

- (a) Family medical (CN);
- (b) Pregnancy medical (CN and MN); and
- (c) Children's medical (CN and MN).

WSR 05-11-076
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed May 17, 2005, 4:35 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-10-090.

Title of Rule and Other Identifying Information: Amending WAC 388-517-0300 Federal Medicare savings and state-funded buy-in programs; and new sections WAC 388-517-0310 Eligibility for federal Medicare savings and state-funded Medicare buy-in programs and 388-517-0320 Medicare savings and state-funded Medicare buy-in programs cover some client costs.

Hearing Location(s): Office Building 2, Auditorium, DSHS Headquarters, 1115 Washington, Olympia, WA 98504 (public parking at 11th and Jefferson), on June 21, 2005, at 10:00 a.m.

Date of Intended Adoption: Not sooner than June 22, 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., June 21, 2005.

Assistance for Persons with Disabilities: Contact Stephanie Schiller, DSHS Rules Consultant, by June 17, 2005, TTY (360) 664-6178 or (360) 664-6097.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The Medicare savings program know as Qualified Individual 2 has been removed from WAC due to a change in federal law, and the WAC has been revised to make it clearer and more concise by breaking it out into three smaller WAC sections.

Reasons Supporting Proposal: The revised rule reflects a change in federal law and revised WAC to meet requirements for clear and concise rule writing by the addition of two new sections.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.08.090, and 74.09.530.

Statute Being Implemented: RCW 74.04.050, 74.04.057, 74.08.090, and 74.09.530; 42 U.S.C. 1396a(a) (Section 1902 (n)(2) of the Social Security Act of 1924).

Rule is necessary because of federal law, 42 U.S.C. 1396a(a) (Section 1902 (n)(2) of the Social Security Act of 1924).

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

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Carole McRae, P.O. Box 45534, Olympia, WA 98504-5534, (360) 725-1250.

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

A cost-benefit analysis is not required under RCW 34.05.328. This is a client medical eligibility rule which is exempt under the provisions of RCW 34.05.328 (5)(b)(vii).

May 11, 2005

Andy Fernando, Manager
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-11-074, filed 5/13/02, effective 6/13/02)

WAC 388-517-0300 Federal Medicare savings and state-funded Medicare buy-in programs. ~~((The Medicare savings programs help a client pay some of the costs that Medicare does not cover. When determining eligibility for these programs, the department follows the income and resource methodology of the Supplemental Security Income (SSI) program described in chapter 388-474 WAC. For a client receiving long-term care (LTC) services, refer to subsection (4) of this section.~~

~~(1) The department determines a person's eligibility in the following order:~~

~~(a) The qualified medicare beneficiary (QMB) program;~~
~~(b) The specified low income medicare beneficiary (SLMB) program;~~

~~(c) The qualified individual (QI-1) program, formerly known as the expanded special low income Medicare beneficiary (ESLMB) program;~~

~~(d) The qualified disabled working individual (QDWI) program;~~

~~(e) The qualified individual (QI-2) program, formerly known as the qualified individual (QI) program;~~

~~(f) The state funded buy-in program, formerly known as the Medicare buy-in program.~~

~~(2) In order to be eligible for any of these programs, a person must:~~

~~(a) Be eligible or receiving Medicare Part A; and~~
~~(b) For the QDWI program only, be under the age of sixty five; and~~

~~(c) Have nonexcluded resources at or below the resource standard, see WAC 388-478-0085(6).~~

~~(3) A person must also meet the income standards as follows:~~

~~(a) For the QMB program, see WAC 388-478-0085(1);~~

~~(b) For the SLMB program, see WAC 388-478-0085(2);~~

~~(c) For the QI-1 program, see WAC 388-478-0085(3);~~

~~(d) For the QDWI program, see WAC 388-478-0085(4);~~

~~(e) For the QI-2 program, see WAC 388-478-0085(5);~~

~~and~~
~~(f) For the state paid buy-in program, there is no maximum income limit as long as the person receives services under either categorically needy (CN) or medically needy (MN) programs.~~

~~(4) When determining an LTC client's eligibility for Medicare savings programs, the department considers count-~~

able income and resources left after the following are deducted:

(a) Allocations to a spouse and/or dependent family members; and

(b) The client's participation in the cost of care.

Refer to chapter 388-513 WAC for the LTC rules.

(5) The department adjusts income standards for Medicare savings programs on April 1st of each year, see WAC 388-478-0085. The department also applies the annual Social Security cost of living adjustment (COLA) for these programs on April 1st of each year. Therefore, the annual COLA does not effect the eligibility of either applicants or clients of Medicare savings programs until April 1st of each year.

(6) The department pays the following benefits for Medicare savings program clients:

(a) Under the QMB program: Medicare Part A if any, Part B premiums, coinsurance, deductibles as described in subsection (7) of this section, and medical expenses the client's Medicare managed care plan charges;

(b) Under the SLMB or QI-1 programs: Only Medicare Part B premiums (see the exception under subsection (11) of this section);

(c) Under the QDWI program: Only Medicare Part A premiums;

(d) Under the QI-2 program: Only a part of the client's Medicare Part B premiums. The Centers for Medicare and Medicaid (CMS) determine the amount which is paid. The department pays the client on an annual basis (see the exception under subsection (11) of this section); and

(e) Under the state-funded buy-in program: Medicare Part B premiums, coinsurance, deductibles as described in subsection (7) of this section, and medical expenses a client's Medicare managed care plan charges.

(7) The department has certain maximum payments for services provided to Medicare savings programs clients:

(a) Medicare co-insurance charges are paid only if the Medicaid payment rate is higher than the amount paid by Medicare, and within that limit, only the cost sharing liability;

(b) Dual eligible clients are those who are eligible for QMB and SLMB programs and another Medicaid program. For dual eligibles, the department's maximum payment is:

(i) for covered services, the Medicaid or the Medicare payment rate whichever is lower; and

(ii) for services only covered by Medicare, the Medicare deductibles and co-insurance is the maximum Medicaid payment.

(8) The department does not authorize QMB, SLMB or state-funded buy-in programs for the client receiving categorically needy (CN) or medically needy (MN) programs. The state-funded buy-in program is only for a client receiving CN or MN medical coverage who is not eligible for the QMB or SLMB programs.

(9) The department does not authorize QI-1, QI-2, or QDWI programs for a client receiving CN or MN medical program benefits.

(10) The department does not authorize the QI-2 program for a client who is eligible for one of the other Medicare savings programs.

(11) When the department's annual allotment of federal funds for the QI-1 and QI-2 programs is exhausted, the department does not authorize benefits under the respective program for the remainder of that calendar year.

(12) For certification periods for the Medicare savings programs, refer to WAC 388-416-0035. (1) Federal Medicare savings and state-funded Medicare buy-in programs help clients pay some of the costs that Medicare does not cover under WAC 388-517-0320 (for program eligibility, see WAC 388-517-0310).

(2) The department offers the following Medicare savings programs to eligible clients:

(a) Qualified medicare beneficiary (QMB);

(b) Specified low-income medicare beneficiary (SLMB);

(c) Qualified individual (QI-1); and

(d) Qualified disabled working individual (QDWI).

(3) The department offers the state-funded Medicare buy-in program for clients who receive Medicaid but do not qualify for the federal Medicare savings programs.

NEW SECTION

WAC 388-517-0310 Eligibility for federal Medicare savings and state-funded Medicare buy-in programs. (1) Persons eligible for any Medicare savings programs (MSP) must:

(a) Be eligible for or receiving Medicare Part A. Qualified disabled working individuals (QDWI) clients must be under age sixty-five;

(b) Meet program income standards, see WAC 388-478-0085; and

(c) Have resources at or below resource standards, see WAC 388-478-0085(6).

(2) MSP follow SSI related rules in chapter 388-475 WAC.

(3) MSP clients are entitled to a fair hearing when the department takes an adverse action such as denying or terminating MSP benefits.

(4) The department subtracts the following under chapter 388-513 WAC from a long term care client's countable income and resources when determining MSP eligibility:

(a) Allocations to a spouse and/or dependent family member; and

(b) Client participation in cost of care.

(5) Medicaid eligibility may affect MSP eligibility, as follows:

(a) Qualified medicare beneficiaries (QMB) and specified low income beneficiaries (SLMB) clients can receive Medicaid and still be eligible to receive QMB or SLMB benefits.

(b) Qualified individuals (QI-1) and qualified disabled working individuals (QDWI) clients who begin to receive Medicaid are no longer eligible for QI-1 or QDWI benefits.

(6) Every year, when the federal poverty level changes:

(a) The department adjusts income standards for MSP and state funded Medicare buy-in programs, see WAC 388-478-0085.

(b) The department begins to count the annual Social Security cost-of-living (COLA) increase on April 1st each

year when determining eligibility for MSP and state funded Medicaid buy-in programs.

(7) There is no income limit for the state-funded Medicare buy-in program. The state-funded Medicare buy-in program is for clients who receive Medicaid but do not qualify for the federal MSP.

NEW SECTION

WAC 388-517-0320 Medicare savings and state-funded Medicare buy-in programs cover some client costs. (1) For qualified medicare beneficiary (QMB) clients, the department:

- (a) Pays Medicare Part A premiums (if any);
- (b) Pays Medicare Part B premiums;
- (c) Pays all coinsurance deductibles as described in subsection (6) of this section;
- (d) May pay Medicare Advantage Part C premiums, if cost effective, for those clients already enrolled in Medicare Advantage Part C at the time of application for Medicare Advantage Part C premium payment. (The department does not select a Medicare Advantage Part C plan for QMB clients);

(e) Pays all coinsurance deductibles and co-payments for QMB-eligible clients enrolled in Medicare Advantage Part C as described in subsection (6) of this section; and

(f) Pays QMB premiums the first of the month following the month that QMB eligibility is determined.

(2) For specified low-income medicare beneficiary (SLMB) clients, the department pays Medicare Part B premiums effective up to three months prior to the certification period. No other payments are made for SLMBs.

(3) For qualified individual (QI-1) clients, the department pays Medicare Part B premiums effective up to three months prior to the certification period unless:

(a) The client receives Medicaid categorically needy (CN) or medically needy (MN) benefits; and/or

(b) The department's annual federal funding allotment is spent. The department resumes QI-1 benefit payments the beginning of the next calendar year.

(4) For qualified disabled working individual (QDWT) clients, the department pays Medicare Part A premiums effective up to three months prior to the certification period. The department stops paying Medicare Part A premiums if the client begins to receive CN or MN Medicaid.

(5) For state-funded Medicare buy-in program clients, the department pays Medicare:

- (a) Part B premiums; and
- (b) Part A and B co-insurance, deductibles, and co-payments described in subsection (6) of this section.

(6) The department limits payments for certain services, provided to Medicare savings and state-funded Medicare buy-in clients, as follows:

(a) If the Medicaid payment rate is higher than the amount paid by Medicare, the department pays only the cost-sharing liability of the Medicare co-insurance charge; and

(b) For Medicaid clients who are entitled to Medicare Part A and/or Medicare Part B (referred to as "dual eligible" clients:

(i) The department pays the Medicare or Medicaid payment rate, whichever is less, for services covered by both Medicare and Medicaid; and

(ii) The department pays the Medicare deductibles and co-insurance services only covered by Medicare.

WSR 05-11-079

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed May 17, 2005, 4:40 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-19-099.

Title of Rule and Other Identifying Information: The Division of Child Support (DCS) is amending: WAC 388-14A-3600 The parties may resolve any child support case by entering a consent order or an agreed settlement and 388-14A-6300 Duty of the administrative law judge in a hearing to determine the amount of a support obligation.

Hearing Location(s): Office Building 2, Auditorium, DSHS Headquarters Building, 1115 Washington, Olympia, WA 98504 (public parking at 11th and Jefferson), on June 21, 2005, at 10:00 a.m.

Date of Intended Adoption: Not earlier than June 22, 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., June 21, 2005.

Assistance for Persons with Disabilities: Contact Stephanie Schiller, DSHS Rules Consultant, by June 17, 2005, TTY (360) 664-6178 or (360) 664-6097.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: DCS seeks to clarify the rules regarding the contents of administrative child support orders, especially to reenact a prior requirement that each administrative support order set a noncustodial parent's support obligation as a sum certain amount, with an amount per month for each child covered by the order. DCS also seeks to clarify that the support order must contain the date of birth for every child covered by the order so that the parents are able to determine when the child support obligation ends.

Reasons Supporting Proposal: See above.

Statutory Authority for Adoption: RCW 74.08.090, 26.23.050, 34.05.220, 74.20A.310, 74.20A.055, and 74.20A.056.

Statute Being Implemented: 45 C.F.R. 303.11, 45 C.F.R. 303.100, RCW 26.23.050, 74.20A.055, and 74.20A.-056.

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: Nancy Koptur, DCS HQ, P.O. Box 9162, Olympia, WA 98507-9162, (360) 664-5065.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not have an economic impact on small businesses. It only affects individuals who have support obligations or individuals who are owed child support.

A cost-benefit analysis is not required under RCW 34.05.328. The rule does meet the definition of a significant legislative rule but DSHS/DCS is exempt from preparing further analysis under RCW 34.05.328 (5)(b)(vii).

May 11, 2005

Andy Fernando, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 03-17-013, filed 8/12/03, effective 9/12/03)

WAC 388-14A-3600 The parties may resolve any child support case by entering a consent order or an agreed settlement. (1) The division of child support (DCS) may enter a consent order or agreed settlement to finalize any dispute in which a party requests a hearing. DCS attempts to settle matters through agreement when possible.

(a) An agreed settlement is signed only by the parties ~~((DCS, the custodial parent and the noncustodial parent))~~ to the dispute.

(b) A consent order must be signed by the parties and by an administrative law judge (ALJ) provided that:

(i) In a telephone hearing, the ALJ may sign on behalf of any party if that party gives their consent on the record; and

(ii) The ALJ approves a consent order without requiring testimony or a hearing, unless entry of the order would be unlawful.

(2) An agreed settlement or consent order is final and enforceable on:

(a) The date the last party signs the agreed settlement, if all parties signed the agreed settlement;

(b) The date the ALJ signs the consent order; or

(c) If the ALJ defaults one of the parties to the proceeding, the latest of the following dates:

(i) The date the ALJ signed the consent order;

(ii) The date the last party signed the agreed settlement;

or
(iii) The date the order of default is final. See WAC 388-14A-6110 and 388-14A-6115 to determine whether the ALJ issues an initial order or a final order.

(3) A party to a consent order or an agreed settlement may:

(a) Not petition for review of the settlement or order under WAC 388-02-0560;

(b) Petition for modification under WAC 388-14A-3925; and

(c) Petition to vacate the settlement or consent order under WAC 388-14A-3700. However, the ALJ may only vacate a settlement or consent order after making a finding of fraud by a party, or on any other basis that would result in manifest injustice.

(4) If a hearing has been scheduled, DCS files a copy of the agreed settlement or consent order with the office of administrative hearings (OAH), and OAH issues an order dismissing the hearing. There are no hearing rights on the order dismissing the hearing.

(5) An agreed settlement or consent order entered under this section must comply with the requirements of WAC 388-14A-6300 if the dispute concerns a notice and finding of financial responsibility or a notice and finding of parental responsibility or other notice or petition to determine the amount of a support obligation.

AMENDATORY SECTION (Amending WSR 01-03-089, filed 1/17/01, effective 2/17/01)

WAC 388-14A-6300 Duty of the administrative law judge in a hearing to determine the amount of a support obligation. (1) A support order entered under this chapter must conform to the requirements set forth in RCW 26.23-.050(3) and 26.23.050(5).

(2) In hearings held under this chapter to contest a notice and finding of financial responsibility or a notice and finding of parental responsibility or other notice or petition, the administrative law judge (ALJ) must determine:

(a) The noncustodial parent's obligation to provide support under RCW 74.20A.057;

(b) The names and dates of birth of the children covered by the support order;

(c) The net monthly income of the noncustodial parent (NCP) and any custodial parent (CP);

~~((e))~~ (d) The NCP's share of the basic support obligation and any adjustments to that share, according to his or her circumstances;

~~((d))~~ (e) If requested by a party, the NCP's share of any special child-rearing expenses;

~~((e))~~ (f) The NCP's obligation to provide medical support under RCW 26.18.170;

~~((f))~~ (g) The NCP's accrued debt and order payments toward the debt; ~~((and))~~

~~((g))~~ (h) The NCP's current and future monthly support obligation as a per month per child amount and order payments in that amount; and

(i) The NCP's total current and future support obligation as a sum certain and order payments in that amount.

~~((2))~~ (3) Having made the determinations required in subsection (2) above, the ALJ must order the NCP to make payments to the Washington state support registry (WSSR).

(4) The ALJ must allow the division of child support (DCS) to orally amend the notice at the hearing to conform to the evidence. The ALJ may grant a continuance, when necessary, to allow the NCP or the CP additional time to present rebutting evidence or argument as to the amendment.

~~((3))~~ (5) The ALJ may not require DCS to produce or obtain information, documents, or witnesses to assist the NCP or CP in proof of defenses to liability. However, this rule does not apply to relevant, nonconfidential information or documents that DCS has in its possession.

WSR 05-11-080
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
(Division of Child Support)
[Filed May 17, 2005, 4:41 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-19-130.

Title of Rule and Other Identifying Information: The Division of Child Support (DCS) is amending WAC 388-14A-3350 Are there any limits on how much back support the division of child support can seek to establish?

Hearing Location(s): Office Building 2, Auditorium, DSHS Headquarters Building, 1115 Washington, Olympia, WA 98504 (public parking at 11th and Jefferson), on June 21, 2005, at 10:00 a.m.

Date of Intended Adoption: Not earlier than June 22, 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., June 21, 2005.

Assistance for Persons with Disabilities: Contact Stephanie Schiller, DSHS Rules Consultant, by June 17, 2005, TTY (360) 664-6178 or (360) 664-6097.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Traditionally, DCS has started a claim for child support as of the date DCS received the nonassistance application for services. This approach works fine for a case where the custodial parent (CP) applies directly to DCS for child support services. However, DCS believes that this rule works a hardship on the CP where the CP applies to another child support agency (another state, country or Indian tribe), and the CP must wait for the other agency to refer the case to DCS for support establishment. DCS believes it is appropriate to start the non-assistance claim as of the date the CP applied for services, not as of the date DCS receives an application filed with another agency.

Reasons Supporting Proposal: See above.

Statutory Authority for Adoption: RCW 74.08.090, 74.20A.310, and 74.20A.055.

Statute Being Implemented: RCW 74.20A.055.

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: Nancy Koptur, DCS HQ, P.O. Box 9162, Olympia, WA 98507-9162, (360) 664-5065.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not have an economic impact on small businesses. It only affects individuals who have support obligations or individuals who are owed child support.

A cost-benefit analysis is not required under RCW 34.05.328. The rule does meet the definition of a significant

legislative rule but DSHS/DCS is exempt from preparing further analysis under RCW 34.05.328 (5)(b)(vii).

May 11, 2005

Andy Fernando, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 03-20-072, filed 9/29/03, effective 10/30/03)

WAC 388-14A-3350 Are there any limits on how much back support the division of child support can seek to establish? (1) When no public assistance is being paid to the custodial parent (CP) and the children, the division of child support (DCS) starts the claim for support as of the date:

(a) DCS receives the application for nonassistance services if the CP applies directly to DCS for services; or

(b) Another state or Indian tribe received the application for nonassistance services or the actual date the other state or tribe requests that child support start, whichever is later, if the other state or Indian tribe requests DCS to establish a support order.

(2) This section does not limit in any way the right of the court to order payment for back support as provided in RCW 26.26.130 and 26.26.134 if the case requires paternity establishment.

~~((2))~~ (3) When another state or an Indian tribe is paying public assistance to the CP and children, DCS starts the claim for support as of the date specified by the other state or tribe.

~~((3))~~ (4) For the notice and finding of parental responsibility, WAC 388-14A-3120(9) limits the back support obligation.

~~((4))~~ (5) When the state of Washington is paying public assistance to the CP and/or the children, the following rules apply:

(a) For support obligations owed for months on or after September 1, 1979, DCS must exercise reasonable efforts to locate the noncustodial parent (NCP);

(b) DCS serves a notice and finding of financial or parental responsibility within sixty days of the date the state assumes responsibility for the support of a dependent child on whose behalf support is sought;

(c) If DCS does not serve the notice within sixty days, DCS loses the right to reimbursement of public assistance payments made after the sixtieth day and before the notice is served;

(d) DCS does not lose the right to reimbursement of public assistance payments for any period of time:

(i) During which DCS exercised reasonable efforts to locate the NCP; or

(ii) For sixty days after the date on which DCS received an acknowledgment of paternity for the child for whom the state has assumed responsibility, and paternity has not been established.

~~((5))~~ (6) The limitation in subsection ~~((4))~~ (5) does not apply to:

(a) Cases in which the physical custodian is claiming good cause for not cooperating with the department; and

(b) Cases where parentage is an issue and:

(i) Has not been established by superior court order; or

(ii) Is not the subject of a presumption under RCW 26.26.320.

((6)) (7) DCS considers a prorated share of each monthly public assistance payment as paid on each day of the month.

WSR 05-11-081
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed May 17, 2005, 4:43 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-06-053.

Title of Rule and Other Identifying Information: The Division of Child Support (DCS) is amending chapter 388-14A WAC, WAC 388-14A-3810 Once a child support order is entered how long does the support obligation last? and 388-14A-1020 What definitions apply to the rules regarding child support enforcement? (definition of "dependent child"), and other amendments and/or new rules as required, concerning the duration of an administrative support order and when a support obligation can continue after the child turns eighteen.

Hearing Location(s): Office Building 2, Auditorium, DSHS Headquarters Building, 1115 Washington, Olympia, WA 98504 (public parking at 11th and Jefferson), on June 21, 2005, at 10:00 a.m.

Date of Intended Adoption: Not earlier than June 22, 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 fernax@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m., June 21, 2005.

Assistance for Persons with Disabilities: Contact Stephanie Schiller, DSHS Rules Consultant, by June 17, 2005, TTY (360) 664-6178 or (360) 664-6097.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: DCS seeks to bring its rules into accord with the TANF regulations dealing with a child's eligibility for TANF after age eighteen, so that both the child support program and the TANF program have the same definition of "dependent child."

Reasons Supporting Proposal: See above.

Statutory Authority for Adoption: RCW 34.05.220(1), 74.08.090, 74.20A.310, 74.20A.055, and 74.20A.056.

Statute Being Implemented: RCW 74.20A.310, 74.20A.055, and 74.20A.056.

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: Nancy Koptur, DCS HQ, P.O. Box 9162, Olympia, WA 98507-9162, (360) 664-5065.

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

an economic impact on small businesses. It only affects individuals who have support obligations or individuals who are owed child support.

A cost-benefit analysis is not required under RCW 34.05.328. The rule does meet the definition of a significant legislative rule but DSHS/DCS is exempt from preparing further analysis under RCW 34.05.328 (5)(b)(vii).

May 11, 2005

Andy Fernando, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-03-089 [04-17-119], filed 1/17/01 [8/17/04], effective 2/17/01 [9/17/04])

WAC 388-14A-1020 What definitions apply to the rules regarding child support enforcement? For purposes of this chapter, the following definitions apply:

"Absence of a court order" means that there is no court order setting a support obligation for the noncustodial parent (NCP), or specifically relieving the NCP of a support obligation, for a particular child.

"Absent parent" is a term used for a noncustodial parent.

"Accrued debt" means past-due child support which has not been paid.

"Administrative order" means a determination, finding, decree or order for support issued under RCW 74.20A.055, 74.20A.056, or 74.20A.059 or by another state's agency under an administrative process, establishing the existence of a support obligation (including medical support) and ordering the payment of a set or determinable amount of money for current support and/or a support debt. Administrative orders include:

- (1) An order entered under chapter 34.05 RCW;
- (2) An agreed settlement or consent order entered under WAC 388-14A-3600; and
- (3) A support establishment notice which has become final by operation of law.

"Agency" means the Title IV-D provider of a state. In Washington, this is DCS.

"Agreed settlement" is an administrative order that reflects the agreement of the noncustodial parent, the custodial parent and the division of child support. An agreed settlement does not require the approval of an administrative law judge.

"Aid" or "public assistance" means cash assistance under the temporary assistance for needy families (TANF) program, the aid for families with dependent children (AFDC) program, federally-funded or state-funded foster care, and includes day care benefits and medical benefits provided to families as an alternative or supplement to TANF.

"Applicant/custodian" means a person who applies for nonassistance support enforcement services on behalf of a child or children residing in their household.

"Applicant/recipient," "applicant," and "recipient" means a person who receives public assistance on behalf of a child or children residing in their household.

"Arrears" means the debt amount owed for a period of time before the current month.

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"Assistance" means cash assistance under the state program funded under Title IV-A of the federal Social Security Act.

"Birth costs" means medical expenses incurred by the custodial parent or the state for the birth of a child.

"Conference board" means a method used by the division of child support for resolving complaints regarding DCS cases and for granting exceptional or extraordinary relief from debt.

"Consent order" means a support order that reflects the agreement of the noncustodial parent, the custodial parent and the division of child support. A consent order requires the approval of an administrative law judge.

"Court order" means a judgment, decree or order of a Washington state superior court, another state's court of comparable jurisdiction, or a tribal court.

"Current support" or **"current and future support"** means the amount of child support which is owed for each month.

"Custodial parent" means the person, whether a parent or not, with whom a dependent child resides the majority of the time period for which the division of child support seeks to establish or enforce a support obligation.

"Date the state assumes responsibility for the support of a dependent child on whose behalf support is sought" means the date that the TANF or AFDC program grant is effective. For purposes of this chapter, the state remains responsible for the support of a dependent child until public assistance terminates, or support enforcement services end, whichever occurs later.

"Delinquency" means failure to pay current child support when due.

"Department" means the Washington state department of social and health services (DSHS).

"Dependent child" means a person:

(1) Seventeen years of age or younger who is not self-supporting, married, or a member of the united states armed forces;

(2) Eighteen years of age or older for whom a court order requires support payments past age eighteen;

(3) Eighteen years of age or older, but under nineteen years of age, for whom an administrative support order exists if the child is(=

~~(a) A) participating full-time ((student; and (b) Reasonably expected to complete)) in a secondary school ((or the equivalent)) program or the same level of vocational or technical training ((before the end of the month in which the child turns nineteen)).~~

"Disposable earnings" means the amount of earnings remaining after the deduction of amounts required by law to be withheld.

"Earnings" means compensation paid or payable for personal service. Earnings include:

(1) Wages or salary;

(2) Commissions and bonuses;

(3) Periodic payments under pension plans, retirement programs, and insurance policies of any type;

(4) Disability payments under Title 51 RCW;

(5) Unemployment compensation under RCW 50.40.020, 50.40.050 and Title 74 RCW;

(6) Gains from capital, labor, or a combination of the two; and

(7) The fair value of nonmonetary compensation received in exchange for personal services.

"Employee" means a person to whom an employer is paying, owes, or anticipates paying earnings in exchange for services performed for the employer.

"Employer" means any person or organization having an employment relationship with any person. This includes:

(1) Partnerships and associations;

(2) Trusts and estates;

(3) Joint stock companies and insurance companies;

(4) Domestic and foreign corporations;

(5) The receiver or trustee in bankruptcy; and

(6) The trustee or legal representative of a deceased person.

"Employment" means personal services of whatever nature, including service in interstate commerce, performed for earnings or under any contract for personal services. Such a contract may be written or oral, express or implied.

"Family" means the person or persons on whose behalf support is sought, which may include a custodial parent and one or more children, or a child or children in foster care placement. The family is sometimes called the assistance unit.

"Family member" means the caretaker relative, the child(ren), and any other person whose needs are considered in determining eligibility for assistance.

"Foreign order" means a court or administrative order entered by a tribunal other than one in the state of Washington.

"Foster care case" means a case referred to the Title IV-D agency by the Title IV-E agency, which is the state division of child and family services (DCFS).

"Fraud," for the purposes of vacating an agreed settlement or consent order, means:

(1) The representation of the existence or the nonexistence of a fact;

(2) The representation's materiality;

(3) The representation's falsity;

(4) The speaker's knowledge that the representation is false;

(5) The speaker's intent that the representation should be acted on by the person to whom it is made;

(6) Ignorance of the falsity on the part of the person to whom it is made;

(7) The latter's:

(a) Reliance on the truth of the representation;

(b) Right to rely on it; and

(c) Subsequent damage.

"Full support enforcement services" means the entire range of services available in a Title IV-D case.

"Good cause" for the purposes of late hearing requests and petitions to vacate orders on default means a substantial reason or legal justification for delay, including but not limited to the grounds listed in civil rule 60. The time periods used in civil rule 60 apply to good cause determinations in this chapter.

"Head of household" means the parent or parents with whom the dependent child or children were residing at the time of placement in foster care.

"Health care costs":

(1) For the purpose of establishing support obligations under RCW 74.20A.055 and 74.20A.056, means medical, dental and optometrical expenses; and,

(2) For the purpose of enforcement action under chapters 26.23, 74.20 and 74.20A RCW, including the notice of support debt and the notice of support owed, means medical, dental and optometrical costs stated as a fixed dollar amount by a support order.

"Hearing" means an adjudicative proceeding authorized by this chapter, or chapters 26.23, 74.20 and 74.20A RCW, conducted under chapter 388-02 WAC and chapter 34.05 RCW.

"I/Me" means the person asking the question which appears as the title of a rule.

"Income" includes:

- (1) All gains in real or personal property;
- (2) Net proceeds from the sale or exchange of real or personal property;
- (3) Earnings;
- (4) Interest and dividends;
- (5) Proceeds of insurance policies;
- (6) Other periodic entitlement to money from any source; and
- (7) Any other property subject to withholding for support under the laws of this state.

"Income withholding action" includes all withholding actions which DCS is authorized to take, and includes but is not limited to the following actions:

- (1) Asserting liens under RCW 74.20A.060;
- (2) Serving and enforcing liens under chapter 74.20A RCW;
- (3) Issuing orders to withhold and deliver under chapter 74.20A RCW;
- (4) Issuing notices of payroll deduction under chapter 26.23 RCW; and
- (5) Obtaining wage assignment orders under RCW 26.18.080.

"Locate" can mean efforts to obtain service of a support establishment notice in the manner prescribed by WAC 388-14A-3105.

"Medical support" means either or both:

- (1) Health care costs stated as a fixed dollar amount in a support order; and
- (2) Health insurance coverage for a dependent child.

"Noncustodial parent" means the natural parent, adoptive parent, responsible stepparent or person who signed and filed an affidavit acknowledging paternity, from whom the state seeks support for a dependent child. Also called the NCP. A parent is considered to be an NCP when for the majority of the time during the period for which support is sought, the dependent child resided somewhere other than with that parent.

"Other ordinary expense" means an expense incurred by a parent which:

- (1) Directly benefits the dependent child; and

(2) Relates to the parent's residential time or visitation with the child.

"Past support" means support arrears.

"Paternity testing" means blood testing or genetic tests of blood, tissue or bodily fluids. This is also called genetic testing.

"Payment services only" or **"PSO"** means a case on which the division of child support's activities are limited to recording and distributing child support payments, and maintaining case records. A PSO case is not a IV-D case.

"Permanently assigned arrearages" means those arrears which the state may collect and retain up to the amount of unreimbursed assistance.

"Physical custodian" means custodial parent (CP).

"Putative father" includes all men who may possibly be the father of the child or children on whose behalf the application for assistance or support enforcement services is made.

"Reasonable efforts to locate" means any of the following actions performed by the division of child support:

(1) Mailing a support establishment notice to the noncustodial parent in the manner described in WAC 388-14A-3105;

(2) Referral to a sheriff or other server of process, or to a locate service or department employee for locate activities;

(3) Tracing activity such as:

(a) Checking local telephone directories and attempts by telephone or mail to contact the custodial parent, relatives of the noncustodial parent, past or present employers, or the post office;

(b) Contacting state agencies, unions, financial institutions or fraternal organizations;

(c) Searching periodically for identification information recorded by other state agencies, federal agencies, credit bureaus, or other record-keeping agencies or entities; or

(d) Maintaining a case in the division of child support's automated locate program, which is a continuous search process.

(4) Referral to the state or federal parent locator service;

(5) Referral to the attorney general, prosecuting attorney, the IV-D agency of another state, or the Department of the Treasury for specific legal or collection action;

(6) Attempting to confirm the existence of and to obtain a copy of a paternity acknowledgment; or

(7) Conducting other actions reasonably calculated to produce information regarding the NCP's whereabouts.

"Required support obligation for the current month" means the amount set by a superior court order, tribal court order, or administrative order for support which is due in the month in question.

"Resident" means a person physically present in the state of Washington who intends to make their home in this state. A temporary absence from the state does not destroy residency once it is established.

"Residential care" means foster care, either state or federally funded.

"Residential parent" means the custodial parent (CP), or the person with whom the child resides that majority of the time.

PROPOSED

"**Responsible parent**" is a term sometimes used for a noncustodial parent.

"**Responsible stepparent**" means a stepparent who has established an in loco parentis relationship with the dependent child.

"**Retained support**" means a debt owed to the division of child support by anyone other than a noncustodial parent.

"**Satisfaction of judgment**" means payment in full of a court-ordered support obligation, or a determination that such an obligation is no longer enforceable.

"**Secretary**" means the secretary of the department of social and health services or the secretary's designee.

"**State**" means a state or political subdivision, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a federally recognized Indian tribe or a foreign country.

"**Superior court order**" means a judgment, decree or order of a Washington state superior court, or of another state's court of comparable jurisdiction.

"**Support debt**" means support which was due under a support order but has not been paid. This includes:

- (1) Delinquent support;
- (2) A debt for the payment of expenses for the reasonable or necessary care, support and maintenance including health care costs, birth costs, child care costs, and special child rearing expenses of a dependent child or other person;
- (3) A debt under RCW 74.20A.100 or 74.20A.270; or
- (4) Accrued interest, fees, or penalties charged on a support debt, and attorney's fees and other litigation costs awarded in an action under Title IV-D to establish or enforce a support obligation.

"**Support enforcement services**" means all actions the Title IV-D agency is required to perform under Title IV-D of the Social Security Act and state law.

"**Support establishment notice**" means a notice and finding of financial responsibility under WAC 388-14A-3115, a notice and finding of parental responsibility under WAC 388-14A-3120, or a notice and finding of medical responsibility under WAC 388-14A-3125.

"**Support money**" means money paid to satisfy a support obligation, whether it is called child support, spousal support, alimony, maintenance, medical support, or birth costs.

"**Support obligation**" means the obligation to provide for the necessary care, support and maintenance of a dependent child or other person as required by law, including health insurance coverage, health care costs, birth costs, and child care or special child rearing expenses.

"**Temporarily assigned arrearages**" means those arrears which accrue prior to the family receiving assistance, for assistance applications dated on or after October 1, 1997.

"**Title IV-A**" means Title IV-A of the Social Security Act established under Title XX of the Social Security amendments and as incorporated in Title 42 USC.

"**Title IV-A agency**" means the part of the department of social and health services which carries out the state's responsibilities under the temporary assistance for needy families (TANF) program (and the aid for dependent children (AFDC) program when it existed).

"**Title IV-D**" means Title IV-D of the Social Security Act established under Title XX of the Social Security amendments and as incorporated in Title 42 USC.

"**Title IV-D agency**" or "**IV-D agency**" means the division of child support, which is the agency responsible for carrying out the Title IV-D plan in the state of Washington. Also refers to the Washington state support registry (WSSR).

"**Title IV-D case**" is a case in which the division of child support provides services which qualifies for funding under the Title IV-D plan.

"**Title IV-D plan**" means the plan established under the conditions of Title IV-D and approved by the secretary, Department of Health and Human Services.

"**Title IV-E**" means Title IV-E of the Social Security Act established under Title XX of the Social Security amendments and as incorporated in Title 42 U.S.C.

"**Title IV-E case**" means a foster care case.

"**Tribunal**" means a state court, tribal court, administrative agency, or quasi-judicial entity authorized to establish, enforce or modify support orders or to determine parentage.

"**Unreimbursed assistance**" means the cumulative amount of assistance which was paid to the family and which has not been reimbursed by assigned support collections.

"**We**" means the division of child support, part of the department of social and health services of the state of Washington.

"**WSSR**" is the Washington state support registry.

"**You**" means the reader of the rules, a member of the public, or a recipient of support enforcement services.

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

AMENDATORY SECTION (Amending WSR 03-17-013, filed 8/12/03, effective 9/12/03)

WAC 388-14A-3810 Once a child support order is entered how long does the support obligation last? (1) A noncustodial parent's obligation to pay support under an administrative order continues until:

- (a) A superior or tribal court order supersedes the order;
- (b) The order is modified under WAC 388-14A-3925;
- (c) The child reaches eighteen years of age;
- (d) The child is emancipated;
- (e) The child marries;
- (f) The child becomes a member of the United States armed forces;
- (g) The child or the responsible parent die;
- (h) A responsible stepparent's marriage is dissolved;
- (i) The parties to the order marry or remarry, as provided in WAC 388-14A-3100(3); or
- (j) A superior court order terminates the responsible parent's liability as provided under RCW 26.16.205.

(2) As an exception to the above rule, a noncustodial parent's obligation to pay support under an administrative order continues (~~(and/or may be established)~~) for a dependent child (~~(who is:~~

~~(a)) over the age of eighteen if the child is under age nineteen ((years of age; and~~

~~(b) A)), and participating full-time ((student reasonably expected to complete a program of)) in a secondary school ((or the equivalent)) program or the same level of vocational~~

or technical training (~~((before the end of the month in which the student becomes nineteen years of age)), as defined in WAC 388-404-0005 (1)(b). However, if the child has already met the requirements to finish the educational program, the child is no longer considered to be dependent.~~

(3) A noncustodial parent's obligation to pay support under an administrative order may be temporarily suspended when the:

(a) Noncustodial parent (NCP) resides with the child for whom support is sought for purposes other than visitation;

(b) NCP reconciles with the child and the custodial parent; or

(c) Child returns to the residence of the NCP from a foster care placement, for purposes other than visitation.

(4) When the NCP's obligation to pay current support on a case is suspended under subsection (3) of this section, the division of child support (DCS) informs the NCP that the obligation is suspended, in writing, sent by regular mail to the NCP's last known address.

(5) If circumstances causing an NCP's support obligation to be temporarily suspended change, the support obligation resumes. DCS sends the NCP a notice that the obligation to make current support payments has resumed.

WSR 05-11-087
PROPOSED RULES
GAMBLING COMMISSION
[Filed May 17, 2005, 4:54 p.m.]

Supplemental Notice to WSR 05-09-065.

Preproposal statement of inquiry was filed as WSR 05-06-032.

Title of Rule and Other Identifying Information: WAC 230-02-050 Recreational gaming activity—Defined.

Hearing Location(s): The Heathman Lodge, 7801 N.E. Greenwood Drive, Vancouver, WA 98662, on (360) 254-3100, on August 12, 2005, at 9:30 a.m.

Date of Intended Adoption: August 12, 2005.

Submit Written Comments to: Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504, e-mail Susana@wsgc.wa.gov, fax (360) 486-3625, by August 1, 2005.

Assistance for Persons with Disabilities: Contact Shirley Corbett by August 1, 2005, TTY (360) 486-3637 or (360) 486-3447.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: **Changes after the April commission meeting:** After further review of the proposal, staff has regulatory concerns allowing an organization to sponsor an unlimited number of recreational gaming activities. Staff anticipates an increase in the number of calls and/or complaints from persons that see the event taking place and wondering whether it is legal. Furthermore, callers may believe that gambling is taking place at the event. Normal agency procedures are to follow-up on calls and complaints. The permit fee would not cover these costs to the agency. Staff is also concerned about the proliferation of events and the amount of gambling equipment in the state.

Staff supports filing the rule shown below which would maintain the two event per organization limit. Staff does not anticipate regulatory concerns related to poker at recreational gaming activities or allowing organizations to sponsor an event if they have not been in existence for six months.

Statutory Authority for Adoption: RCW 9.46.070.

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

Name of Proponent: Washington State Gambling Commission, governmental.

Name of Agency Personnel Responsible for Drafting: Susan Arland, Rules Coordinator, Lacey, (360) 486-3466; Implementation: Rick Day, Director, Lacey, (360) 486-3446; and Enforcement: Neal Nunamaker, Deputy Director, Lacey, (360) 486-3452.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The amendment will not impose additional costs on licensees.

A cost-benefit analysis is not required under RCW 34.05.328. Amendment does not impose additional costs to licensees.

May 17, 2005

Susan Arland

Rules Coordinator

AMENDATORY SECTION (Amending Order 224, filed 7/17/91, effective 8/17/91)

WAC 230-02-505 Recreational gaming activity—Defined. A recreational gaming activity is a nongambling activity (~~((utilizing))~~ using poker tables and/or gambling devices authorized for use in fund-raising events, conducted no more than two times per year, by or on behalf of an organization (~~((that has been in existence for at least six months))~~). Only members and guests of the sponsoring organization may participate and (~~((such))~~ the activity (~~((shall be))~~ is subject to the requirements of WAC 230-25-330.

WSR 05-11-094
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
[Filed May 18, 2005, 7:40 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 05-07-051.

Title of Rule and Other Identifying Information: Chapter 16-54 WAC, Animal importation, amendment to WAC 16-54-082(1) Domestic bovine animals, tuberculosis.

Hearing Location(s): Washington State Department of Agriculture, Natural Resources Building, 1111 Washington Street S.E., Room 259, Olympia, WA 98504-2577, on June 22, 2005, at 10:00 a.m.

Date of Intended Adoption: June 24, 2005.

Submit Written Comments to: Dr. Leonard E. Eldridge, State Veterinarian, P.O. Box 42577, Olympia, WA 98504-2577, e-mail leldridge@agr.wa.gov, fax (360) 902-2087, by June 21, 2005.

Assistance for Persons with Disabilities: Contact Virginia Walsh by June 15, 2005, TTY (360) 902-1996.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To prevent the introduction and dissemination of bovine tuberculosis among the livestock of Washington.

Reasons Supporting Proposal: Bovine tuberculosis is a contagious bacterial disease affecting cattle, caused by *Mycobacterium bovis*. Bovine tuberculosis may be transmitted to people through contact with infected animals. Bovine tuberculosis has been diagnosed in dairy cattle in the states of Arizona, California, New Mexico, and Michigan.

Statutory Authority for Adoption: Chapter 16.36 RCW. Statute Being Implemented: RCW 16.36.040.

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: Import testing requirements on the current bovine tuberculosis outbreaks occurring in the United States will be addressed to protect native livestock.

Name of Proponent: Washington State Dairy Federation, Washington Cattlemen's Association, Washington State Department of Agriculture, public livestock markets, restricted feedlot operators, large animal veterinary clinics and state veterinarian's offices in other states, private and governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dr. Leonard E. Eldridge, 1111 Washington Street, Olympia, WA 98504-2577, (360) 902-1881.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rule does not result in any significant inequities or disproportionate impacts. The benefit to the livestock industries is maintaining good animal disease control and public health. The proposed rule will not impose more than minor costs on businesses in the livestock industries.

A cost-benefit analysis is not required under RCW 34.05.328. This will be a benefit to all the citizens of the state by protecting public health and safety. The rule is justified and reasonable based on common sense criteria established by the legislature and the obligations imposed are truly in the public's best interest.

May 17, 2005
Kathy Kravit-Smith
Assistant Director

AMENDATORY SECTION (Amending WSR 99-09-023, filed 4/15/99, effective 5/16/99)

WAC 16-54-082 Domestic bovine animals. All domestic bovine animals (including bison) entering Washington shall be moved on a permit issued by the office of the state veterinarian. All domestic bovine animals (including bison) shall meet the following requirements:

(1) Tuberculosis. All beef and dairy cattle must originate from herds not under quarantine in a not less than modified accredited area. The state veterinarian may require a negative tuberculosis test within thirty days of import for cattle

(including bison) from the states classified as modified accredited or accredited free if *Mycobacterium bovis* (*M. bovis*) has been cultured from a herd in that state within the previous twelve months. All Mexican cattle imported from Mexico within three years of date of importation to Washington must show proof of a tuberculosis retest at least one hundred twenty days after import to the United States. Such cattle without proof of retest must be held on the premises of destination under Hold Order/Quarantine in Washington and kept separate from all other cattle for not less than one hundred twenty nor more than one hundred eighty days from the date of entry and retested for tuberculosis during the one hundred twenty to one hundred eighty-day period.

All dairy cows and bulls six months of age or older must test negative for bovine tuberculosis within sixty days prior to entering Washington. These dairy cattle must be identified with a USDA silver identification ear tag or a RFID (Radio Frequency Identification) tag. Dairy heifers and bull calves under six months of age entering Washington must obtain a permit and upon entry will be issued a hold order/quarantine requiring the animals to proceed directly to a premise or designated facility and to be held separate from all other cattle until they test negative for bovine tuberculosis after six months of age. Dairy heifers and bull calves under six months of age must be identified with a USDA silver identification ear tag or a RFID (Radio Frequency Identification) tag. Dairy cattle that originate in an accredited tuberculosis free herd as defined by USDA in 9 CFR Chapter 1, Part 77 (January 1, 2005) and for which both an accredited herd number and date of last tuberculosis test are shown on the official interstate health certificate or certificate of veterinary inspection, dairy steers and spayed heifers being imported to restricted feedlots to be fed for slaughter, dairy cattle consigned to federally inspected slaughter plants for immediate slaughter, and dairy cattle consigned to a state federally approved livestock market to be sold directly to slaughter only are exempt from bovine tuberculosis testing under this section.

(2) Brucellosis health certificate requirements. All domestic bovine animals (including bison), except those consigned to restricted feedlots, to federally inspected slaughter plants for immediate slaughter, or beef breed cattle, slaughter only dairy breed cattle, or dairy breed cattle from Oregon, Montana, and Idaho consigned to a state-federal approved livestock market, shall be accompanied by an official interstate health certificate and shall meet the following requirements:

(a) Brucellosis test.

(i) Cattle from class free and A states.

(A) Sexually intact heifers from brucellosis quarantined herds in class free and A states shall not be imported into the state of Washington except for immediate slaughter at a federally inspected slaughter plant.

(B) Cattle other than those referred to in (a)(i)(A) of this subsection from class free or A states which are test eligible, unless destined for a restricted feedlot or for immediate slaughter at a federally inspected slaughter establishment, must be negative to an official brucellosis test conducted within thirty days prior to date of entry. Cattle not considered test eligible include:

- (I) Calves under six months of age.
- (II) Steers and spayed heifers.
- (III) Officially vaccinated dairy cattle under twenty months of age and officially vaccinated beef cattle under twenty-four months of age.

(IV) Cattle from a certified brucellosis free herd.

(V) Cattle from selected brucellosis free states designated by the Washington state veterinarian.

(ii) Cattle from Class B or C states.

(A) Sexually intact females from other than certified brucellosis free herds in states classified B or C by the USDA shall not be imported into the state of Washington except for immediate slaughter at a federally inspected slaughter establishment.

(B) Sexually intact males from Class B states which are test eligible, unless destined for a restricted feedlot or for immediate slaughter at a federally inspected slaughter establishment, must be negative to an official brucellosis test conducted within thirty days prior to date of entry and held on the premises of destination and kept separate from all other cattle for retest not less than forty-five nor more than one hundred twenty days from the date of the preentry test. Cattle not considered test eligible include:

(I) Calves under six months of age.

(II) Steers and spayed heifers.

(III) Cattle from a certified brucellosis free herd.

(C) Sexually intact males from Class C states which are test eligible must be negative to two official brucellosis tests conducted prior to entry at least sixty days apart, the second test to be conducted within thirty days of entry. Those cattle shall be held on the premises of destination and kept separate from all other cattle for retest not less than forty-five nor more than one hundred twenty days from the date of the second negative preentry test. Cattle not considered test eligible include:

(I) Calves under six months of age.

(II) Steers and spayed heifers.

(III) Cattle from a certified brucellosis free herd.

(iii) Beef cattle eligible for brucellosis testing coming from class free or A states or dairy cattle coming from Idaho, Montana, or Oregon may be moved to state-federal approved livestock markets in Washington to meet entry health requirements.

(iv) Should brucellosis infection occur in the state of Washington as a result of importation of infected animals, all future importations from the state of origin shall be required to meet import regulations of the next lower classification. State regulatory officials of that state shall be notified and the lower classification entry requirement will be in effect for twelve months following notification to the state of origin.

(b) Brucellosis vaccinates—female dairy cattle. All female dairy cattle must be identified as official brucellosis vaccinates before entry into a dairy cow breeding herd. Except the following classes of cattle are exempt from this requirement:

(i) Calves under four months of age.

(ii) Those cattle consigned directly to a restricted feedlot.

(iii) Spayed heifers.

(c) Brucellosis vaccinates—female beef cattle. All female beef breed cattle must be identified as official brucel-

losis vaccinates before entry into a beef cow breeding herd, except the following classes of cattle are exempt from this requirement:

(i) Calves under four months of age.

(ii) Cattle sold or consigned to a restricted feedlot.

(iii) Spayed heifers.

(d) Cattle from a certified brucellosis free country may be imported if the state veterinarian, upon being assured that to allow such cattle to enter would not create any jeopardy to the livestock industry of the state of Washington, issues a special permit for such entry.

(3) Scabies. The office of the state veterinarian may require that any cattle from a known infected area be dipped at an official dipping facility within ten days of entry and, except those consigned to a federally inspected slaughter plant for immediate slaughter within fourteen days, be accompanied by an official interstate health certificate. Ivermectin may be used as an alternative to the dipping procedure for beef and nonlactating dairy animals.

(4) Vesicular stomatitis. The office of the state veterinarian may require that:

(a) Any cattle be accompanied by an official interstate health certificate except those consigned to a federally inspected slaughter plant for immediate slaughter within fourteen days;

(b) Dairy breed cattle be held separate and apart from all other cattle for a period of seven days at the point of destination and rechecked by an accredited veterinarian at the end of that period; except that dairy breed cattle from known infected areas shall not be allowed entry into the state; and

(c) Beef breed cattle from known infected areas be held separate and apart from all other cattle for a period of thirty days either prior to entry or at the point of destination or both.

(5) Temporary grazing permits. Herd owners desiring to move cattle into Washington for temporary grazing purposes must obtain a prior permit from the office of the state veterinarian. The state veterinarian may, if deemed necessary, require a brucellosis herd test and/or an official health certificate for any cattle entering the state for grazing purposes. Applicants must also file an approved herd plan with the office of the state veterinarian to phase out all brucellosis nonvaccinates in the herd prior to January 1, 1988. Grazing permits shall be for one specified season only and shall be valid for movement to only that destination declared on the permit. A copy of the permit shall accompany any vehicle transporting cattle into the state for such temporary grazing purposes.

WSR 05-11-095

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 04-07—Filed May 18, 2005, 8:31 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-23-039.

Title of Rule and Other Identifying Information: This rule making will adopt a new rule, chapter 173-333 WAC, Persistent bioaccumulative toxins regulation, that will estab-

PROPOSED

lish ecology's process and procedures to address the subject of persistent bioaccumulative toxic substances.

Hearing Location(s): Seattle Best Western, 200 Taylor Avenue North, Seattle, WA 98109, on July 13, 2005, at 7:00 p.m.

Date of Intended Adoption: October 1, 2005.

Submit Written Comments to: Mike Gallagher, PBT Coordinator, Department of Ecology, P.O. Box 47600, Olympia, WA 98504, e-mail mgal461@ecy.wa.gov, fax (360) 407-6884, by July 22, 2005.

Assistance for Persons with Disabilities: Contact Joan Letourneau by July 6, 2005, TTY (800) 833-6388 or (360) 407-6764.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The 2004 legislature, and Governor Locke, in Executive Order 04-01, directed the Department of Ecology to establish, through rule, specific criteria for use in identifying persistent, toxic chemicals (PBTs) that pose human health or environmental impacts in Washington state, and a clear process for developing chemical action plans to address those impacts.

Reasons Supporting Proposal: PBTs are long-lasting chemicals that break down very slowly when released into the environment. As PBTs move up the food chain, they increase in concentration and they can build up in the tissues of animals and people. Exposure to PBTs has been linked to a wide range of toxic effects in fish, wildlife, and humans, including effects on the nervous system, reproductive and developmental problems, immune-response suppression, cancer, and endocrine disruption. This rule helps the Department of Ecology set its internal priorities in addressing PBTs.

Statutory Authority for Adoption: Chapter 276, Laws of 2004 (PV) and chapter 70.105 RCW, Hazardous waste management.

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: Ecology created an external rule advisory committee, involving business associations, government associations, environmental and public health advocates, and other community groups to provide input in the development of rule language. This advisory committee met six times between August - December 2004 in all-day meetings to provide input and recommendations to ecology as draft rule language was being developed. Ecology will also develop a focus sheet and maintain our current PBT web site (<http://www.ecy.wa.gov/programs/eap/pbt/rule/index.html>) regarding PBT rule-making activities. Ecology will hold one formal public hearing on the draft PBT rule proposal.

Name of Proponent: Department of Ecology, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Michael J. Gallagher, Ecology Headquarters, P.O. Box 47600, Olympia, WA 98504, (360) 407-6868.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The PBT rule is a procedural rule. This rule does not impose a cost on business. There is no cost to a regulated entity as a result of an agency

"putting something on an internal list." Therefore, a small business economic impact statement does not need to be prepared for this rule proposal.

A cost-benefit analysis is not required under RCW 34.05.328. The PBT rule is an internal procedural rule directed to the Department of Ecology. This rule development *in itself* does not impose a cost on business. The rule will establish a list and a process for treating that list, but it won't actually direct any specific action that has specific impacts. Based on this decision, the need for a cost benefit analysis and a small business economic statement is not necessary or appropriate *within the rule itself*.

May 18, 2005

Polly Zehm

Deputy Director

Chapter 173-333 WAC

PERSISTENT BIOACCUMULATIVE TOXINS

PART I GENERAL PROVISIONS

NEW SECTION

WAC 173-333-100 Introduction. Persistent, bioaccumulative toxins (PBTs) are chemicals that pose a unique threat to human health and the environment in Washington state. They remain in the environment for long periods of time, are hazardous to the health of humans and wildlife, can build up in the food chain, and can be transported long distances and readily move between air, land and water media.

Because of the unique threat that these PBTs pose, special attention is necessary to identify actions that will minimize or eliminate threats to human health and the environment. While ecology addresses PBTs through existing regulatory and nonregulatory programs, there remains a need for multimedia, cross-program measures that will reduce and eliminate releases and uses of PBTs over time.

The goal of this chapter is to reduce and eliminate the uses and releases of PBTs in Washington. Ecology recognizes that many factors will influence whether and when this goal can be attained and that those factors will often vary depending on the PBT and the uses of the PBT. This chapter establishes a process that ecology will use to evaluate and identify actions that should be taken for particular PBTs. This process is designed to enhance actions being taken under other environmental laws and regulations.

NEW SECTION

WAC 173-333-110 What is the purpose of this chapter? The purpose of this chapter is to:

- (1) Establish criteria ecology will use to identify persistent bioaccumulative toxins that pose human health or environmental impacts in Washington state;
- (2) Establish a list of persistent bioaccumulative toxins;
- (3) Establish procedures ecology will use to review and periodically update the list;

(4) Establish criteria for selecting persistent bioaccumulative toxins for which ecology will prepare chemical action plans;

(5) Define the scope and content of chemical action plans and establish the process ecology will use to prepare those plans; and

(6) Define the processes ecology will use to coordinate the implementation of this chapter with the department of health and other state agencies.

NEW SECTION

WAC 173-333-120 Applicability. (1) This chapter applies to the department of ecology (ecology). This chapter does not impose new requirements on persons using or releasing PBTs, and it does not create new authorities nor does it constrain existing authorities for ecology.

(2) This chapter provides for public involvement opportunities to participate in the ecology processes for identifying PBTs and developing recommendations on measures to address uses and releases of PBTs.

NEW SECTION

WAC 173-333-130 Exemptions to the PBT list. Any pesticide with a valid registration that has been issued by the Environmental Protection Agency under the Federal Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. 136 et seq., or any fertilizer regulated under the Washington Fertilizer Act, chapter 15.54 RCW, will not be included on the persistent bioaccumulative toxin list established under this chapter.

NEW SECTION

WAC 173-333-140 Administrative principles. (1) **Scientific information.** Ecology will base decisions on PBTs on sound public policy and credible scientific information. However, ecology believes that lack of full scientific consensus should not be used as a justification for delaying reasonable measures to prevent harm to human health or the environment.

(2) **Public involvement.** Ecology will provide opportunities for public involvement during the decision-making processes for identifying PBTs and preparing a CAP.

(3) **Clear documentation.** Ecology will provide clear and understandable descriptions and rationale for decisions implementing this chapter.

(4) **Predictability.** Ecology will implement this chapter in ways that allow stakeholders, interest groups, and the public to plan their participation in decision-making processes and future responses to recommendations that result from those processes.

(5) **Coordination.** Ecology will coordinate with other state agencies and local governments, tribes, and interested parties in the development and implementation of CAPs and when revising the PBT list.

(6) **Rule amendments.** When amending any portion of this rule, Ecology will follow the requirements of the Administrative Procedure Act (APA), chapter 34.05 RCW.

PART II DEFINITIONS

NEW SECTION

WAC 173-333-200 Definitions. "Administrative Procedure Act" or "APA" means the Washington Administrative Procedure Act, chapter 34.05 RCW.

"Bioaccumulation" means the process by which substances increase in concentration in living organisms as they take in contaminated air, water, soil, sediment or food because the substances are very slowly metabolized or excreted.

"Bioaccumulation factor" or "BAF" means the ratio of the concentration of a chemical in an organism to the concentration of the chemical in the surrounding environment. The BAF is a measure of the extent to which the organism accumulates the chemical as a result of uptake through ingestion as well as contact from contaminated media, such as water.

"Bioconcentration factor" or "BCF" means the ratio of the concentration of a chemical in an organism to the concentration of the chemical in the surrounding environment. The BCF is a measure of the extent of chemical partitioning between an organism and the surrounding environment.

"Chemicals" means a naturally occurring element, mixture, or group of organic and inorganic compounds that is produced by or used in a chemical process.

"Chemical group" means a grouping of chemicals which share a common chemical structure.

"Chemical action plan" or "CAP" means a plan that identifies, characterizes and addresses uses and releases of a specific PBT or a group of PBTs and facilitates implementation of measures to manage, reduce or eliminate such uses and releases.

"Credible scientific information" means information that is based on a theory or technique that is generally acceptable in the relevant scientific community or has been collected or derived using standard methods and protocols and appropriate quality assurance and control procedures.

"Cross-media transfer of chemicals" means the movement of a chemical from one medium, such as air, water, soil, or sediment, to another.

"Degradation" means the processes by which organic chemicals are transformed into derivative chemicals and ultimately broken down.

"Ecology" means the department of ecology.

"Environment" means any plant, animal, natural resource, surface water (including underlying sediments), ground water, drinking water supply, land surface (including tidelands and shorelands) or subsurface strata, or ambient air.

"Environmental half-life" means the time required for the concentration of a chemical to diminish to half its original value. The environmental half-life of a chemical is a measure of a chemical's persistence in the environment.

"Feasible" means capable of being accomplished or brought about or capable of being utilized or dealt with successfully.

PROPOSED

"**High-exposure populations**" means groups of people that are at greater risk because they have a higher potential for exposure than the general population.

"**Log-octanol water partition coefficient**" or "**Log K_{ow}** " means the ratio of a chemical's concentration in the octanol phase to its concentration in the aqueous phase of a two-phase octanol/water system as expressed in a logarithmic format.

"**Media**" or "**medium**" means a component of the environment (air, water, soil or sediment) in which a contaminant is measured and an organism lives its life, and from which an organism can accumulate contaminants.

"**Persistent bioaccumulative toxin**" or "**PBT**" means a chemical or chemical group that meets or exceeds the criteria for persistence, bioaccumulation and toxicity criteria established in this chapter.

"**Persistence**" means the tendency of a chemical to remain in the environment without transformation or breakdown into another chemical form. It refers to the length of time a chemical is expected to reside in the environment and be available for exposure.

"**Sensitive population group**" means groups of people that exhibit a different or enhanced response to a PBT than most people exposed to a similar level of the PBT because of genetic makeup, age, nutritional status or exposure to other toxic substances.

"**Toxicity**" means the degree to which a substance or mixture of substances can harm humans, plants or wildlife.

PART III

THE PBT LIST AND CRITERIA AND PROCEDURES FOR REVISING THE LIST

NEW SECTION

WAC 173-333-300 What is the purpose of the PBT list? (1) **Purpose.** The purpose of the PBT list is to identify toxic chemicals that require further action because they remain ("persist") in the environment for long periods of time where they can bioaccumulate to levels that pose threats to human health and environment in Washington.

(2) **Intended uses of the PBT list.** Ecology will use the PBT list in the following ways:

(a) **Chemical action plans.** To select chemicals for chemical action plan development.

(b) **Ambient monitoring.** To help guide decisions on the design and implementation of ecology programs for characterizing chemical concentrations in the ambient environment.

(c) **Biomonitoring.** To encourage and inform the department of health regarding their efforts to monitor chemicals in human tissue.

(d) **Public awareness.** To promote greater public awareness on the problems associated with PBT chemicals, the uses and sources of individual PBTs and steps that individuals and organizations can take to reduce PBT uses, releases and exposure.

(e) **Voluntary measures.** To help identify opportunities for government agencies, businesses and individuals to

implement voluntary measures for reducing and phasing out PBT uses and releases.

(3) **Relationship to actions addressing chemical uses and releases.** Ecology has determined that the chemicals on the PBT list pose a potential threat to human health and the environment in Washington.

(a) Ecology's decision to include a particular chemical on the PBT list does not represent a decision that all uses and releases of that chemical should be reduced and eliminated.

(b) Ecology does not intend to use the PBT list as the sole basis for establishing discharge monitoring requirements that are not required under current permits. Ecology will evaluate and, if appropriate, prepare recommendations for additional monitoring requirements when preparing chemical action plans (WAC 173-333-420 and 173-333-430).

NEW SECTION

WAC 173-333-310 What chemicals or chemical groups are included on the PBT list? (1) **Purpose.** This section identifies the chemicals and chemical groups that ecology has determined meet the criteria specified in WAC 173-333-320.

(2) **PBT list.** Ecology has determined that the following chemicals or chemical groups meet the criteria specified in WAC 173-333-320.

Chemical or Chemical Group	CAS Number
Aldrin/Dieldrin	309-00-2/60-57-1
Cadmium (pending review of bio-availability)	7440-43-9
Chlordane	57-74-9
Chlordecone (Kepone)	3734-48-3
DDT, p,p'-	50-29-3
Endrin	72-20-8
Heptachlor/Heptachlor epoxide	76-44-8/1024-57-3
Hexabromobiphenyl	36355-01-8
Hexabromocyclododecane	25637-99-4
Hexachlorobenzene	118-74-1
Hexachlorobutadiene	87-68-3
Lead (pending review of bioavailability)	7439-92-1
Mercury	7439-97-6
Mirex	2385-85-5
Perfluorooctane sulfonates (PFOS)	(a)
Pentachlorobenzene	608-93-5
Polycyclic aromatic hydrocarbons (PAHs)	(b)
Polybrominated dibenzo-p-dioxins and dibenzofurans (PBDD/PBDF)	(c)
Polybrominated diphenyl ethers (PBDEs)	(d)
Polychlorinated biphenyls (PCBs)	1336-36-3

Chemical or Chemical Group	CAS Number
Polychlorinated dibenzo-p-dioxins and dibenzofurans (PCDD/PCDF)	(e)
Polychlorinated naphthalenes (PCN)	70776-03-3 (f)
Short-chain chlorinated paraffins (SSCP)	85535-84-8 (g)
Tetrabromobisphenol A	79-94-7
Tetrachlorobenzene, 1,2,4,5-	95-94-3
Toxaphene	8001-35-2

Explanatory Notes Regarding Specific Chemicals on the PBT List (WAC 173-333-310)

- (a) **Perfluorooctane sulfonates (PFOS):** PFOS (Molecular formula $C_8F_{17}SO_3$) is a member of a group of organic compounds that consists of an eight-carbon chain where the hydrogen atoms have been substituted with fluorine atoms and a reactive sulfonate group at one end of the chain. PFOS derivatives and salts include: Acid (CAS 1763-32-1); ammonium salt (CAS 29081-56-9); diethanolamine salt (CAS 70225-14-8); lithium salt (CAS 29457-72-5); and potassium salt (CAS 2795-39-3).
- (b) **Polycyclic aromatic hydrocarbons (PAHs):** PAHs are a group of compounds composed of two or more fused aromatic rings. Ecology has determined that the following PAH compounds meet the proposed PBT criteria in WAC 173-333-320(2): Dibenzo(a,h)anthracene (CAS 53-70-3); 3-methylcholanthrene (CAS 56-49-5); benzo(r,s,t)perylene (CAS 189-55-9); dibenzo(a,h)pyrene (CAS 189-64-4); benzo(g,h,i)perylene (CAS 191-24-2); dibenzo(a,e)pyrene (CAS 192-65-4); indeno(1,2,3-cd)pyrene (CAS 193-39-5); 7H-dibenzo(c,g)carbazole (CAS 194-59-2); perylene (CAS 198-55-0); benzo(j)fluoranthene (CAS 205-82-3); benzo(b)fluoranthene (CAS 205-99-2); fluoranthene (CAS 206-44-0); benzo(k)fluoranthene (CAS 207-08-9); benzo(a)phenanthrene (CAS 218-01-9); dibenzo(a,j)acridine (CAS 224-42-0); and dibenzo(a,h)acridine (CAS 226-36-8).
- (c) **Polybrominated dibenzo-p-dioxins and dibenzofurans (PBDDs/PBDFs):** PBDDs/PBDFs consist of two groups of tricyclic aromatic compounds with similar chemical and physical properties. Ecology has determined that the following PBDD/PBDF congeners meet the proposed PBT criteria in WAC 173-333-320(2): 2,3,7,8-tetrabromodibenzo-p-dioxin (CAS 50585-41-6); and 2,3,7,8-tetrabromodibenzofuran (CAS 67733-57-7).
- (d) **Polybrominated diphenyl ethers (PBDEs):** PBDEs are a class of chemicals with the general chemical formula of $C_{12}H_{(9-0)}Br_{(1-10)}O$ with the sum of H and Br atoms always equal to 10. There are theoretically 209 congeners which can be divided into 10 congener groups (mono- through decabromodiphenyl ethers). Ecology has determined that the following congener groups meet the proposed PBT criteria in WAC 173-333-320(2) and/or degrade to congeners that meet the draft PBT criteria in WAC 173-333-320(2): Pentabromodiphenyl ether (CAS 32534-81-9); octabromodiphenyl ether (CAS 32536-52-0); decabromodiphenyl ether (CAS 13654-09-6).
- (e) **Polychlorinated dibenzo-p-dioxins and dibenzofurans (PCDDs/PCDFs):** PCDDs/PCDFs consist of two groups of tricyclic aromatic compounds with similar chemical and physical properties. Ecology has determined that the following PCDD/PCDF congeners meet the proposed PBT criteria in WAC 173-333-320(2): 2,3,7,8-tetrachlorodibenzo-p-dioxin (CAS 1746-01-6); 1,2,3,7,8-pentachlorodibenzo-p-dioxin (CAS 40321-76-4); 1,2,3,4,7,8-hexachlorodibenzo-p-dioxin (CAS 39227-28-6); 1,2,3,6,7,8-hexachlorodibenzo-p-dioxin (CAS 576-53-8); 1,2,3,7,8,9-hexachlorodibenzo-p-dioxin (CAS 19408-74-3); 1,2,3,4,6,7,8-heptachlorodibenzo-p-dioxin (CAS 35822-46-9); 1,2,3,4,6,7,8,9-octachlorodibenzo-p-dioxin (CAS 3268-87-9); 2,3,7,8-tetrachlorodibenzofuran (CAS 51207-31-9); 1,2,3,7,8-pentachlorodibenzofuran (CAS 57117-41-6); 2,3,4,7,8-pentachlorodibenzofuran (CAS 57117-41-4); 1,2,3,4,7,8-hexachlorodibenzofuran (CAS 70648-26-9); 1,2,3,6,7,8-hexachlorodibenzofuran (CAS 57117-44-9); 1,2,3,7,8,9-hexachlorodibenzofuran (CAS 72918-21-9); 2,3,4,7,8,9-hexachlorodibenzofuran (CAS 60851-34-5); 1,2,3,4,6,7,8-

heptachlorodibenzofuran (CAS 67562-39-4); 1,2,3,4,7,8,9-heptachlorodibenzofuran (CAS 55673-89-7); 1,2,3,4,6,7,8,9-octachlorodibenzofuran (CAS 39001-02-0).

- (f) **Polychlorinated naphthalenes (PCN):** PCNs are a group of chlorinated naphthalenes that contain 1 to 8 chlorine atoms and are structurally similar to PCBs. Ecology has determined that the following compounds meet the proposed PBT criteria in WAC 173-333-320(2): Heptachloronaphthalene (CAS 32241-08-0); hexachloronaphthalene (CAS 1335-87-1); pentachloronaphthalene (CAS 1321-64-8); tetrachloronaphthalene (CAS 1335-88-2); and trichloronaphthalene (CAS 1321-65-9).

- (g) **Short-chain chlorinated paraffins (SSCP):** SSCPs are chlorinated derivatives of n-alkanes that have carbon chains ranging from 10 to 13 carbon atoms and a chlorine content ranging from 50-70% by weight.

(3) **Categories.** Ecology will assign each chemical on the PBT list to one of the following three categories:

(a) **Category 1.** Ecology will place chemicals in this category if the department determines that the chemical is used, released or present in Washington.

(b) **Category 2.** Ecology will place chemicals in this category if the department determines that there is insufficient information to reach a conclusion on whether the chemical is used, released or present in Washington.

(c) **Category 3.** Ecology will place chemicals in this category if the department determines that:

(i) All uses and releases of the chemical are prohibited under other state or federal laws or regulations; or

(ii) There are no feasible measures for reducing or phasing out uses and releases of the chemical beyond levels required under other federal and state laws and regulations; or

(iii) Is not present in Washington's environment.

(4) **Revising the PBT list.** Ecology will periodically review and, as appropriate, revise the PBT list in subsection (2) of this section using the criteria and procedures in WAC 173-333-320 through 173-333-340.

NEW SECTION

WAC 173-333-320 What criteria will ecology use to identify and add chemicals or chemical groups to the PBT list? (1) Purpose. This section describes the criteria that ecology will use to determine whether a chemical or group of chemicals should be included on the PBT list.

(2) **Criteria for identifying PBTs.** A chemical or group of chemicals will be included on the PBT list if ecology determines it meets each of the following criteria:

(a) **Persistence.** The chemical or chemical group can persist in the environment based on evidence that:

(i) The half-life of the chemical in water is greater than or equal to sixty days; or

(ii) The half-life of the chemical in soil is greater than or equal to sixty days; or

(iii) The half-life of the chemical in sediments is greater than or equal to sixty days; and

(b) **Bioaccumulation.** The chemical or chemical group has a high potential to bioaccumulate based on evidence that the bioconcentration factor or bioaccumulation factor in aquatic species for the chemical is greater than 1,000 or, in the absence of such data, that the log-octanol water partition coefficient ($\log K_{ow}$) is greater than five; and

(c) **Toxicity.** The chemical or chemical group has the potential to be toxic to humans or plants and wildlife based on evidence that:

(i) The chemical or a chemical group is known to cause or can reasonably be anticipated to cause cancer or teratogenic effects, reproductive effects, neurological disorders or other acute or chronic health effects; or

(ii) The chemical or chemical group is known to cause or can reasonably be anticipated to cause adverse effects in aquatic and terrestrial plants and animals.

(d) **Additional criteria applicable to metals.** The chemical or chemical group is a metal and ecology determines that it is likely to be present in forms that are bioavailable.

(3) **Degradation products.** Ecology will consider both the chemical and its degradation products when making decisions on whether a chemical meets the criteria in subsection (2) of this section. If a chemical does not meet the criteria in this section for a PBT but degrades into chemicals that do meet the criteria in this section for a PBT, the parent chemical will be considered in the development of a CAP for those derivative chemicals.

NEW SECTION

WAC 173-333-330 What criteria will ecology use to remove a PBT from the PBT list? (1) Purpose. This section describes the criteria and factors ecology will use to determine whether a chemical or group of chemicals should be removed from the PBT list.

(2) **Criteria for removing a chemical from the PBT list.** Ecology will remove a chemical or chemical group from the PBT list if the department determines that credible scientific information developed subsequent to the listing decision provides evidence that the chemical or chemical group does not meet the PBT criteria in WAC 173-333-320(2).

NEW SECTION

WAC 173-333-340 What process would ecology follow to revise the PBT list? (1) Purpose. This section describes the processes ecology will use to notify the public and amend the PBT list after making a determination that chemicals or groups of chemicals should be added or removed from the PBT list.

(2) **Reviewing and updating the PBT list.** Ecology will periodically review and update WAC 173-333-310. The frequency of review will be determined by credible scientific information available on individual chemicals or chemical groups, rule-making petitions submitted to ecology, and available agency resources. Ecology will comply with the requirements for reviewing and responding to rule-making petitions in the Administrative Procedure Act, chapter 34.05 RCW.

(3) **Public notification.** If ecology makes a preliminary determination that a chemical should be added or removed from the PBT list, it will notify the public through an announcement posted on the ecology web site and published in the *Washington State Register*.

(4) **Amending the PBT list.** If ecology makes a final determination that a chemical or chemical group should be added or removed from the PBT list, the department will initiate actions to amend WAC 173-333-310 through formal rulemaking.

PART IV CHEMICAL ACTION PLANS (CAPs)

NEW SECTION

WAC 173-333-400 What is a chemical action plan (CAP)? (1) A chemical action plan (CAP) is a plan that identifies, characterizes and evaluates uses and releases of a specific PBT or a group of PBTs and includes recommendations on actions to protect human health or the environment.

(2) CAPs will include recommendations for:

(a) Reducing and eliminating uses and releases of the specific PBT or group of PBTs addressed in the CAP;

(b) Managing products or waste that contain the specific PBT or group of PBTs addressed in the CAP;

(c) Minimizing exposure to the specific PBT or group of PBTs;

(d) Collecting additional information needed to evaluate the feasibility of potential actions; and

(e) Measuring or monitoring the effectiveness of actions being implemented in Washington.

NEW SECTION

WAC 173-333-410 What evaluation factors and processes will ecology use to select PBTs for chemical action plan preparation? (1) Purpose. The purpose of this section is to describe the evaluation factors and processes ecology will use to decide when to develop a chemical action plan for a particular chemical or group of chemicals included on the PBT list.

(2) **Candidates for CAP development.** Ecology will consider developing chemical action plans for chemicals on the PBT list that meet the following criteria:

(a) Ecology determines that the chemical or chemical group has a half-life in water that is greater than or equal to sixty days, soil or sediment that is greater than or equal to one hundred eighty days;

(b) Ecology determines that the chemical or chemical group has a bioconcentration factor or bioaccumulation factor in aquatic species that is greater than 2,000; and

(c) Ecology determines that the chemical or chemical group is "toxic" as defined in WAC 173-333-302 (2)(c).

(3) **Decision-making process.** Ecology will consult with the department of health to select the chemicals for chemical action plan preparation. The process for deciding when to prepare a chemical action plan for a particular chemical or group of chemicals includes the following:

(a) **Selection factors.** Ecology will consider the following factors when deciding whether to prepare a chemical action plan for a particular chemical or group of chemicals identified in WAC 173-333-310(2):

(i) **Relative ranking.** The relative ranking assigned to each PBT based on ecology's evaluation of information on PBT characteristics, uses of the chemical in Washington, releases of the chemical in Washington, and the levels of the chemical present in the Washington environment.

(ii) **Opportunities for reductions.** Whether there are opportunities for reducing or phasing out uses, production or releases of the PBT in Washington. In reviewing available

information, the agencies shall consider whether more than one PBT is present in particular products, generated in particular processes or released from particular sources (co-occurring chemicals).

(iii) **Multiple chemical releases and exposures.** Scientific evidence on the combined effects of exposure to one or more PBTs and other substances commonly present in the Washington environment.

(iv) **Sensitive population groups and high-exposure populations.** Scientific evidence on the susceptibility of various population groups including the timing of the exposure and the cumulative effects of multiple exposures.

(v) **Existing plans or regulatory requirements.** Whether there are existing plans or regulatory requirements that reduce and phase out uses and releases of a particular PBT or group of PBTs.

(b) **Preliminary selection.** Ecology will prepare a written summary of the preliminary decision to prepare a chemical action plan for one or more PBTs and the rationale for selecting that particular PBT or group of PBTs.

(c) **Public notice and comment.** Ecology will notify the public when it makes a preliminary selection and provide an opportunity for public review and comment. Ecology will notify the public through an announcement published in the *Washington State Register* and posted on the ecology web site. Ecology will also send a written announcement to interested persons and organizations. Ecology will provide sixty days, from the date the notice is published in the *Washington State Register* for the public to review and submit comments on the preliminary selection.

(d) **Final decision.** Ecology will review all public comments on the preliminary selection prior to making a final decision to prepare a chemical action plan for a particular PBT or groups of PBTs. Ecology will notify the public of the final decision through an announcement published in the *Washington State Register* and posted on the ecology web site. Ecology will also provide written notification to individuals or organizations who submitted comments on the preliminary selection.

NEW SECTION

WAC 173-333-420 What are the contents of a CAP?

(1) **Contents of the chemical action plans.** Chemical action plans will include, as appropriate, the following types of information, evaluations and recommendations:

(a) **General chemical information.** General information includes, but is not limited to, chemical name, properties, uses and manufacturers.

(b) **Production, uses and releases.** An analysis of information on the production, unintentional production, uses and disposal of the chemical. This will include estimates on the amount of each PBT used and released from all sources or activities in Washington and other sources that may contribute to exposures in Washington. Sources may include other chemicals or products that are known or suspected to degrade to the chemical included on the PBT list.

(c) **Human health and environmental impacts.** An evaluation of the potential impacts on human health and the environment associated with the use and release of the PBT

chemical. This will include consideration of available information on the levels of the PBT present in Washington's environment, the likely fate and transport mechanisms, available body-burden data, toxicity effects, and the rates of diseases that have been associated with exposure to the particular PBT.

(d) **Current management approaches.** An evaluation of the regulatory and nonregulatory approaches that influence production, uses, releases and management of each PBT.

(e) **Identification of policy options.** A list of options for managing, reducing and eliminating the different uses and releases of the PBTs addressed in the CAP. The range of options for particular uses and releases will include:

(i) A no-action option;

(ii) An option that results in the elimination of PBT uses and releases;

(iii) An option to manage chemicals to reduce exposure; and

(iv) Other options, including the use of available substitutes, which will enable full consideration of the opportunities and constraints for reducing particular uses, releases and exposures.

(f) **Recommendations.** The recommendations will include:

(i) Recommendations on actions to manage, reduce or phase-out uses and releases of the PBT addressed in the CAP. The recommendations will be based on an evaluation of the following factors:

(A) Feasibility of implementing the action;

(B) Environmental and human health benefits associated with implementing the action;

(C) Economic and social impacts associated with implementing the action; and

(D) Consistency with existing federal and state regulatory requirements.

(ii) A description of the steps ecology will take to implement the CAP, including a description of:

(A) The existing resources and necessary additional budget ecology intends to use;

(B) Potential funding sources for CAP implementation, including those that tie implementation costs to PBT sources and products;

(C) How ecology intends to inform and educate affected persons about the CAP; and

(D) How ecology will promote and assist voluntary actions.

(iii) **Performance measures.** A description of interim milestones to assess progress and the use of objectively measurable outcomes, including recommendations for environmental and human health monitoring to measure levels of the chemical(s) (in the CAP) over time.

(g) **Other.** Other information that ecology determines is necessary to support the decision-making process.

(2) **Regulatory consistency.** When evaluating the consistency with existing federal and state regulatory requirements under subsection (1)(f)(i)(D) of this section, ecology will:

(a) Ensure that the recommendations do not violate existing federal or state laws;

(b) Determine if the recommendations would impose more stringent performance requirements on private entities than on public entities, unless already required to do so by federal or state law, and if so, describe the justification for doing so; and

(c) Determine if the recommendations differ from federal regulations and statutes, and if so, explain why the difference is necessary and how ecology will coordinate with other federal, state, and local laws applicable to the same activity or subject matter.

(3) **Economic analyses.** In assessing economic impacts under subsection (1)(f)(i)(C) of this section, ecology will identify costs of implementing the recommendations. This may include a qualitative and/or quantitative analysis of the probable benefits and costs of the CAP.

NEW SECTION

WAC 173-333-430 What process will ecology use to develop CAPs? (1) **Purpose.** The purpose of this section is to identify the process ecology will use to develop CAPs.

(2) **Workplan/scoping.** Once a chemical is selected for CAP development, ecology will initially plan and scope the CAP of the selected chemical based upon available information regarding the chemical's products, uses and releases; human health exposure and ecological hazards; environmental releases, fate, and transport; environmental concentrations and available substitutes; available options for managing uses and releases; estimated costs, benefits and effectiveness of alternate management options; and any other information ecology determines is necessary to support the CAP development process. Ecology will consult with the department of health regarding all portions of the CAP related to human health exposures.

(3) **Advisory committee.** Ecology will create an external advisory committee for each CAP that ecology develops. The purpose of the advisory committee is to provide stakeholder input and expertise.

(a) The advisory committee membership will include, but not be limited to, representatives from: Large and small business sectors, community, environmental and public health advocacy groups, local governments, and public health agencies. When appropriate, representatives from the following groups will also be invited to participate: Agricultural groups, worker safety advocacy groups, and other interested parties. Federally recognized tribal governments will also be encouraged to participate. In addition, representation from other state executive agencies may be requested to provide input and to represent agency interests in the CAP development process. Outside experts (if needed) may be requested to provide technical expertise.

(b) A neutral third-party facilitator may be hired to facilitate advisory committee meetings.

(c) The advisory committee will follow a consultative process, where ecology will draft the CAP in consideration of input from advisory committee members.

(d) All advisory committee meetings will be open to the public. Ecology will notify the public of advisory committee meetings through an announcement posted on the ecology

web site and written notification to interested individuals and organizations.

(4) **Information collection phase.** Ecology will collect all necessary and up-to-date information regarding the selected chemical. CAP advisory committee members will be asked to contribute, and as appropriate, review information from ecology during this phase of CAP development. The department of health will be asked to review any information related to human health.

(5) **Draft recommendations.** Ecology will develop a draft CAP for advisory committee review and comment. Ecology will review all advisory committee comments and, as appropriate, revise the draft CAP prior to distributing it for public review and comment.

(6) **Public review and comment.** Ecology will notify the public when it has developed a draft CAP and provide an opportunity for public review and comment. The public comment period for each draft CAP will be a minimum of sixty days. Ecology will notify the public through an announcement posted concurrently on the ecology web site, a notice in the *Washington State Register*, and sent to interested persons and organizations. The comment period shall start from the date the notice is published in the *Washington State Register*. During the comment period, ecology will hold a minimum of two public meetings on the draft CAP. One meeting shall be held on the western side of the state, and one meeting shall be held on the eastern side of the state. Ecology may hold additional public meetings during the public comment period if determined necessary. Ecology will provide a response to all public comments.

(7) **Final recommendations.** Ecology will review all public comments on the draft CAP prior to issuing the final recommendations. Ecology will notify the public of the final recommendations through an announcement that will be published in the *Washington State Register* and posted on the ecology web site. Ecology will also provide written notification to individuals or organizations who submitted comments on the draft CAP.

(8) **Coordination with other agencies.** Ecology will coordinate with other government agencies and interested parties as appropriate on the implementation of the final CAP. Ecology will consult with the department of health on public information materials addressing food safety issues.

WSR 05-11-098

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed May 18, 2005, 9:08 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 05-02-004.

Title of Rule and Other Identifying Information: Chapter 16-730 WAC, Asparagus equipment leasing program.

Hearing Location(s): Department of Agriculture, Natural Resources Building, 1111 Washington Street S.E., 2nd Floor, Room 271, Olympia, WA 98504-2560, on June 21, 2005, at 2:00 p.m.

Date of Intended Adoption: June 28, 2005.

PROPOSED

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) 902-2092, by 5:00 p.m., June 21, 2005.

Assistance for Persons with Disabilities: Contact Virginia Walsh by June 13, 2005, TTY (360) 902-1976.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposed chapter 16-730 WAC, Asparagus equipment leasing program, is to implement chapter 276, Laws of 2004 (ESHB 2459) by providing for the purchase of automated labor saving equipment that will strengthen the fresh, frozen or pickled after harvest asparagus industry.

Reasons Supporting Proposal: The proposed permanent rules should be supported because:

(1) They implement section 308(10), chapter 276, Laws of 2004 (ESHB 2459), which directed the department to:

(a) Purchase agricultural products packing equipment; and

(b) Negotiate an appropriate agreement with the agricultural industry for the use of that equipment.

(2) They also implement RCW 15.04.402, which authorizes the department to enhance, protect, and perpetuate the ability of the private sector to produce food and fiber and maintain the economic well being of the Washington state agricultural industry.

Statutory Authority for Adoption: RCW 15.04.402, chapter 276, Laws of 2004 (ESHB 2459) and chapter 34.05 RCW.

Statute Being Implemented: Chapter 15.04 RCW and chapter 276, Laws of 2004 (ESHB 2459).

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: Greg Wright, Olympia, (360) 902-1918.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Apart from the time required to complete the program application, which the department does not consider a "more than minor" cost, the proposed rules will not impose any costs on program participants. In fact, the purpose of the program is to help ensure the survival of the Washington state asparagus industry.

A cost-benefit analysis is not required under RCW 34.05.328. The Washington State Department of Agriculture is not a listed agency in RCW 34.05.328 (5)(a)(i).

May 18, 2005

William E. Brookreson
Deputy Director

Chapter 16-730 WAC

ASPARAGUS EQUIPMENT LEASE PROGRAM

NEW SECTION

WAC 16-730-005 What is the purpose of the asparagus equipment lease program? (1) The Washington state department of agriculture is establishing the asparagus equipment lease program to implement section 308(10), chapter 276, Laws of 2004 (ESHB 2459), which directs the Washington state department of agriculture (WSDA) to purchase agricultural products packing equipment and to negotiate an appropriate agreement with the agricultural industry for the use of that equipment.

(2) The asparagus equipment lease program allows Washington state packers and handlers of Washington asparagus to lease with an opportunity to purchase automated labor saving equipment that will strengthen their post-harvest efforts to efficiently handle or pack fresh, frozen or pickled asparagus.

NEW SECTION

WAC 16-730-007 How does the department ensure that program participants comply with the program's purpose? To ensure that program participants are in compliance with the terms of the program and to ensure that the leased equipment is being used only to pack and process fresh, frozen or pickled asparagus, the participating handlers must, during each year of their participation, give the department or its agent a letter:

(1) Certifying that the leased equipment is being used for the program's intended purpose; and

(2) Summarizing the cost and labor savings for that year.

NEW SECTION

WAC 16-730-010 What definitions are important to this chapter? "Applicant" means any person who applies to participate in the equipment leasing program and commercially handles 250,000 pounds or more of asparagus in the calendar year that they apply.

"Approved handler/packer" means any asparagus handler and/or packer who has submitted an equipment leasing program application to the department and has been approved by the department to participate in the program.

"Automation" means the technique and equipment used to bring about automatic operation and control of a process.

"Department" means the Washington state department of agriculture.

"Director" means the director of the Washington state department of agriculture or the director's designee.

"Handler/packer" means a person who sells, arranges for sale, represents, processes, distributes or packages fresh, frozen or pickled asparagus.

"Facility" means any place where fresh asparagus is prepared, handled and packaged as fresh, frozen, or pickled for sale.

PROPOSED

"Labor saving" means actions, activities or processes designed to decrease the amount of human labor needed to prepare, handle or package fresh, frozen or pickled asparagus.

"Leasing" means to obtain the use of asparagus handling or packing equipment through the asparagus equipment leasing program.

"Packing equipment" means equipment associated with the activities of the post-harvest handler/packer of fresh, frozen or pickled asparagus.

"Person" means an individual, firm, partnership, corporation, or association engaged in handling and/or packing fresh, frozen or pickled Washington state asparagus.

"Program administrator" means the director of the Washington state department of agriculture or the director's designee.

"Review committee" means a group of five to seven people representing the department and the Washington asparagus commission staff and members and one at large agricultural representative who is neither directly affiliated with the asparagus industry nor any of the equipment leasing program applicants. The purpose of the committee is to review equipment leasing program applications.

NEW SECTION

WAC 16-730-015 How will the asparagus equipment leasing program be administered? The director or the director's designee will administer the asparagus equipment leasing program according to the rules of this chapter. If necessary, the program administrator, following the rule-making procedures in chapter 34.05 RCW (Administrative Procedure Act), may develop and implement additional rules or guidelines to ensure that this program is successful in achieving its purpose.

NEW SECTION

WAC 16-730-020 Who is eligible to participate in the asparagus equipment leasing program? To be eligible to participate in the asparagus equipment leasing program, a post-harvest asparagus handler must:

(1)(a) Pack a minimum of 250,000 pounds of fresh, frozen or pickled asparagus in Washington in the calendar year in which they apply; and

(b) Provide documentation verifying the 250,000 pounds. Verification can include asparagus commission assessments or other industry accepted documentation.

(2) Comply with all applicable federal, state, and local laws and rules related to doing business in Washington and handling food products.

NEW SECTION

WAC 16-730-025 How does an eligible asparagus handler/packer apply to the equipment leasing program?

(1) Eligible handler/packers can obtain an equipment leasing program application by contacting:

Asparagus Leasing Program
Washington State Department of Agriculture

1111 Washington St. S.E., 2nd Floor
P.O. Box 42560
Olympia, WA 98504-2560

(2) Eligible applicants must complete the program application and provide the department with the following information:

(a) Verification consistent with normal and usual leasing agreements that their business is a going concern;

(b) Verification that they have the ability to adequately insure any equipment they may lease;

(c) A statement declaring their eligibility and intent to participate in the program;

(d) Documentation of their ability to provide the necessary upkeep and maintenance of any equipment they may lease;

(e) A description of the equipment to be leased and its cost;

(f) A description of how the leased equipment will automate their post-harvest operation and how it will reduce post-harvest labor costs; and

(g) The pounds of asparagus processed for the period of years identified on the application and documentation verifying the pounds processed.

(3) The completed application and the related information (subsection (2) of this section) must be submitted to:

Asparagus Leasing Program
Washington State Department of Agriculture
1111 Washington St. S.E., 2nd Floor
P.O. Box 42560
Olympia, WA 98504-2560

NEW SECTION

WAC 16-730-030 When will an applicant know if they have been approved to participate in the equipment leasing program? (1) The department, in consultation with the Washington asparagus commission, the Washington asparagus council and the industry at large, will establish application deadlines, application review dates and dates for notifying applicants if they have been accepted to participate in the equipment lease program.

(2) The process for reviewing and approving application is as follows:

(a) The review committee will review all applications and recommend approved applicants to the director.

(b) The director will review the review committee's recommendations.

(c) Once the director approves the recommended applicants, applicants will be notified of the results within five working days of the director's decision.

(3) The department may implement additional application cycles as needed in order to insure that handler/packers may fully participate in the program.

NEW SECTION

WAC 16-730-035 If an application is denied, can the applicant request a review of the director's decision? (1) An applicant whose application has been denied by the direc-

tor may request a review of the director's decision. The request for review must:

- (a) Specify the date of the decision or action being appealed;
- (b) Explain as precisely as possible the issue to be resolved by the administrative review;
- (c) Include the address of the applicant; and
- (d) Be signed by the applicant.

(2) Administrative reviews of denied applications will follow an informal process conducted by the director's designee.

(a) The review will be completed within thirty days after receipt of the review request.

(b) Once the review is completed, the department has ten days to inform the handler of the review decision.

(3) The rights of the department provided in this section are exclusive and are in addition to any other rights and remedies provided by law.

NEW SECTION

WAC 16-730-040 If an applicant's initial application is disapproved, can the applicant reapply to the equipment leasing program? (1) Program applicants whose initial application was denied have ten days from the date they received the director's decision denying their application to reapply.

(2) Applicants must reapply by following the procedures outlined in WAC 16-730-025.

(3) When reapplying, the applicant must request different equipment and/or a different mix of equipment from that listed on their original application.

NEW SECTION

WAC 16-730-045 What is the process the program will follow to distribute equipment leasing money to approved applicants? The program's equipment leasing money will be distributed indirectly to approved applicants as follows:

(1) The department, in consultation with the Washington asparagus commission, the Washington asparagus council and the asparagus industry at large, will determine the amount of equipment leasing money allocated to each approved applicant and then distribute this money to a department approved equipment leasing company.

(2) The approved leasing company will then purchase the equipment and subsequently lease it to an approved applicant.

NEW SECTION

WAC 16-730-050 How will the program's equipment leasing money be allocated in 2004? (1) The initial allocation of equipment leasing money for 2004 will be distributed based upon documented annual average pounds of asparagus an approved handler/packer reported from 2001 through 2004.

Note: If additional application cycles are needed to administer current and future equipment lease allocations and distribu-

tions, the department may adjust the initial four-year annual average production period (2001-2004).

(2)(a) Unless the department, in consultation with the Washington asparagus commission, the Washington asparagus council and the asparagus industry at large, determines that the allocation formula be changed, all approved applicants will receive either a base amount of at least \$75,000 for their initial 2004 program allocation or an amount adjusted to reflect an appropriate base for future program offerings.

(b) If the department does change the allocation formula, it will notify the Washington state asparagus industry and, specifically, Washington state asparagus handler/packers.

(3) The department has developed the following categories to help allocate the equipment lease program's initial 2004 offering:

Handler/Packer Categories*	Pounds of Asparagus Handled Annually
Small	Less than 1,000,000 pounds
Medium	1,000,000 to 2,000,000 pounds
Large	2,000,001 to 5,000,000 pounds

*Note: These categories could change. If they do, the department will notify asparagus handler/packers and the industry.

NEW SECTION

WAC 16-730-055 For the initial leasing program, what are the base distribution amounts for each category of handler/packers?

Note: The department will always work with the review committee to assure that the distributions to approved applicants are fair and equitable and based on the pounds processed formula.

(1) The final handler/packer allocation for 2004 is illustrated in the following table:

Handler/Packer Size	Dollar Allocation per Handler/Packer
Small	\$87,000.00
Medium	\$110,500.00
Large	\$154,500.00

(2) Future distributions will be determined by the:

(a) Amount of program funds available after all administrative and contract-leasing costs are subtracted from the total program allocation received from the legislature; and

(b) Number of participants in the program; and

(c) Department consultations with the Washington asparagus commission, the Washington asparagus council and the asparagus industry at large.

NEW SECTION

WAC 16-730-060 What requirements apply to equipment leasing program lease agreements? (1) The department will follow office of financial management (OFM) procurement guidelines when selecting a leasing company to act as its agent to purchase and manage all equipment leasing arrangements for all approved handler/packers.

PROPOSED

(2) All approved handler/packers will complete a lease agreement with the department approved leasing firm.

(3) All equipment lease agreements:

(a) Must be exclusive to the approved handler/packers for the term of the contract with the leasing company; and

(b) Are not transferable without the written approval of the department.

(4) Lease agreements cannot be paid off before the leasing company's contract termination date.

(5) In addition to the leasing requirements contained in this chapter, the department, in its contract with the leasing company, will include other lease requirements that approved handler/packers must follow.

will be declared "surplus" and offered for sale to the handler/packer or their designee.

(2) If a handler/packer wants to sell their leased equipment to a designee, they must complete a designee form and have the form approved by the department.

WSR 05-11-099

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed May 18, 2005, 9:10 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 05-07-128.

Title of Rule and Other Identifying Information: Driver training school program—Administration and enforcement.

Hearing Location(s): Highways-Licenses Building, Conference Room 413, 1125 Washington Street S.E., Olympia, WA, on June 28, 2005, at 3:00 p.m.

Date of Intended Adoption: June 29, 2005.

Submit Written Comments to: Clark J. Holloway, P.O. Box 9030, Olympia, WA 98507-9030, e-mail cholloway@dol.wa.gov, fax (360) 586-8351, by June 27, 2005.

Assistance for Persons with Disabilities: Contact Clark J. Holloway by June 27, 2005, TTY (360) 664-0116.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Establishes basic requirements governing the operations and scope of traffic safety education programs that are offered by commercial businesses and licensed by the department. Updates and makes conforming amendments to WAC 308-108-100.

Reasons Supporting Proposal: Under RCW 46.82.290 (2), the department is authorized to adopt rules regarding the administration and enforcement of state laws regarding the licensing of commercial driver training schools. These proposed rules are necessary to set basic requirements necessary to ensure that driver training offered by driver training schools adequately prepares new drivers to operate motor vehicles safely.

Statutory Authority for Adoption: RCW 46.82.290.

Statute Being Implemented: Chapter 46.82 RCW.

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: Clark Holloway, Highways-Licenses Building, Olympia, Washington, (360) 902-3846; Implementation and Enforcement: Denise Movius, Highways-Licenses Building, Olympia, Washington, (360) 902-3850.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required pursuant to RCW 19.85.030 (1)(a). In addition, all businesses licensed under chapter 46.82 RCW are small businesses that are treated equally under the rules, so there is no disproportionate impact on small businesses.

NEW SECTION

WAC 16-730-062 What happens if an approved handler/packer defaults on a lease? (1) If an approved handler/packer defaults on a lease agreement, the department retains ownership of the equipment and will make the equipment available to other asparagus handlers through a selection process determined by the department in consultation with the Washington asparagus commission, the Washington asparagus council and asparagus industry representatives.

(2) The selection process used by the department to redistribute defaulted lease equipment to approved handler/packers must comply with any applicable state and federal laws and regulations.

NEW SECTION

WAC 16-730-065 How long will the initial asparagus equipment leasing program be in operation? (1) How long the initial equipment leasing program will be in operation will be determined by:

(a) An office of financial management (OFM) approved depreciation schedule for each type of equipment that will be available for leasing; and

(b) The period of time needed to:

(i) Surplus and transfer equipment; and

(ii) Complete program closeout activities.

(2) For any distributions following the initial one, the department may modify the program length, depreciation schedules, contract requirements or leasing agreements.

NEW SECTION

WAC 16-730-070 Who develops the depreciation schedules for the program's leased equipment? The department, with final approval from OFM, will develop depreciation schedules for the program's leased equipment. These schedules will be based upon the characteristic economic useful lives of asparagus processing and handling equipment used by the industry.

NEW SECTION

WAC 16-730-075 Will the equipment used in the asparagus equipment leasing program be offered for sale to the handler/packer who leased it? (1) At the end of its depreciation period, the equipment leased to a handler/packer

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to these proposed rules under the provisions of RCW 34.05.328 (5)(a)(i).

May 18, 2005
Denise Movius
Assistant Director

NEW SECTION

WAC 308-108-010 Promulgation—Authority. Pursuant to RCW 46.82.290(2), this chapter is promulgated for the purpose of establishing basic requirements governing the operations and scope of traffic safety education programs that are offered by commercial businesses, and includes policies and practices for monitoring and ensuring the ongoing quality of the commercial driver training program.

NEW SECTION

WAC 308-108-020 Definitions. The definitions of this section apply throughout this chapter unless the context clearly requires otherwise:

(1) "Behind the wheel instruction" means that portion of a traffic safety education course that consists of on-street, dual-controlled vehicle operation or similar instruction given under simulated conditions. Behind the wheel instruction is characterized by driving experience.

(2) "Branch office" means a facility within a thirty-five mile radius of a driver training school's established place of business that has been approved by the department for use by the driver training school.

(3) "Classroom" means a space dedicated to and used exclusively by a driver training instructor for the instruction of students. With prior department approval, a branch office classroom may be located within alternative facilities, such as a public or private library, school, community college, college or university, or a business training facility.

(4) "Classroom instruction" means that portion of a traffic safety education course that is characterized by classroom-based student instruction conducted by or under the direct supervision of a licensed instructor or licensed instructors.

(5) "Driver training school" means a commercial business offering instruction in the operation of automobiles for a fee:

(a) To any person for the purpose of securing traffic safety education prior to applying for a basic driver's license; and/or

(b) For the enhancement of an experienced driver's knowledge, skill, and ability.

(6) "Instructor-trainer" means a currently licensed instructor who has not less than one thousand hours or five years of previous experience in providing traffic safety education and who is training driving instructors.

(7) "Owner" means a person or group that has a financial interest in a driver training school.

(8) "Student" means any person enrolled in a traffic safety education course for which a fee is paid.

(9) "Traffic safety education" means a course of instruction in the operation of automobiles that consists of two

phases, classroom instruction and behind the wheel instruction. Each phase must meet basic course requirements established by the department.

NEW SECTION

WAC 308-108-080 Instructor's license—Application—Background check and fingerprint check. (1) Unless waived by the department under the provisions of RCW 46.82.325(3), an applicant for an instructor's license must complete a criminal background check, including a fingerprint check, at the time of initial application or, for a previously or currently licensed instructor who has not completed such check, at the time of the first re-qualification examination required under RCW 46.82.320(1) following the adoption of this rule.

(2) The department shall review the instructor's license applicant's complete abstract of driving record at the time of each initial and renewal application. For purposes of RCW 46.82.330 (3)(a):

(a) A moving traffic violation is an offense listed as a moving violation in WAC 308-104-160. The department will determine the number of moving traffic violations received by an applicant within a given time period based on the date(s) that the violation(s) occurred.

(b) An alcohol-related traffic violation will be deemed to have occurred if within the three-year period immediately preceding the time of application an alcohol-related traffic incident occurred that resulted in:

(i) A conviction or finding that a traffic infraction was committed for violation of RCW 46.61.502, 46.61.503, 46.61.504, 46.61.519, 46.61.5195, 46.61.520 (1)(a), 46.61.522 (1)(b), or 46.20.5249, or a substantially similar law, administrative regulation, local law, ordinance, regulation, or resolution of a political subdivision of this state, the federal government, or any other state;

(ii) An administrative action imposed under RCW 46.20.3101;

(iii) An administrative action imposed under RCW 46.25.090 (1)(a), (b), or (e); or

(iv) Entry into a deferred prosecution agreement for an alcohol-dependency based case.

(c) A driver's license suspension, cancellation, revocation, or denial will be deemed to exist within the preceding three years if any such suspension, cancellation, revocation, or denial has been in effect at any time within the three-year period immediately preceding the time of application.

(3) The instructor's license applicant must submit satisfactory evidence of completion of the required sixty hours of instruction in the training of drivers at time of initial application.

NEW SECTION

WAC 308-108-090 Instructing instructors in the training of drivers. (1) The sixty-hour course of instruction in the training of drivers required under RCW 46.82.330 (3)(d) shall include instruction in driver education classroom methods and principles that prepare an instructor to provide traffic safety education as described in these rules and in state law.

(2) The instruction course must:

(a) Be provided by, and under the direct supervision of:

(i) An institution of higher learning accredited by the Northwest Association of Schools and Colleges or by an accrediting association recognized by the higher education board;

(ii) A licensed private vocational school as that term is defined by RCW 28C.10.020(7); or

(iii) An instructor-trainer.

(b) Consist of:

(i) Not less than twelve hours of instruction in behind the wheel teaching methods;

(ii) Not less than six hours of supervised practice behind the wheel teaching of driving techniques;

(iii) Not less than thirty hours total of approved instruction covering each of the following areas:

(A) Education or special education;

(B) Driver education teacher skills training;

(C) Classroom teaching techniques; and

(D) Communication skills; and

(iv) Not less than twelve hours of instruction that shall prepare the instructor to:

(A) Communicate the concepts of driving and traffic safety to others;

(B) Demonstrate educational methods, theories and concepts in teaching a driver education course, and knowledge of all aspects of the driving task;

(C) Develop instructional materials and activities that aid student learning and performance

(D) Define and describe the nature of the driving task on public highways;

(E) Establish and maintain classroom organization;

(F) Manage enrollment, student scheduling, student records, and required reports; and

(G) Plan a course of student instruction with outlines, lesson plans, and student performance evaluation tools.

(3) Not less than thirty days prior to any instructor training being conducted by an instructor-trainer, the instructor-trainer or owner of the driver training school where the instructor-trainer is employed shall submit a course curriculum for department review and approval.

(4) Any revision to the instructor training course curriculum used by an instructor-trainer must be submitted for review and approval by the department.

(5) The department may consider other academic instruction in lieu of that listed in subsection (2)(b) of this section.

(6) The department may monitor instructor education courses at any time to ensure that the instructor training requirements of this section are being satisfied.

AMENDATORY SECTION (Amending WSR 91-01-063, filed 12/14/90)

WAC 308-108-100 (~~Driver training schools~~)
~~Place of business—Classroom space.~~ ((In order to comply with the business practices relating to place of business provided for in RCW 46.82.360, a driver training school must meet the requirements of this section.))

(1) ~~((No))~~ The place of business (~~((shall be established nor any business))~~) of a driver training school:

(a) Shall not be established nor any business of a driver training school conducted or solicited within one thousand feet of an office building owned or leased by the department of licensing in which examinations for driver's licenses are conducted. The distance of one thousand feet shall be measured along the public streets by the nearest route from the place of business to such building. If the department establishes an office in which examinations for driver's licenses are conducted within one thousand feet of a driver training school's existing location, the driver training school may continue operations in such location until there is a change in school ownership, or the license to operate is not renewed or is revoked for cause.

(b) Shall be regularly occupied and used exclusively for the business of giving driver instruction. Regularly occupied means that the public and the department can expect to make contact with the school owner or its staff or instructors at the main office during its business hours; and

(c) Meet all applicable requirements of chapter 46.82 RCW.

(2) A driver training school's classroom space shall:

(a) Provide sufficient seating and table or desk space for all students enrolled in each class;

(b) Be properly equipped with all other equipment necessary for student training and instruction purposes; and

(c) Use walls, partitions, or separate scheduling of classroom and office activities if the classroom shares a single space with the driver training school office in order to mitigate student distraction or disruption of the instruction.

~~((A driver training school shall have an established place of business owned, rented, or leased by the school and regularly occupied and used exclusively for the business of giving driver instruction.~~

~~((3) A driver training school established, or a driver training school establishing a new location, after July 23, 1989, shall be located in a district that is zoned for business or commercial purposes. The established place of business, branch office, or classroom or advertised address of any such driver training school shall not consist of or include a house trailer, residence, tent, temporary stand, temporary address, bus, telephone answering service if such service is the sole means of contacting the driver training school, a room or rooms in a hotel or rooming house or apartment house, or premises occupied by a single or multiple unit dwelling house. This subsection shall not be construed as limiting the authority of local governments to grant conditional use permits or variances from zoning ordinances.))~~

NEW SECTION

WAC 308-108-110 Traffic safety education vehicles.

(1) All vehicles used for student instruction by a commercial driver training school shall:

(a) Carry a first aid kit, fire extinguisher, and emergency strobe light or reflective triangles;

(b) Pass an annual inspection meeting minimum equipment and safety criteria established by the department that has been conducted by or for the school owner; and

(c) Be used exclusively for driver training purposes at all times when student instruction is being given.

(2) Records of all traffic safety education vehicles used by a commercial driver training school shall:

(a) Be maintained at the school's primary place of business; and

(b) Include the original insurance policy or policies covering the vehicles and copies of the current vehicle registrations.

NEW SECTION

WAC 308-108-120 Administration. (1) The driver training school's license and all instructor certificates shall be posted in a conspicuous place at the location where instruction takes place. The school license must be posted before:

(a) Enrolling any students in a course of instruction;

(b) Issuing a verification of enrollment to any student; and

(c) Any classroom or behind the wheel instruction begins.

(2) Each driver training school shall adopt a written policy that includes, but is not limited to:

(a) Enrollment criteria;

(b) Student fees and student fee refunds;

(c) Course failures and course repeats; and

(d) The minimum and maximum course duration.

(3) Driver training school owners and instructors shall maintain individual student records on forms provided by the department or on substantially similar forms that have been approved by the department. Student records shall document for each student:

(a) Course attendance;

(b) Instruction starting and ending dates and times;

(c) Classroom and behind the wheel progress and time involvement or flowchart;

(d) Performance evaluation results; and

(e) The name of the instructor who provided each classroom and behind the wheel training session in which the student participated.

(4) Student records must be maintained by a driver training school for the past five years.

(5) Driver training school records, including but not limited to the school's written curriculum guide, insurance policies, collision or injury reports, traffic safety education vehicle registration records, and records of any traffic violations committed by an instructor employed by the school, must be maintained by a driver training school for the past three years.

(6) Upon the sale or other transfer of a school by its owner, the school and student records shall be transferred to the new owner and become the property and responsibility of the new owner.

NEW SECTION

WAC 308-108-130 Inspection and review. (1) The department may require that a driver training school owner submit to an inspection or review of the school's operations and records at any time during regular business hours.

(2) Records shall be immediately available for inspection at a driver training school's primary place of business. Branch office records not immediately available for inspection must be made available for inspection within forty-eight hours following a request for review by the department.

NEW SECTION

WAC 308-108-140 Reporting requirements. All driver training school owners shall:

(1) Report to the department within thirty days any driving or traffic-related incidents involving an instructor employed by the school, including but not limited to:

(a) Conviction for a traffic violation;

(b) Finding that a traffic infraction has been committed;

(c) Entry into a deferred prosecution agreement; or

(d) Suspension, revocation, cancellation, or denial of driving privileges.

(2) Report to the department within twenty-four hours following any traffic safety education vehicle involved in a traffic collision for which an accident report must be or has been made under the provisions of RCW 46.52.030.

(3) Forward to the department a monthly report of student participation in and completion of traffic safety education courses provided by the school, including but not limited to:

(a) The start date and end date of any courses provided by the school that are completed during the reporting period, including the total number of students enrolled in each course;

(b) The names and certificate numbers of all instructors providing classroom and/or behind the wheel instruction for each course;

(c) The names and instruction permit or driver's license numbers of all students enrolled in each course, along with the issue date and identifying number of the traffic safety education certificate issued to each student upon successful completion of the course.

(4) Forward to the department a report of the annual inspection of each traffic safety education vehicle conducted under WAC 308-108-110 (1)(b). The driver training school owner must maintain a copy of the report in the school's records.

NEW SECTION

WAC 308-108-150 Curriculum schedule. A driver training school may offer classroom and behind the wheel instruction to students throughout the year.

(1) Classroom and behind the wheel instruction must be complementary. This means that classroom instruction is augmented in a timely manner by behind the wheel instruction.

(2) Students under age eighteen shall complete no more than two hours of classroom instruction and no more than one hour of behind the wheel instruction and one hour of driver observation during any single day.

(3) For purposes of meeting the traffic safety education requirement of RCW 46.20.100, instruction for students under the age of eighteen must:

(a) Include not less than thirty hours of classroom instruction; and

(b) Meet the behind the wheel instruction and observation requirements of WAC 308-108-160.

(4) Classroom and behind the wheel instruction must be provided in a course that is scheduled for not less than thirty days and not more than twenty-six contiguous weeks in length.

(5) Student enrollment in a class may be open for no later than the third class session after the start date of a traffic safety education course. Once enrollment is closed, no new students may be enrolled in that traffic safety education course or participate in the classroom instruction or behind the wheel instruction and observation for that course.

NEW SECTION

WAC 308-108-160 Behind the wheel instruction and observation. Instruction provided to students under the age of eighteen must include:

(1) Behind the wheel instruction consisting of:

(a) Four or more hours of on-street behind the wheel vehicle operation under the direct supervision and direction of a licensed instructor; or

(b) Three or more hours of on-street behind the wheel vehicle operation and four or more hours of driving simulation instruction under the direct supervision and direction of a licensed instructor; and

(2) One or more hours of additional in-vehicle driver observation.

NEW SECTION

WAC 308-108-170 Ensuring student accomplishment. (1) Each driver training school must have a written curriculum guide available to each instructor and such guide shall be used for student instruction.

(2) At a minimum, all students under the age of eighteen must receive instruction according to the student curriculum as approved by the driver instructors' advisory committee.

(3) In order to satisfactorily complete a school's driver training course, all students under the age of eighteen must pass a comprehensive driving knowledge and skills test or tests meeting standards established by the department.

NEW SECTION

WAC 308-108-180 Disciplinary action—Term of license denial, suspension, or revocation—Public notice of actions taken. (1) Licensee responsibilities:

(a) School owners and instructors are responsible for knowing and complying with the requirements of chapter 46.82 RCW and rules promulgated under that chapter.

(b) Any failure to comply with these requirements may lead to disciplinary action affecting an applicant's or licensee's privileges to be licensed or to otherwise operate a commercial driver training school and/or to provide classroom and behind the wheel instruction.

(2) For purposes of consistently administering RCW 46.82.350 and 46.82.360, the department will use the following guidelines for determining the length of license denial,

suspension, or revocation of a driver training school or instructor:

(a) Permanent revocation or denial of a license for conviction of a sexual offense involving a minor;

(b) Revocation or denial of a license for ten years for conviction of a felony, when the felony is related to the activity for which the person is seeking licensure;

(c) Except as otherwise provided in subsections (2)(a) and (2)(b) of this section, revocation or denial of a license for one year for conviction of a felony, crime of violence, dishonesty, deceit, indecency, degeneracy, or moral turpitude;

(d) Revocation or denial of a license for one year for:

(i) Falsification, fraud, or deceit in connection with an original or renewal license or application;

(ii) Fraudulent business practices;

(iii) Fraud or inducement to commit fraud in order to obtain a driver's license; or

(iv) Failure to secure and maintain liability insurance;

(e) Suspension or denial of a license for not less than one hundred eighty days nor more than one year for:

(i) Allowing or conducting unlicensed classroom or behind the wheel instruction, except when under the direct supervision and in the presence of an approved instructor-trainer.

(ii) Failing to satisfactorily adhere to and utilize all required classroom and behind the wheel concepts;

(iii) Failing to maintain or submit student and school records as required by the department; or

(iv) Failing to submit to an inspection or technical assistance visit by the department;

(f) Suspension or denial of a license for ninety days for:

(i) Violating vehicle equipment and signage requirements;

(ii) Instructing a student who is not in possession of a valid instruction permit or driver's license;

(iii) Prohibited advertising;

(iv) Doing business or providing instruction in a prohibited or unlicensed location; or

(v) Instructing or training on a department of licensing driver license testing route;

(g) Suspension or denial of a license for no more than thirty days:

(i) For failing to display the school or instructor license or licenses, or the required minimum curriculum; or

(ii) For failing to satisfy the other conditions of these rules or of chapter 46.82 RCW.

(3) The department may stay all or any portion of the period of a license revocation, suspension, or denial for causes specified in subsections (2)(b), (2)(c), (2)(d), (2)(e), (2)(f), or (2)(g) of this section, subject to such terms and conditions as shall be deemed by the department to be appropriate.

(4) The original or a facsimile of each final order imposing disciplinary action that is issued to a driver training school or any of its instructors by the department shall be conspicuously displayed immediately adjacent to the driver training school's license. The final order shall be displayed for not less than the duration of the sanction period plus the next sixty days or for one year, whichever is less.

WSR 05-11-107
PROPOSED RULES
WASHINGTON STATE PATROL

[Filed May 18, 2005, 11:16 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 05-07-101.

Title of Rule and Other Identifying Information: Chapter 212-80 WAC, Fire sprinkler system contractors.

Hearing Location(s): Spokane Fire Department Training Facility, 1618 North Rebecca Street, Spokane, WA 99217-7200, on July 7, 2005, at 9:00 a.m.; and at the General Administration Building Auditorium, 210 11th Avenue S.W., Olympia, WA 98504, on June 30, 2005, at 9:00 a.m.

Date of Intended Adoption: August 15, 2005.

Submit Written Comments to: Deputy State Fire Marshal Larry Glenn, P.O. Box 42600, Olympia, WA 98504-2600, e-mail Larry.Glenn@wsp.wa.gov, fax (360) 570-3136.

Assistance for Persons with Disabilities: Contact Deputy State Fire Marshal Larry Glenn at (360) 570-3133.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: (1) The purpose is to add an additional category of fire sprinkler contractor designed to allow work exclusively on the inspection and testing of water based fire sprinkler systems, and to require a person performing the inspection and testing of water based fire sprinkler systems to be certified at a minimum level of competency by the State Fire Marshal's Office.

(2) Add a section exempting state licensed back-flow assembly testers from the requirements of the fire sprinkler contractor law while they are performing inspection, testing, and maintenance of back-flow devices.

Statutory Authority for Adoption: Chapters 43.43 and 18.160 RCW.

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

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Deputy State Fire Marshal Larry Glenn, General Administration Building, P.O. Box 42600, Olympia, WA 98504-2600, (360) 570-3133.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Assistant Attorney General Jason Richards ruled the small business economic impact statement was not necessary March 4, 2005.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Deputy State Fire Marshal Larry Glenn, P.O. Box 42600, Olympia, WA 98504-2600, phone (360) 570-3133, fax (360) 570-3136, e-mail Larry.Glenn@wsp.wa.gov.

May 18, 2005

John R. Batiste

Chief

AMENDATORY SECTION (Amending WSR 05-05-006, filed 2/4/05, effective 3/7/05)

WAC 212-80-010 Definitions. The following definitions shall apply to this regulation:

((1)) "Authority having jurisdiction (AHJ)" means the organization, office, or individual responsible for approving layout drawings, equipment, an installation or a procedure. Usually the AHJ is the building and/or fire official of the city or county in which the job site is located. In certain cases, such as health care facilities, transient accommodations and day care facilities, the AHJ is the city or county building and/or fire official and the chief of the Washington state patrol, through the director of fire protection.

((2)) "Citation" means written notification issued by the chief of the Washington state patrol, through the director of fire protection, pursuant to RCW 18.160.040 to issue a civil penalty for a violation of any provision of chapter 18.160 RCW. A citation may include, but is not limited to, a description of the violation(s) and a notice of civil penalty assessment.

((3)) "Director of fire protection" means the state fire marshal and/or his or her authorized representative.

((4)) "Dry pipe sprinkler system" means a system employing automatic sprinklers attached to a piping system containing air or nitrogen under pressure, the release of which (as from the opening of a sprinkler) allows the water pressure to open a valve known as a dry pipe valve. The water then flows into the piping system and out to the open sprinkler(s).

((5)) "Fire protection sprinkler system" means an assembly of underground and/or overhead piping beginning at the connection to the primary water supply, whether public or private, that conveys water with or without other agents to dispersal openings or devices to extinguish, control, or contain fire or other products of combustion. The fire protection sprinkler system (with the exception of residential combination systems) starts at the point where the last nonfire water use is taken from the supply mains. This is the point just down stream of the last tap for domestic or process water, the last water control valve that is required by a city or other authority, or the point where the water can be considered nonflowing.

((6)) "Fire pump" means a listed pump supplying water at the flow and pressure required by water based fire protection systems.

((7)) "~~(For design only)~~ **FOR DESIGN ONLY**" means a certificate of competency holder only allowed to perform the design of a fire protection sprinkler system consistent with the level of certification he or she holds. In the case of a "State Level U certification," "~~(for design only)~~ **FOR DESIGN ONLY**" (~~just~~) **merely** allows the individual to maintain their certification.

((8)) "Formal hearing" means a hearing before a hearings officer where laws, rules, and evidence are presented, considered, and a decision is rendered.

((9)) "Hazard" means a condition which could result in injury or death to a person and/or damage to property.

((10)) "Hearings request" means the written request for a formal hearing to contest a civil penalty.

((11)) "Inspection" means a visual examination of a fire protection sprinkler system, or portion of the system, to verify that the system appears to be in operating condition, is free from physical damage, and complies with the applicable statutes and regulations adopted by the state.

PROPOSED

~~((12))~~ "Instance" means the number of times a person has been cited for a violation of chapter 18.160 RCW or this chapter. These will be identified as 1st, 2nd, and 3rd instances.

~~((13))~~ "Maintenance" means work performed on a fire suppression sprinkler system to keep the equipment operable, or to make repairs.

~~((14))~~ "NFPA" means the National Fire Protection Association.

~~((15))~~ "NFPA 13D" means, in addition to the definition contained in chapter 18.160 RCW, the inclusion of minor accessory uses such as garages normally found in residential occupancies.

~~((16))~~ "NFPA 13R" means whatever standard that is used by the National Fire Protection Association for the installation and design of fire suppression sprinkler systems in residential occupancies up to and including four stories in height.

~~((17))~~ "NFPA 13" means whatever standard that is used by the National Fire Protection Association for the installation and design of fire suppression sprinkler systems in commercial or high occupancy facilities.

~~((18))~~ "NFPA 20" means whatever standard that is used by the National Fire Protection Association for the selection and installation of pumps, both centrifugal and positive displacement, that supply liquid for a private fire protection system.

~~((19))~~ "NFPA 24" means whatever standard that is used by the National Fire Protection Association for the installation of the dedicated underground fire service main of a water based fire protection system.

~~((20))~~ "NFPA 25" means whatever standard that is used by the National Fire Protection Association for the inspection, testing, and maintenance of water based fire protection systems.

~~((21))~~ "NICET" means the National Institute for Certification in Engineering Technologies.

~~((22))~~ "Person" means one or more individuals, legal representatives, partnerships, joint ventures, associations, corporations (whether or not organized for profit), business trusts, or any organized group of individuals and includes the state, state agencies, counties, municipal corporations, school districts, and other public corporations.

~~((23))~~ "Preaction system" means a sprinkler system employing automatic sprinklers attached to a piping system containing air, which may or may not be under pressure, with a supplemental detection system installed in the same areas as the sprinklers.

~~((24))~~ "Qualified" shall mean an individual who has demonstrated through education, training, examination, and/or national certifications the competency, skill, and ability necessary to perform any work covered and/or defined by this chapter and chapter 18.160 RCW to the satisfaction of a relevant jurisdiction. In matters of compliance with the licensing and certification requirements of this chapter and chapter 18.160 RCW, the relevant jurisdiction shall be the chief of the Washington state patrol, through the director of fire protection.

~~((25))~~ "Revoke" means the chief of the Washington state patrol, through the director of fire protection, shall

rescind a company's license or an individual's certification from them. Such action causes said company or individual to cease any and all work in the sprinkler field in Washington state until such time as the chief of the Washington state patrol, through the director of fire protection, is satisfied with the resolution of the issue which caused the license or certificate to be revoked.

~~((26))~~ "State fire marshal" means the director of fire protection or his/her authorized representative.

~~((27))~~ "State Level I certification" means a certificate of competency holder who is qualified to prepare layout drawings, install, inspect, test, maintain, or service an NFPA 13D fire protection sprinkler system or any part of such a system.

~~((28))~~ "State Level I licensing" means a sprinkler contracting company licensed by the chief of the Washington state patrol, through the director of fire protection, to contract and/or offer to bid on the design, installation, service, maintenance, and/or inspection of a NFPA 13D fire protection sprinkler system or any part of such a system.

~~((29))~~ "State Level II certification" means a certificate of competency holder who is qualified to prepare layout drawings, install, inspect, test, maintain, or service an NFPA 13D and/or an NFPA 13R fire protection sprinkler system or any part of such a system.

~~((30))~~ "State Level II licensing" means a sprinkler contracting company licensed by the chief of the Washington state patrol, through the director of fire protection, to contract and/or offer to bid on the design, installation, service, maintenance, and/or inspection of a NFPA 13D and/or a NFPA 13R fire protection sprinkler system or any part of such a system.

~~((31))~~ "State Level III certification" means a certificate of competency holder who is qualified to prepare layout drawings, install, inspect, maintain, or service an NFPA 13D, NFPA 13R, NFPA 13, or all other systems per the definition of fire protection sprinkler system in chapter 18.160 RCW.

~~((32))~~ "State Level III licensing" means a sprinkler contracting company licensed by the chief of the Washington state patrol, through the director of fire protection, to contract and/or offer to bid on the design, installation, service, maintenance, and/or inspection of a NFPA 13D, NFPA 13R, NFPA 13, or all other systems per the definition of a fire protection sprinkler system in chapter 18.160 RCW.

~~((33))~~ "State certified fire sprinkler system inspection and testing technician" ("ITT") means a state certificate holder who is qualified to inspect and/or test NFPA 13D, 13R, or 13, wet and dry pipe fire protection systems per the definition of fire protection sprinkler system in this chapter. However, testing of other fire protection systems such as preaction, deluge, foam, or fire pump and maintenance of any type of system defined under this chapter or chapter 18.160 RCW shall be performed only by contractors who are also qualified and licensed to design and install that type of system or fire pump.

"State level inspection and testing contractor licensing" means a sprinkler contracting company licensed by the chief of the Washington state patrol, through the director of fire protection, to contract and/or offer to bid on the inspection or testing of a wet or dry pipe NFPA 13 - D, NFPA 13 - R,

NFPA 13, or other systems per the definition of a fire protection sprinkler system in chapter 18.160 RCW. However, the testing and maintenance of fire protection systems such as preaction, deluge, foam, or fire pumps, shall be performed only by contractors who are also qualified and licensed to design and install that type of system or fire pump being tested or maintained.

"State Level U certification" means a certificate of competency holder who is qualified to certify the installation of the underground portions of fire protection sprinkler systems in conformance with recognized standards adopted by the director of fire protection.

((34)) "State Level U licensing" means a sprinkler contracting company licensed by the chief of the Washington state patrol, through the director of fire protection, to contract and/or offer to bid on the installation of the underground portions of fire protection sprinkler systems in conformance with the recognized standards adopted by the chief of the Washington state patrol, through the director of fire protection.

((35)) "Suspend" means the chief of the Washington state patrol, through the director of fire protection, holds a license or certificate inactive until such time as the chief of the Washington state patrol, through the director of fire protection, feels confident that the company or individual is in compliance with the requirements of this chapter and chapter 18.160 RCW.

((36)) "Testing" means a procedure used to determine the status of a system as intended by conducting periodic physical checks on water-based fire protection systems such as waterflow tests, fire pump tests, alarm tests, and trip tests of dry pipe, deluge, or preaction valves. These tests follow up on the original acceptance test at intervals specified in the appropriate chapter of NFPA 25.

((37)) "Type" means the classification of violation as minimal, moderate, and severe. These are identified as Types I, II, and III respectively.

((38)) "Violation" means ~~((a specific or general))~~ any action, general or specific, inconsistent with the intent and letter of chapter 18.160 RCW and this chapter and shall be further defined as:

(a) "Minimal violation" means a Type I violation which poses a minor hazard or threat to life and property in the event of a fire.

(b) "Moderate violation" means a Type II violation which poses a significant hazard or threat to life or property in the event of a fire.

(c) "Severe violation" means a Type III violation which poses a substantial hazard or threat to life or property in the event of a fire.

((39)) "Wet pipe sprinkler system" means a sprinkler system employing automatic sprinklers attached to a piping system containing water and connected to a water supply so that water discharges immediately when any sprinkler is opened by heat from a fire.

AMENDATORY SECTION (Amending WSR 05-05-006, filed 2/4/05, effective 3/7/05)

WAC 212-80-015 Compliance. All fire sprinkler system contractors, certificate of competency holders, and per-

sons installing, inspecting, maintaining, or servicing fire protection sprinkler systems or any part of such a system shall comply with the provisions of this regulation.

EXCEPTIONS:

(1) Federal, state, and local government employees, or insurance inspectors when acting in their official capacities.

(2) A person or organization acting under court order.

(3) A person or organization that sells or supplies products or materials to a licensed fire protection sprinkler system contractor.

(4) A registered professional engineer acting solely in a professional capacity.

(5) A properly qualified and/or trained employee of a licensed fire protection sprinkler system contractor performing duties for the contractor. Said qualifications and/or training to be consistent with the level of work performed by the licensed fire protection sprinkler system contractor.

(6) An owner/occupier of a single-family residence performing his or her own installation in that residence. It is the intent of this subsection that builders or contractors will not install their own sprinkler systems in single-family residences under their ownership which they plan to sell, lease, or rent.

(7) An employee of a facility or owner who is qualified to the satisfaction of the local authority having jurisdiction to perform inspection and testing of fire protection sprinkler systems in said facility.

(8) An employee of a licensed electrical contractor installing or testing only the electronic signaling devices of a fire sprinkler system.

(9) A person, licensed by the Washington state department of health, under chapter 246-292 WAC, as a certified backflow assembly tester, performing testing and maintenance of backflow assemblies.

(10) A person licensed by the Washington state department of health, under chapter 246-292 WAC, as a certified backflow assembly tester, and also licensed by the Washington state department of labor and industries, under chapter 18.106 RCW, as a backflow specialty plumber performing repairs of backflow assemblies in accordance with chapter 246-290 WAC.

AMENDATORY SECTION (Amending WSR 05-05-006, filed 2/4/05, effective 3/7/05)

WAC 212-80-018 License and certification requirements. Only a company or individual licensed as a fire protection sprinkler systems contractor, who has at least one designer on staff certified by the chief of the Washington state patrol, through the director of fire protection, can bid, offer to bid, contract, or perform the designing, installation, inspection, testing, maintenance, and/or servicing of a fire protection sprinkler system.

EXCEPTION: A company or individual licensed as an inspection and testing contractor, whose staff performing the work of inspection and/or testing of a fire protection sprinkler system have all been certified by the chief of the Washington state patrol, through the director of fire protection, as described in this chapter, can bid, offer to bid, contract, or perform only the testing and inspection of a fire protection sprinkler system -

excluding preaction, deluge, or foam systems or systems with fire pumps.

AMENDATORY SECTION (Amending WSR 05-05-006, filed 2/4/05, effective 3/7/05)

AMENDATORY SECTION (Amending Order 91-06, filed 7/1/91, effective 8/1/91)

WAC 212-80-020 Right of appeal. Any person who is aggrieved by the chief of the Washington state patrol, through the director of fire protection suspending or revoking the privilege of a licensed fire protection sprinkler system contractor or the certificate of a certificate of competency holder to engage in fire protection sprinkler system business, may appeal to the director within thirty days of the date of the order.

AMENDATORY SECTION (Amending WSR 05-05-006, filed 2/4/05, effective 3/7/05)

WAC 212-80-028 License and certificate posting. Each license and certification issued under this regulation must be posted in a conspicuous place in the fire protection sprinkler system contractor's place of business. The wallet card issued to a certificate of competency holder and/or an inspection and testing technician under this chapter will be maintained with the certified individual it was issued to and available for review at any time.

AMENDATORY SECTION (Amending WSR 05-05-006, filed 2/4/05, effective 3/7/05)

WAC 212-80-038 Municipality, county, or state regulations. (1) Nothing in this regulation limits the power of a municipality, county, or state to regulate the quality and character of work performed by contractors through a system of permits, fees, and inspections which are designed to assure compliance with and aid in the implementation of state and local building laws or to enforce other local laws for the protection of the public health and safety.

(2) Nothing in this regulation limits the power of the municipality, county, or the state to adopt any system of permits requiring submission to and approval by the municipality, county, or the state of layout drawings and specifications for work to be performed by contractors before commencement of the work.

(3) The official authorized to issue building or other related permits shall ascertain that the fire protection sprinkler system contractor is duly licensed by requiring evidence of a valid fire protection sprinkler system contractor's license and a valid certificate of competency stamp consistent with the contractor's license.

(4) This regulation applies to any fire protection sprinkler system contractor performing work for any municipality, county, or the state.

(5) Officials of any municipality, county, or the state are required to determine compliance with this regulation before awarding any contracts for the installation, inspection, testing, maintenance, repair, service, alteration, fabrication, or addition((-or inspection)) of a fire protection sprinkler system.

WAC 212-80-043 Qualifications for preparation of layout drawings, installations, inspections, testing, maintenance, or servicing. (1) Only licensed fire protection sprinkler system contractors shall execute contracts for the installation, inspection, testing, maintenance, or servicing of fire protection sprinkler systems or any part of such a system in the state of Washington.

Exception: A company or individual licensed as an inspection and testing contractor, whose staff performing the work of inspection and testing of a fire protection sprinkler system have all been certified by the chief of the Washington state patrol, through the director of fire protection, as described in this chapter, can bid, offer to bid, contract, or perform only the testing and inspection of a fire protection sprinkler system - excluding preaction, deluge, or foam systems or systems with fire pumps.

(2) Only licensed contractors who have achieved at least State Level U licensure shall execute contracts for the installation, inspection, maintenance and/or servicing of the underground portions of fire protection sprinkler systems in the state of Washington.

(3) Only licensed fire protection sprinkler contractors who have achieved at least State Level I licensure shall execute contracts for the installation, inspection, testing, maintenance and/or servicing of NFPA 13D fire protection sprinkler systems or any part of such a system in the state of Washington.

(4) Only licensed fire protection sprinkler contractors who have achieved at least State Level II licensure shall execute contracts for the installation, inspection, testing, maintenance and/or servicing of NFPA 13D or NFPA 13R fire protection sprinkler systems or any part of such a system in the state of Washington.

(5) Only licensed fire protection sprinkler contractors who have achieved at least State Level III licensure shall execute contracts for the installation, inspection, testing, maintenance and/or servicing of NFPA 13D, NFPA 13R, NFPA 13, and all other systems per the definition of fire protection sprinkler system in chapter 18.160 RCW or any part of such a system in the state of Washington.

(6) Only those certificate of competency holders who have achieved State Level U certification shall supervise and/or certify the installation of underground supplies to fire protection sprinkler systems. To achieve State Level U certification, persons shall satisfactorily complete an examination administered by the chief of the Washington state patrol, through the director of fire protection.

(7) Only those certificate of competency holders who have achieved at least State Level I certification shall supervise and/or certify the preparation of layout drawings, installation, inspection, testing, maintenance, servicing, or the installation of NFPA 13D fire protection sprinkler systems or any part thereof. To achieve State Level I certification, persons shall hold a current NICET Level 2 classification or satisfactorily complete an examination administered by the chief of the Washington state patrol, through the director of fire protection.

PROPOSED

(8) Only those certificate of competency holders who have achieved at least State Level II certification shall supervise and/or certify the preparation of layout drawings, installation, inspection, testing, maintenance, servicing, or the installation of NFPA 13D and NFPA 13R fire protection sprinkler systems or any part thereof. To achieve State Level II certification, persons shall hold a current NICET Level 2 classification.

(9) Only those certificate of competency holders who have achieved at least State Level III certification shall supervise and/or certify the preparation of layout drawings, installation, inspection, testing, maintenance, servicing, or the installation of NFPA 13D, NFPA 13R, NFPA 13, and all other systems per the definition of fire protection sprinkler system in chapter 18.160 RCW or any part thereof. To achieve State Level III certification, persons shall hold a current NICET Level 3 or 4.

AMENDATORY SECTION (Amending WSR 05-05-006, filed 2/4/05, effective 3/7/05)

WAC 212-80-053 Licensed fire protection sprinkler system contractor. To become a licensed fire protection sprinkler system contractor under this regulation, a person or firm must comply with the following:

(1) Must be or have in his or her full-time employ a holder of a valid certificate of competency whose level is consistent with the license level.

(2) Make application to the director of fire protection on forms provided and pay the fees required.

(3) Meet the bonding requirements of WAC ((212-80-125)) 212-80-078.

(4) Be licensed as a contracting company in the state of Washington by the department of labor and industries and possess the twelve digit alphanumeric business license number assigned by that agency.

AMENDATORY SECTION (Amending WSR 05-05-006, filed 2/4/05, effective 3/7/05)

WAC 212-80-078 Contractor surety bonds. (1) The chief of the Washington state patrol, through the director of fire protection shall not issue a license under this regulation unless:

(a) The fire protection sprinkler system contractor, to be licensed as a Level III or Level "U" fire protection sprinkler system contractor, files with the chief of the Washington state patrol, through the director of fire protection a surety bond executed by a surety company authorized to do business in the state of Washington, in the sum of ten thousand dollars, conditioned to compensate third-party losses caused by the acts of the principal or the principal's servant, officer, agent, or employee in conducting the business registered or licensed under this regulation; or

(b) The fire protection sprinkler system contractor, to be licensed for Level I and/or Level II systems or a contractor to be licensed as an inspection and testing contractor, files with the chief of the Washington state patrol, through the director of fire protection a surety bond executed by a surety company authorized to do business in the state of Washington, in the sum of six thousand dollars, conditioned to compensate third-

party losses caused by the acts of the principal or the principal's servant, officer, agent, or employee in conducting the business registered or licensed under this regulation.

(2) Upon approval by the chief of the Washington state patrol, through the director of fire protection, property or cash may substitute for a surety bond provided the value matches the appropriate level of bonding required for the level of work to be performed. The value of property shall be determined by an appraiser selected by the chief of the Washington state patrol, through the director of fire protection. All appraisal fees shall be paid by the fire protection sprinkler system contractor.

AMENDATORY SECTION (Amending WSR 05-05-006, filed 2/4/05, effective 3/7/05)

WAC 212-80-083 Stamps for NFPA 13D, 13R, and 13 systems. (1) Sprinkler system plans, calculations, and contractors' materials and test certificates submitted to the authority having jurisdiction shall be stamped pursuant to subsection (3) of this section.

(2) At least one set of approved plans and calculations, containing information as specified in subsection (3) of this section, (~~and calculations~~) shall be maintained on the job site while the work is being performed.

(3) Stamps shall be issued by the chief of the Washington state patrol, through the director of fire protection and shall contain the name and certification number of the certificate of competency holder, name and license number of the holder's employer, the expiration date of the current certificate, a place for the signature of the certificate of competency holder and the date of the signature. On all plans the stamp shall be easily recognizable and visible.

(4) An original stamp and signature shall appear on each page of plans, on the cover sheet of hydraulic calculations and on all test certificates for fire protection sprinkler systems submitted to the authority having jurisdiction.

(5) Plans and calculations for "underground only" portions of fire protection sprinkler systems submitted to the authority having jurisdiction by a State Level U licensed fire protection sprinkler contractor shall be stamped by either a licensed professional engineer registered in the state of Washington or the appropriate level certificate of competency holder and the State Level U certificate of competency holder employed by the submitting contractor.

AMENDATORY SECTION (Amending WSR 05-05-006, filed 2/4/05, effective 3/7/05)

WAC 212-80-093 Certificate of competency certification. To become a certificate of competency holder under this regulation, an applicant must either:

(1) For State Level I certification, have satisfactorily passed with a final score of eighty percent or better an examination administered by the chief of the Washington state patrol, through the director of fire protection or show evidence of passing the National Institute for Certification in Engineering Technologies element requirements for Level 2 certification in fire protection system layout design.

(2) For State Level U certification, have satisfactorily passed with a final score of eighty percent or better an exam-

ination administered by the chief of the Washington state patrol, through the director of fire protection.

(3) Be a registered professional engineer acting solely in a professional capacity. Such engineer shall comply with all other requirements of this regulation including payment of fees, completion of the application process, and supplying the director of fire protection with proof that the applicant holds a current, valid state of Washington registration as a professional engineer. Upon completion of the above requirements, the engineer will be granted an equivalency certificate to that of State Level III; or

(4) Present a copy of a current certificate from the National Institute for Certification in Engineering Technologies showing that the applicant has achieved the classification. State Level 2 certification requires a minimum certification from the National Institute for Certification in Engineering Technologies of Level 2 in the field of fire protection automatic sprinkler system layout or better. State Level 3 certification requires either Engineering Technician, Level 3 or Senior Engineering Technician, Level 4 in the field of fire protection automatic sprinkler system layout.

(5) The chief of the Washington state patrol, through the director of fire protection may accept equivalent proof of qualification in lieu of the examination requirements.

(6) Proof of competency to the satisfaction of the chief of the Washington state patrol, through the director of fire protection ((are)) is mandatory.

(7) Every applicant for a certificate of competency shall fulfill the requirements established by the chief of the Washington state patrol, through the director of fire protection under chapter 18.160 RCW.

AMENDATORY SECTION (Amending WSR 05-05-006, filed 2/4/05, effective 3/7/05)

WAC 212-80-113 Certificate of competency employment. (1) In no case shall a certificate of competency holder be employed full time by more than one fire protection sprinkler system contractor at the same time.

(2) If the certificate of competency holder should leave the employment of the fire protection sprinkler system contractor, he or she shall notify the chief of the Washington state patrol, through the director of fire protection within thirty days of ((the)) his or her last day of employment.

(3) Should any individual who meets the criteria to be a certificate of competency holder as defined by this chapter and chapter 18.160 RCW wish to be certified to perform design work only, he or she may request to work as a "FOR DESIGN ONLY" certificate of competency holder. This certification can also be utilized to maintain state certification, as in the case of the State Level U certification.

FIRE PROTECTION SYSTEMS INSPECTION AND TESTING CONTRACTOR

NEW SECTION

WAC 212-80-133 Sprinkler system inspection and testing contractor. To become a licensed sprinkler system

inspection and testing contractor under this regulation, a person or firm must comply with the following:

(1) Make application to the chief of the Washington state patrol, through the director of fire protection, on forms provided and pay the fees required.

(2) Meet the bonding requirements of WAC 212-80-125.

(3) Be licensed as a contracting company in the state of Washington by the department of labor and industries and provide the twelve digit alphanumeric business license number to the state fire marshal or his or her designee.

(4) Have each individual working as an inspection and testing technician certified as "qualified" by the chief of the Washington state patrol, through the director of fire protection, as defined by this chapter.

NEW SECTION

WAC 212-80-138 Sprinkler system inspection and testing contractor—Work allowed by this license. Any company that becomes licensed as a sprinkler system inspection and testing contractor is allowed to contract for or offer to bid for the inspection and testing of water based fire protection systems as defined by chapter 18.160 RCW and this chapter. However, the inspection and testing of any fire pump system, deluge, preaction, foam, or chemical based fire protection system is not allowed by this license, nor is any sprinkler system inspection and testing contractor allowed to perform any maintenance on a water or chemical based fire protection system.

NEW SECTION

WAC 212-80-140 Inspection and testing license not transferable. A license issued under this regulation is not transferable.

EXCEPTION: Should a currently licensed inspection and testing contractor merge or form another company, that license can be reissued to the newly formed/incorporated company provided:

- (1) The principal officers of the licensed company remain the same;
- (2) Continues, takes over, or otherwise reestablishes the bond required by chapter 18.160 RCW for licensing;
- (3) Continues to perform inspection and testing contractor work as defined by chapter 212-80 WAC;
- (4) Employs at least one full-time inspection and testing technician; and
- (5) Meets the criteria necessary for licensing as an inspection and testing contracting company as defined by chapter 212-80 WAC.

NEW SECTION

WAC 212-80-145 Sprinkler system inspection and testing contractor responsibilities. (1) Any employee of a sprinkler system inspection and testing contractor who physically performs inspection and testing of water based fire protection systems shall be certified by the chief of the Washington state patrol, through the director of fire protection, as an inspection and testing technician as defined in WAC 212-80-170. Under no condition can a sprinkler system inspection and testing contractor perform any inspection and testing of

water based fire protection systems without at least one employee on staff certified by the chief of the Washington state patrol, through the director of fire protection, as a qualified inspection and testing technician, to physically perform any such work.

(2) If a sprinkler system inspection and testing contractor should at any time lose all inspection and testing technicians certified by the chief of the Washington state patrol, through the director of fire protection, that company is no longer able to perform work in Washington state as a sprinkler system inspection and testing contractor. Further, all work currently being performed by this contractor will be halted until such time as the company is able to employ full time at least one state certified inspection and testing technician to personally complete any existing physical work.

NEW SECTION

WAC 212-80-150 Inspection and testing contractor license renewals. (1) All licensed sprinkler system inspection and testing contractors desiring to continue to be licensed shall secure from the chief of the Washington state patrol, through the director of fire protection, prior to January 1 of each year, a renewal license upon payment of the fee as prescribed by the chief of the Washington state patrol, through the director of fire protection.

(2) Application for renewal shall be upon a form prescribed by the chief of the Washington state patrol, through the director of fire protection, and the license holder shall furnish the information required by the chief of the Washington state patrol, through the director of fire protection.

(3) Failure of any license holder to secure his or her renewal license within sixty days after the due date shall constitute sufficient cause for the chief of the Washington state patrol, through the director of fire protection, to suspend the license.

(4) The chief of the Washington state patrol, through the director of fire protection, may restore a license that has been suspended. In addition to other provisions of this regulation, any of the following will constitute cause for the chief of the Washington state patrol, through the director of fire protection, not to restore a license that has been suspended:

- (a) Nonreceipt of payment of all delinquent fees;
- (b) Nonreceipt of a late charge and/or application fee;
- (c) Any evidence or complaint which verifies that employees of the sprinkler system inspection and testing contractor have performed inspection and testing technician work without being certified by the chief of the Washington state patrol, through the director of fire protection;
- (d) Failure to comply with the bonding requirements of chapter 18.160 RCW; and
- (e) Failure to obtain or show evidence of having at least one full-time certified sprinkler system inspection and testing technician.

NEW SECTION

WAC 212-80-155 Sprinkler system inspection and testing contractor—Prorated fees. The initial license fee shall be prorated based upon the portion of the year such

license is in effect. This is allowed only once in the history of the company.

EXCEPTION: Any sprinkler system inspection and testing contracting company who is required to be licensed as a sprinkler system inspection and testing contractor with the chief of the Washington state patrol, through the director of fire protection, after performing work covered by this chapter and chapter 18.160 RCW shall be required to pay the full annual licensing fee, in addition to any penalties assessed by the chief of the Washington state patrol, through the director of fire protection, for unlicensed operation(s).

NEW SECTION

WAC 212-80-160 Sprinkler system inspection and testing contractor—Surety bonds. (1) The chief of the Washington state patrol, through the director of fire protection, shall not issue a license under this regulation unless the sprinkler system inspection and testing contractor has in their possession and files with the chief of the Washington state patrol, through the director of fire protection, a surety bond executed by a surety company authorized to do business in the state of Washington in the sum of six thousand dollars, conditioned to compensate third-party losses caused by the acts of the principal or the principal's servant, officer, agent, or employee in conducting the business registered or licensed under this regulation.

(2) Upon approval by the chief of the Washington state patrol, through the director of fire protection, property or cash may substitute for a surety bond provided the value is at least six thousand dollars and the property or cash is not otherwise encumbered. The value of property shall be determined by an appraiser selected by the chief of the Washington state patrol, through the director of fire protection. All appraisal fees shall be paid by the sprinkler system inspection and testing contractor.

INSPECTION AND TESTING TECHNICIAN

NEW SECTION

WAC 212-80-165 Inspection and testing of water based fire protection systems. (1) All inspection and testing certificates, documentation, and/or other such records of work shall have affixed to them the inspection and testing technician number as provided by the chief of the Washington state patrol, through the director of fire protection, and shall possess the signature of the inspection and testing technician and the date of signature.

(2) Under no condition shall any employee working for a sprinkler system inspection and testing contractor perform any inspection and testing work on a water based fire protection system unless they possess certification as a competent inspection and testing technician by the chief of the Washington state patrol, through the director of fire protection.

(3) Wallet cards shall be issued by the chief of the Washington state patrol, through the director of fire protection, and shall contain the name and technician number of the inspection and testing technician, the expiration date of the current certification, a place for the signature of the inspection and testing technician, and the date of the signature.

(4) An original signature shall appear on each page of documentation for all inspection and testing certificates for water based fire protection sprinkler systems conducted by the inspection and testing technician.

NEW SECTION

WAC 212-80-170 Inspection and testing technicians—Work allowed by this certification. (1) Possessing certification as an inspection and testing technician from the chief of the Washington state patrol, through the director of fire protection, shall allow an individual to perform only inspection and testing of water based fire protection systems, with the exception of preaction, deluge, or systems with fire pumps.

(2) All inspection and testing certificates shall be signed by an inspection and testing technician possessing the proper certification by the chief of the Washington state patrol, through the director of fire protection.

NEW SECTION

WAC 212-80-175 Inspection and testing technician—Certification. (1) To become an inspection and testing technician under this regulation, an applicant must:

(a) Possess a National Institute for Certification in Engineering Technologies Inspection, Testing and Maintenance Level 2 or Level 3 certification; or

(b) Demonstrate satisfactory completion of educational elements as specified by the chief of the Washington state patrol, through the director of fire protection, through the National Institute for Certification in Engineering Technologies.

(c) Provided the application for the inspection and testing technician certification is made prior to ninety days after final adoption of this rule, the chief of the Washington state patrol, through the director of fire protection, may in lieu of the examination requirements for an inspection and testing technician, and following a thorough review by the fire sprinkler advisory group, accept the following as satisfactory evidence of competency and qualification:

Notarized affidavits from the applicant's employer attesting that the applicant has had a minimum of four thousand hours experience in the installation, or the inspection and testing of fire sprinkler systems.

NEW SECTION

WAC 212-80-180 Application/fees for inspection and testing technician certification. Every applicant for certification as an inspection and testing technician shall apply to the chief of the Washington state patrol, through the director of fire protection, on application forms provided and pay the fees required.

NEW SECTION

WAC 212-80-185 Inspection and testing technician certification not transferable. An inspection and testing technician certification issued under this regulation is not transferable. This certification can, however, follow the

inspection and testing technician to another employer provided that employer is currently licensed by this office for work covered by this certification.

NEW SECTION

WAC 212-80-188 Inspection and testing technician employment. (1) In no case shall an inspection and testing technician be employed full time by more than one fire protection sprinkler system contractor at the same time.

(2) If the inspection and testing technician should leave the employment of the fire protection sprinkler system contractor, he or she shall notify the chief of the Washington state patrol, through the director of fire protection, within thirty days of the last day of employment.

NEW SECTION

WAC 212-80-190 Inspection and testing technician renewal certificates. (1) All inspection and testing technicians who desire to maintain a current certificate shall, prior to January 1 of each year, apply for renewal to the chief of the Washington state patrol, through the director of fire protection, on the appropriate form along with the required fees as prescribed by the chief of the Washington state patrol, through the director of fire protection.

(2) Application for renewal forms shall be provided by the chief of the Washington state patrol, through the director of fire protection, upon request, and the technician shall furnish the information required by the chief of the Washington state patrol, through the director of fire protection.

(3) The chief of the Washington state patrol, through the director of fire protection, may suspend the inspection and testing technician certification for failure to apply for a renewal of their technician certificate within sixty days after the expiration date.

(4) The chief of the Washington state patrol, through the director of fire protection, upon receipt of payment for all delinquent fees and a late charge may restore an inspection and testing technician certification that had been suspended.

NEW SECTION

WAC 212-80-195 Inspection and testing technician—Prorated fees. The initial inspection and testing technician fee shall be prorated based upon the portion of the year such certification is in effect, prior to renewal on January 1.

EXCEPTION: Any individual who attempts to certify with the chief of the Washington state patrol, through the director of fire protection, as an inspection and testing technician after performing work covered by this chapter and chapter 18.160 RCW shall be required to pay the full annual certification fees, in addition to any penalties assessed by the chief of the Washington state patrol, through the director of fire protection, for uncertified operation(s).

AMENDATORY SECTION (Amending WSR 05-05-006, filed 2/4/05, effective 3/7/05)

WAC 212-80-200 Suspension or revocation of licenses. (1) The chief of the Washington state patrol,

through the director of fire protection may refuse to issue or renew or may suspend or revoke the privilege of a licensed fire protection sprinkler system contractor or the license of an inspection and testing contractor to engage in the fire protection sprinkler system business or may establish penalties as prescribed by Washington state law for any of the following reasons:

(a) Gross incompetency or gross negligence in the preparation of layout drawings, installation, repair, alteration, maintenance, inspection, service, or addition to fire protection sprinkler systems.

(b) Conviction of a felony.

(c) Fraudulent or dishonest practices while engaging in the fire protection sprinkler systems business.

(d) Use of false evidence or misrepresentation in an application for a license.

(e) Permitting his or her license to be used in connection with the installation of any system when such installation is not under his or her supervision, or in violation of this regulation.

(f) Knowingly violating any provisions of this regulation or chapter 18.160 RCW.

(2) The chief of the Washington state patrol, through the director of fire protection shall revoke the license of a licensed fire protection sprinkler system contractor or an inspection and testing contractor who engages in the fire protection sprinkler system business while the license is suspended.

AMENDATORY SECTION (Amending WSR 05-05-006, filed 2/4/05, effective 3/7/05)

WAC 212-80-205 Suspension or revocation of certificates. (1) The chief of the Washington state patrol, through the director of fire protection may refuse to issue or renew or may suspend or revoke the privilege of a certificate of competency holder as defined in RCW 18.160.101(1) or of a state certified fire sprinkler system inspection and testing technician, as defined in WAC 212-80-010, to engage in the fire protection sprinkler system business or may establish penalties as prescribed by Washington state law for any of the following reasons:

(a) Gross incompetency or gross negligence in the preparation of layout drawings, installation, repair, alteration, maintenance, inspection, service, or addition to fire protection sprinkler systems.

(b) Conviction of a felony.

(c) Fraudulent or dishonest practices while engaging in the fire protection sprinkler systems business.

(d) Use of false evidence or misrepresentation in an application for a certificate of competency.

(e) Permitting his or her certificate to be used in connection with the preparation of any layout drawings, installation, maintenance, inspection, service or certification of any system when such activity is not under his or her supervision, or in violation of this regulation.

(f) Knowingly violating any provisions of this regulation or chapter 18.160 RCW.

(2) The chief of the Washington state patrol, through the director of fire protection shall revoke the certificate of a cer-

tificate of competency holder or a state certified fire sprinkler inspection and testing technician who engages in the fire protection sprinkler system business while the certificate of competency is suspended.

AMENDATORY SECTION (Amending WSR 05-05-006, filed 2/4/05, effective 3/7/05)

WAC 212-80-265 Type III (serious) violations. (1) Type III violations are subject to penalties ranging from five hundred dollars to five thousand dollars a day depending on instance and in accordance with chapter 212-80 WAC.

(2) Examples of Type III violations include, but are not limited to:

(a) Demonstrating gross incompetency or gross negligence in the preparation of technical drawings, the installation, inspection, testing, maintenance, repair, alteration, (~~(maintenance, inspection,)~~) service, and/or addition to a fire sprinkler system.

(b) Allowing an employee to demonstrate gross incompetency or gross negligence in the installation, inspection, testing, maintenance, repair, alteration, (~~(maintenance, inspection,)~~) service and/or addition to a fire sprinkler system.

(c) Charging a customer for fire sprinkler work not performed.

(d) Offering to contract for fire sprinkler work without a certificate of competency holder, as described in RCW 18.160.040.

(e) Allowing an employee to falsify any fire sprinkler tags, labels, or inspection reports.

(f) Working without a certified full-time certificate of competency holder on staff, or, in the case of an inspection and testing contractor, allowing any employee not certified by the chief of the Washington state patrol, through the director of fire protection, as an inspection and testing technician.

(g) Falsifying an application or document submitted to the chief of the Washington state patrol, through the director of fire protection, to obtain a sprinkler contractor license or certificate of competency.

(h) Committing three or more Level II offenses within a three year period either as a company, through an employee of the company, through an employee acting as a certificate of competency holder for the company, and/or any combination thereof.

(i) Permitting his or her license to be used in connection with the stamping of any test certificates for work performed by someone other than his or her full-time employees.

WSR 05-11-109

PROPOSED RULES

STATE BOARD OF HEALTH

[Filed May 18, 2005, 11:22 a.m.]

Supplemental Notice to WSR 05-02-082.

Preproposal statement of inquiry was filed as WSR 02-03-137.

Title of Rule and Other Identifying Information: Chapter 246-272A WAC, Onsite sewage systems.

Small Business Economic Impact Statement

This chapter contains the design, installation and operation requirements for onsite sewage systems handling 3,500 gallons per day and under; specific criteria for proprietary product registration; and direction to local health jurisdictions to develop a written onsite sewage system management plan.

Hearing Location(s): Red Lion Hotel, 2300 Evergreen Park Drive, Olympia, WA 98502, on July 13, 2005, at 1:30 p.m.

Date of Intended Adoption: July 13, 2005.

Submit Written Comments to: Kelly Cooper, P.O. Box 47820, Olympia, WA 98504, e-mail <http://www3.doh.wa.gov/policyreview/>, fax (360) 236-2250, by June 22, 2005.

Assistance for Persons with Disabilities: Contact Desiree Robinson, 236-4107, by June 22, 2005, TTY (800) 833-6388.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Changes have been made to several sections of the original proposal.

- WAC 246-272A-0015 Local management and regulation, detailed planning is limited to the twelve Puget Sound counties, a due date of July 2007 is added for plan completion, and other clarifying language is made.
- WAC 246-272A-0234(8) Design requirements—Soil dispersal components, in certain circumstances, the supplemental proposal will allow a reduction in land area if a higher level of treatment is used. The SBOH made this change in response to comments that some lots with sandy soils would become unbuildable as a result of changes to the soil descriptions combined with changes to loading rates.
- WAC 246-272A-0270 (1)(k) Operation and maintenance—Owner responsibilities, the supplemental proposal clarifies that the requirement to provide maintenance records at the time of sale applies only if the records are available. Reference is made to chapter 64.06 RCW for consistency with real estate disclosure requirements.
- WAC 246-272A-0320 Developments, subdivisions and land area requirements, the supplemental proposal reverts to the Method I minimum lot sizes listed in the current rules, WAC 246-272-20501. The local health officer is given discretion to require larger lots if nitrogen is a concern.

Statutory Authority for Adoption: RCW 43.20.050.

Statute Being Implemented: RCW 43.20.050.

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

Name of Proponent: State Board of Health and Department of Health, governmental.

Name of Agency Personnel Responsible for Drafting: Kelly Cooper, 7171 Cleanwater Lane, Building 2, Tumwater, WA 98504, (360) 236-3012; Implementation and Enforcement: Maryanne Guichard, 7171 Cleanwater Lane, Building 4, Tumwater, WA 98504, (360) 236-3391.

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

1. Briefly Describe the Proposed Rule: There are currently more than 800,000 onsite sewage systems (OSS), or septic systems, in Washington state. Between 15,000 and 20,000 new or repair systems are installed annually. Approximately 30% of new homes across the state are built using an OSS. These numbers demonstrate that OSS are increasingly becoming a long-term and important option in wastewater infrastructure planning. However, if they are not properly designed, installed, operated, and maintained, OSS can pose risks to public health and the environment.

Pathogens in wastewater can cause serious illness. These pathogens include hepatitis, E coli, typhoid, noroviruses, and cryptosporidium. The United States Environmental Protection Agency (USEPA) estimates 168,000 viral illnesses and 34,000 bacterial illnesses occur each year as the result of consumption of improperly treated drinking water. The shellfish industry in Washington state with reported 2002 values of \$76 million [worth] commercial shellfish and \$35.7 million worth of recreational shellfish, as well as tourism and recreation industries, depend on clean water.

A 1999 study cited in the 2002 EPA Onsite Sewage Manual (EPA, 2002) reported OSS failure rates from twenty-eight reporting states. The study indicated a 33% failure rate in Washington state, compared to a range of 1 to 60% in the other twenty-seven states. The EPA 2002 manual cites reports that identify OSS among the most common sources of water contamination.

The SBOH promulgates minimum standards for the design, installation, operation, and maintenance of OSS in order to prevent these risks. The rules containing these standards, chapter 246-272 WAC, were last revised in 1994 (became effective in 1995). Since that time, technology has changed, more research has been conducted, and understanding of the treatment capabilities of soil has increased. These advances help to increase the life expectancy of OSS and decrease the number of failures and hence, the public health risks associated with failures. The rules need to be revised and updated to reflect these advances.

The proposed rules will create a new chapter exclusively for OSS systems designed for fewer than 3,500 gallons per day. They are based on recommendations by the Rule Development Committee (RDC), a stakeholder group including industry, consumers, regulators, developers, and environmental representatives. Their initial recommendations were modified based on input received through public workshops and public comment. DOH final recommendations to the SBOH include changes to the rules in the following categories:

- **Product registration.** DOH maintains a list of products that meet public health standards. Products must be registered with the state before they can be used by designers or allowed by local health jurisdictions. These new sections will place in rule the specific criteria for this registration that, until now, has been contained in guidance.
- **Technical design, installation and operation requirements for systems designed to handle under 3,500 gallons per day.** Local health jurisdic-

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tions implement these portions of the rules as minimum requirements but may adopt more stringent codes to meet local needs. These changes include new requirements for treatment levels, distribution of effluent, use of disinfection, and designing systems to be more assessable.

- **Local planning/Operation and Maintenance (O&M).** Local health jurisdictions must write a plan for how and where OSS will be used in their jurisdictions. In addition, owners are responsible for assuring a complete inspection of their system every three years, as opposed to only checking the solids in their septic tank. Certain systems will be required to have an annual inspection.

The first two items contain changes that will directly affect businesses. For the third item, the direct cost will be to the local health jurisdictions and system owners. Only the first two items are considered in this small business economic impact statement.

2. Is a Small Business Economic Impact Statement (SBEIS) Required for This Rule? Yes. The Regulatory Fairness Act requires a small business economic impact statement be prepared if a proposed rule will impose more than minor impact on businesses in an industry. This proposal contains a number of changes that will impact businesses in this state. Some changes will be minor, but others are beyond the minor impact threshold.

3. Which Industries are Affected by This Rule? The following industries (Table 1) may be directly affected by different provisions in this proposal. These industries are the first round recipients of the costs. However, they likely will pass increased costs on to property owners. Since these rules apply to all new OSS systems, any business constructing a building to house their operation will be impacted in much the same way as home/property owners. Some examples of the impact of the new OSS proposed rule changes are provided in the significant analysis.

Table 1

SIC	Affected Industry	Average Employment, Small Businesses	Average Employment, Largest 10%
1521	Single family housing construction	4.1	14.3
1522	Residential Construction NEC	8.7	28.9
1542	Nonresidential Construction NEC	7	60
6552	Developers	5.5	25.6
1711	Plumbing, heating, air conditioning (Installers)	7.6	38.2
8711	Engineering services (Engineers, Designers)	6.8	65
3089	Septic Tank Manufacturers, (Plastics not elsewhere classified)	9.5	158
3272	Septic Tank Manufacturers, (Cement not elsewhere classified)	9	136
3999	Proprietary Product Manufacturers	5.7	53.5

This proposal will positively affect some industries including the shellfish, tourism, and recreation industries by either directly increasing their sales, or indirectly improving the quality of water on which their industry relies.

4. What are the Costs of Complying with This Rule for Small Businesses (Those with Fifty or Fewer Employees) and for the Largest 10% of Businesses Affected? The sections listed below have potential costs of compliance to businesses. The costs listed are per system costs and therefore are the same for large or small businesses. Detailed cost estimates and discussion can be found in the significant analysis document.

Table 2 (DOH1)

Rule Component		Estimated Increase in Costs
<i>Manufacturers</i>		
1	<i>Proprietary Treatment product testing(-0110)</i>	\$70,000 - \$80,000 - Category 1 NSF \$60,000 - \$80,000 - Category 2 ETV \$18,700 - Category 3 NSF Standard 41 (composting toilet) \$10,000 - \$12,000 NSF P157 incinerating toilets \$60,000 - Nitrogen reduction testing (not required). (All one-time costs unless product changes.)
2	Proprietary Treatment Product Registration process (-0120)	\$300 - time to prepare application. Also minor annual renewal application time.
3	-0125 Transition from the list of Approved Systems - Treatment Products	\$300 - time to prepare application for registration.
4	-0130 - <i>Bacteriological Reduction testing</i>	\$22,000 - Testing by ANSI certified lab.
5	-0135 Transition from the List of Approved Systems - Bacteriological Reduction	If reduced protocol is necessary cost estimate - \$7,632.
6	<i>Proprietary Distribution Products certification-0140</i>	\$500 to \$1,000 (one time cost for a professional engineer to verify that the product meets the standards established in the rule).
7	Proprietary Distribution Registration (-0145)	\$300 - time to prepare application.
8	Transition from the List of Approved Systems - Distribution Products (-0150)	\$300 - time to prepare application.
9	Product Development Permits (-0170)	Estimated that permit costs charged by local health jurisdictions will range from \$750 - \$2000. However, this is an optional cost.
10	(-0175) Transition from Experimental Systems Program to Application for Product Registration	\$300 - time to prepare application.
<i>Developers, Builders, Property Owners</i>		
11	Permits not required in certain situations(-0200(2))	Cost Savings - \$50 to \$500 in potential permit and design costs.
12	<i>Changes to horizontal setback table (-0210)</i>	Variable cost.

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	Rule Component	Estimated Increase in Costs
13	<i>-0220 Soil and Site Evaluation Changes to Soil Classification Table V</i>	In some situations this will increase cost because of increased Treatment Level requirements. Other changes will increase the size, and thus the cost, of the drainfields. Range of impacts \$0 to \$5,000.
14	<i>(1)(a) Homeowners along marine shorelines are no longer allowed to design their own systems. -0230</i>	Range of impact \$250 - \$2,000 - potential increased revenue for designers.
15	<i>(2)(e) The designer must address sewage quality for all designs.</i>	Increased designer time to develop a design. \$0 - \$200.
16	<i>(2)(e)(i)(D) If the local management plan designates an area with nitrogen as a contaminant of concern, it must be addressed in the design.</i>	System to reduce nitrogen could result in an increase of \$0 - \$3,000 over the system that would have otherwise been required.
17	<i>(2)(g)(i) Table VI - Treatment Levels and Method of Distribution by Vertical Separation</i>	Range of impact: Cost savings of up to \$2,000. Cost increase of up to \$2,000.
18	<i>(2)(g)(ii) Disinfection via chlorine or ultraviolet (UV) not permitted to meet treatment level C; or treatment level A & B in type I soil.</i>	\$0 to \$3,000
19	<i>(3) The coarsest textured soil within the vertical separation determines the Treatment Level.</i>	\$0 to \$1,000 However, this should already be standard of practice, so very likely there is no increase associated with this change.
20	<i>Increase the size of residential other than single family and nonresidential tanks (-0232)</i>	Range of cost increase for concrete tanks \$100 - \$2,500. Range of cost increase for fiberglass tanks \$750 - \$7,000.
21	<i>(1)(b)(ii) Hydraulic loading rate is based on the finest texture soil in the selected vertical separation (-0234)</i>	\$0 - \$1,000 However, this should already be standard practice, so very likely there is no increase associated with this change.
22	<i>(1)(d)(iii) Timed dosing required for systems handling more than 1,000 gallons per day (-0234)</i>	\$1,000 plus
23	<i>Nongravity systems must be brought to grade (-0238)</i>	\$100-\$500 per system
24	<i>Systems with pumps need warning and diagnostic devices. (-0238 (1)(c))</i>	\$500-\$750 per system. (However, this should already be standard practice, so very likely there is no increase associated with this change.)
25	<i>Installers must obtain approval from local health officer and designer before any changes to the approved design (-0250)</i>	\$100 in time to get approval. However, this change provides new flexibility from the current rule which requires the installer to follow the approved design without change. This is also consistent with DOL requirements for designer activities.

	Rule Component	Estimated Increase in Costs
26	<i>Record Drawing -0265</i>	New detail and specificity for record drawings will increase the time to prepare. Likely to increase time spent by the person preparing by 1-2 hours estimated to be \$100-\$250.
27	<i>Repair of Failure -0280</i>	\$0 - \$5,000

The rule imposes costs on different entities although it is likely that most costs will ultimately be borne by property owners. The following discussion provides an analysis of the costs of compliance for the various impacted industries.

Proprietary Product Manufacturers - All proprietary products must be on the "registered list" maintained by DOH. For manufacturers of new treatment products and manufacturers wishing to be listed for Treatment Levels A, B, C or D (see significant analysis), this will require testing by an ANSI certified lab. The costs for the various types of systems are listed in Table 2 and also discussed in the significant legislative analysis. For proprietary distribution products, manufacturers will need to provide verification from a professional engineer that the product meets the standards established in the rule. See costs in Table 2. In addition, all manufacturers will need to complete the registration application. The department estimates it will take several hours to gather the materials necessary to complete the application. Estimated administrative labor cost is \$300 for the initial application and \$50 per year to complete the renewal process.

All manufacturers currently approved by DOH will need to become registered. While most manufacturers will not need to go through testing again, they will need to fill out the registration application. Again, this will entail completing the application provided by the department. The estimates are the same as those listed above for new products.

Manufacturers have to bear the initial costs of product development and testing. The testing requirements ensure that sewage does not contaminate drinking water. With a uniform standard for these products, the market will be fairly open to competition. Considering the 9,642 building permits issued in the first quarter of 2004 in Washington state and 9.5% change compared to the first quarter of 2003 (Washington Center for Real Estate Research, <http://www.cbe.wsu.edu/~wrcer/>), there seems to be sufficient market demand for efficient and effective products. Because national standards are being used, the department anticipates manufacturers will have a national market available to help them recoup the costs of product development and testing.

Moreover, by setting standards for testing, the proposed rule will help assure safety and effectiveness on the production-supply side of the market. This means that product capabilities will be established before a system is marketed and installed. This provides a less expensive and more efficient method for assuring system performance capabilities rather than continual monitoring of each system. (Regular monitoring required in -0270, helps to provide information on field performance.)

Designers and Engineers - Designers are responsible for working with a client to develop an onsite sewage system that meets the needs of the client and the requirements of the rules for soils, location, and treatment. The costs of compliance for designers include:

- Becoming familiar with the new design requirements in the rules which may require training. The department estimates it could take sixteen hours of training or study of the rules to become familiar with the new requirements.
- The requirement to consider sewage quality in addition to quantity. It is expected that this requirement could add up to one hour to the time to design a system.
- New specificity for record drawings. The new requirements may take an additional 1-2 hours of a designer's time.

DOH estimates the cost of a designer's time to be \$50 to \$125 per hour. This means the initial costs of learning the new requirements could cost in the range of \$800 to \$2,000 (16 hrs. x \$50.00 = \$800.00; 16 hrs. x \$125.00 = \$2,000.00).

The ongoing costs per design listed above could add up to a total of three hours for each system. DOH anticipates the time will be reduced as designers become more practiced in applying the new requirements. Initially these labor costs could be in the range of \$200 to \$500. DOH anticipates this cost will be passed on to the system owner. However, it could result in lost revenue to a designer who is unable to pass the cost to the OSS purchaser.

Installers - Installers are responsible for using the design developed by the designer to construct an onsite sewage system on a particular site. The costs of compliance for installers include research and training to become familiar with the requirements of the new rules. The department estimates this will require eight hours of training or individual study. The department further estimates the cost of an installer's time to be \$50 to \$125 per hour. There should not be any increased administrative, equipment, or supply costs.

Developers - All of the technical changes are likely to impact developers as they create homes, subdivisions, business parks, etc. The technical changes include changes to the treatment levels, soil types and hydraulic loading rates, vertical separations, designing systems for accessibility, and limits on the use of disinfection. The costs and benefits of the specific technical design changes are discussed in the significant analysis and summarized in Table 3. Some of the proposed changes will impose new costs in certain situations. Other changes will mean a reduction in costs. The changes apply on a site-by-site basis, depending on the limitations and sensitivities of the site. Currently, OSS range in cost from \$5,000 for a fairly basic system up to \$20,000 for a complex system. Overall the cost for the majority of systems will continue to be in this range. New design requirements for OSS in the worst case scenario can increase the total costs in some situations by as much as \$5,000 or more (see significant legislative analysis). Ultimately, this can increase the cost of houses or other buildings and may result in loss of revenue for developers if they are unable to pass the cost on to the purchaser.

There are no other administrative, equipment or labor costs incurred by developers as a result of this rule revision.

Developers, builders, and installers are among those who bear the first round of costs associated with the proposed rule. Although developers will most likely pass the extra costs to homeowners, their financial return may be reduced if the

number of lots in a new subdivision is reduced. Considering the fact that the price of a median home went up 8.3% during 2003 (Washington Center for Real Estate Research, <http://www.cbe.wsu.edu/~wcrer/>), there may be a possibility for the developers/builders to maintain their profit margins and spread the extra costs among property buyers.

Other Affects of the Proposed Changes: The industries listed in Table 1 are those industries most directly affected by the proposed rules. These industries all pass the increased costs on to system owner. Therefore, any business that builds a structure with an OSS will potentially face increased costs as a result of the proposed rule changes. Commercial property owners (grocers, retailers, processors, etc.), like homeowners, are the majority of impacted parties. For them, the value of improved public health is the factor that compensates for their cost shares of the proposed rules. In addition, a properly operated and maintained OSS system has a greater probability for long lasting life. This not only minimizes personal and community health risks, but also promises a reliable system with less likelihood of having to be replaced. An efficient OSS system also increases the resale value of their houses and businesses. Compared to the \$210,000 median price of houses in Washington state (Washington Center for Real Estate Research, <http://www.cbe.wsu.edu/~wcrer/>), the share of the costs of the most expensive OSS system (\$6,000 to \$20,000) is not more than 10% of the total development cost.

Several proposed changes will increase demand for some services.

- WAC 246-272A-0270 contains the requirements for system monitoring inspections. This will likely increase the demand for monitoring and maintenance service providers. Although the rule does not require the homeowner to use an outside service provider to monitor their system, many owners may choose to hire a professional to provide this service.
- WAC 246-272A-0230 now prohibits the homeowner from designing a system along a marine shoreline. Likewise, WAC 246-272A-0250 prohibits the homeowner from self-installing a system along a marine shoreline. This will increase demand for designers and installers in these situations.

5. Does the Rule Impose a Disproportionate Impact on Small Businesses? Yes. The italicized rule components in Table 2 are likely to impose a disproportionate cost on small businesses. Although costs for some of these components will probably be higher for large businesses, the fixed-cost nature of many of these items suggests that costs will be disproportionate for small businesses. Ultimately, all these costs will be borne by system owners. However, large businesses may be able to absorb some costs or spread costs out over a larger volume of sales while smaller businesses will have to pass the costs on more fully to consumers.

Again, although it is unknown how many or which businesses will be affected, ultimately, small business owners who are served by an OSS will be disproportionately affected compared to large businesses served by an OSS.

6. If the Rule Imposes a Disproportionate Impact on Small Businesses, What Efforts were Taken to Reduce that Impact (or Why is it Not "Legal and Feasible" To Do

So)? In developing its recommendations, the RDC considered the costs to both businesses and homeowners in its discussions. Many proposals were rejected because they were considered to be overly burdensome.

For the most part, it is not feasible to attempt to reduce the impact on small businesses because the rules are written so that the requirements are commensurate with the public health risk posed by a specific site. Many proposals apply only in limited situations or for the most sensitive sites. Trying to further reduce the impact to small businesses would begin to jeopardize public health protections and would be counter to the legislature's directives to the State Board of Health contained in RCW 43.20.050.

That being said, efforts have been taken to reduce the impact as much as possible:

(a) Reducing, modifying, or eliminating substantive regulatory requirements: A local health officer may waive a specific requirement if it is possible to ensure adequate public health protection. Usually this is done through some form of mitigation. This allows local health to have the flexibility to adjust requirements, allow less costly alternatives, and create incentives for mitigation.

(b) Simplifying, reducing, or eliminating record keeping and reporting requirements: The original RDC proposal required a notice to title be filed at the time of the final installation inspection. We received many comments that this was an overly burdensome requirement on designers; thus, it was removed from the final draft proposal.

Another reporting requirement discussed by the RDC was an operation and maintenance report being given to the local health officer by the homeowner or service provider. Some felt this was an important requirement to assure inspections were done. However, the additional burden placed on service providers, homeowners and local health jurisdictions was too great and so this requirement was not included in the final proposal.

(c) Reducing the frequency of inspections: N/A.

(d) Delaying compliance timetables: For the product registration portions of the rule, manufacturers that are already on the list of approved products and systems will have eighteen months to become registered and in most cases will be able to use the testing information they already have to comply with the registration requirements.

For the portions of the rule that will be implemented by local health jurisdictions, including the design and installation requirements, there will be an eighteen month delay in the effective date. This will provide time for local health jurisdictions and the industry to become familiar with the new requirements before they are effective.

(e) Reducing or modifying fine schedules for noncompliance: N/A.

(f) Other mitigation techniques: The department intends to provide free training to designers, installers, maintenance service providers and local health jurisdictions to mitigate the costs associated with becoming familiar with the new requirements.

7. How are Small Businesses Involved in the Development of This Rule? The Rule Development Committee (RDC) was a broad-based stakeholder group that made recommendations for rule changes to the department and the

SBOH. Designers, installers, proprietary product manufacturers, the Building Industry Association of Washington and shellfish growers were all represented on the RDC. In addition, DOH held seven workshops around the state to gather comments from industry. Many comments and suggestions from those workshops are reflected in the final draft.

A copy of the statement may be obtained by contacting Kelly Cooper, P.O. Box 47820, Olympia, WA 98504, phone (360) 236-3012, fax (360) 236-2250, e-mail kelly.cooper@doh.wa.gov.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Kelly Cooper, P.O. Box 47820, Olympia, WA 98504, phone (360) 236-3012, fax (360) 236-2250, e-mail kelly.cooper@doh.wa.gov.

May 17, 2005

Craig McLaughlin
Executive Director

Chapter 246-272A WAC

ON-SITE SEWAGE SYSTEMS

PURPOSE AND ADMINISTRATION

NEW SECTION

WAC 246-272A-0001 Purpose, objectives, and authority. (1) The purpose of this chapter is to protect the public health by minimizing:

(a) The potential for public exposure to sewage from on-site sewage systems; and

(b) Adverse effects to public health that discharges from on-site sewage systems may have on ground and surface waters.

(2) This chapter regulates the location, design, installation, operation, maintenance, and monitoring of on-site sewage systems to:

(a) Achieve effective long-term sewage treatment and effluent dispersal; and

(b) Limit the discharge of contaminants to waters of the state.

(3) The state board of health is authorized under RCW 43.20.050 to establish minimum requirements for the department of health and local boards of health, and consistent with RCW 43.70.310 integrating the preservation of public health with protection of the environment in order to endorse policies in common.

(4) This chapter is intended to coordinate with other applicable statutes and rules for the design of on-site sewage systems under chapter 18.210 RCW and chapter 196-33 WAC.

(5) This chapter is intended to coordinate with other applicable statutes for land use planning under chapters 36.70 and 36.70A RCW, and the statutes for subdivision of land under chapter 58.17 RCW.

NEW SECTION

WAC 246-272A-0005 Administration. The local health officers and the department shall administer this chapter under the authority and requirements of chapters 70.05, 70.08, 70.118, 70.46, and 43.70 RCW. RCW 70.05.060(7) authorizes local health officers to charge fees for the administration of this chapter.

NEW SECTION

WAC 246-272A-0010 Definitions. (1) Acronyms used in this chapter:

"ANSI" means American National Standards Institute.

"BOD" means biochemical oxygen demand, typically expressed in mg/L.

"CBOD₅" means carbonaceous biochemical oxygen demand, typically expressed in mg/L.

"FC" means fecal coliform, typically expressed in number colonies/100 ml.

"LOSS" means a large on-site sewage system (see chapter 246-272B WAC).

"NSF" means National Sanitation Foundation International.

"O&G" (formerly referred to as FOG) means oil and grease, a component of sewage typically originating from food stuffs (animal fats or vegetable oils) or consisting of compounds of alcohol or glycerol with fatty acids (soaps and lotions). Typically expressed in mg/L.

"OSS" means on-site sewage system.

"RS&G" means recommended standards and guidance.

"SSAS" means a subsurface soil absorption system.

"TAC" means the technical advisory committee established in WAC 247-272A-0400.

"TN" means total nitrogen, typically expressed in mg/L.

"TSS" means total suspended solids, a measure of all suspended solids in a liquid, typically expressed in mg/L.

"USEPA" means United States Environmental Protection Agency.

(2) Definitions used in this chapter:

"Additive" means a commercial product added to an on-site sewage system intended to affect the performance or aesthetics of an on-site sewage system.

"Approved" means a written statement of acceptability issued by the local health officer or the department.

"Bed" means a soil dispersal component consisting of an excavation with a width greater than three feet.

"Building sewer" means that part of the horizontal piping of a drainage system extending from the building drain, which collects sewage from all the drainage pipes inside a building, to an on-site sewage system. It begins two feet outside the building wall and conveys sewage from the building drain to the remaining portions of the on-site sewage system.

"Cesspool" means a pit receiving untreated sewage and allowing the liquid to seep into the surrounding soil or rock.

"Conforming system" means any on-site sewage system or component, meeting any of the following criteria:

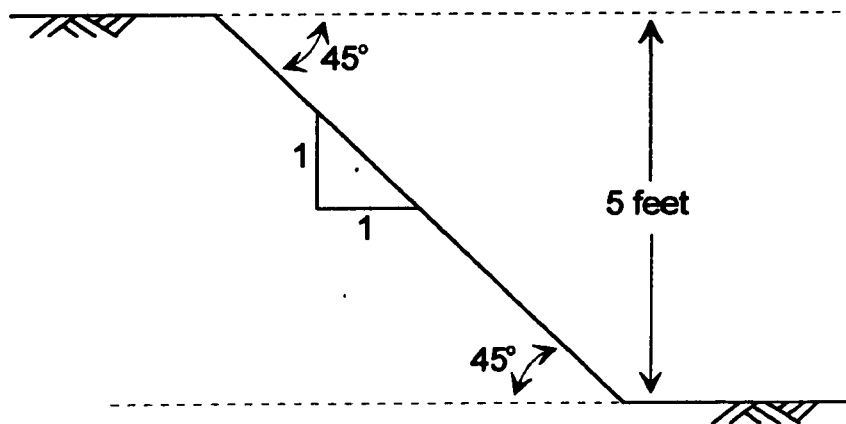
(a) In full compliance with new construction requirements under this chapter; or

(b) Approved, installed and operating in accordance with requirements of previous editions of this chapter; or

(c) Permitted by the waiver process under WAC 246-272A-0420 that assures public health protection by higher treatment performance or other methods.

"Cover material" means soil placed over a soil dispersal component composed predominately of mineral material with no greater than ten percent organic content. Cover material may contain an organic surface layer for establishing a vegetative landscape to reduce soil erosion.

"Cuts and/or banks" means any naturally occurring or artificially formed slope greater than one hundred percent (forty-five degrees) and extending vertically at least five feet from the toe of the slope to the top of the slope as follows:



"Department" means the Washington state department of health.

"Designer" means a person who matches site and soil characteristics with appropriate on-site sewage technology. Throughout this chapter this term applies to both on-site sewage treatment system designers licensed under chapter

18.210 RCW and professional engineers licensed under chapter 18.43 RCW.

"Design flow" means the maximum volume of sewage a residence, structure, or other facility is estimated to generate in a twenty-four-hour period. It incorporates both an operating capacity and a surge capacity for the system during peri-

odic heavy use events. The sizing and design of the on-site sewage system components are based on the design flow.

"Development" means the creation of a residence, structure, facility, subdivision, site, area, or similar activity resulting in the production of sewage.

"Disinfection" means the process of destroying pathogenic microorganisms in sewage through the application of ultraviolet light, chlorination, or ozonation.

"Distribution technology" means any arrangement of equipment and/or materials that distributes sewage within an on-site sewage system.

"Drain field" see subsurface soil absorption system (SSAS) and soil dispersal component.

"Drainrock" means clean washed gravel or crushed rock ranging in size from three-quarters inch to two and one-half inches, and containing no more than two percent by weight passing a US No. 8 sieve and no more than one percent by weight passing a US No. 200 sieve.

"Effluent" means liquid discharged from a septic tank or other on-site sewage system component.

"Expanding clay" means a clay soil with the mineralogy of clay particles, such as those found in the Montmorillonite/Smectite Group, which causes the clay particles to expand when they absorb water, closing the soil pores, and contract when they dry out.

"Expansion" means a change in a residence, facility, site, or use that:

(a) Causes the sewage quantity or quality to exceed the existing design flow of the on-site system, for example, when a residence is increased from two to three bedrooms or a change in use from an office to a restaurant; or

(b) Reduces the treatment or dispersal capability of the existing on-site sewage system or the reserve area, for example, when a building is placed over a reserve area.

"Extremely gravelly" means soil with sixty percent or more, but less than ninety percent rock fragments by volume.

"Failure" means a condition of an on-site sewage system or component that threatens the public health by inadequately treating sewage or by creating a potential for direct or indirect contact between sewage and the public. Examples of failure include:

(a) Sewage on the surface of the ground;

(b) Sewage backing up into a structure caused by slow soil absorption of septic tank effluent;

(c) Sewage leaking from a sewage tank or collection system;

(d) Cesspools or seepage pits where evidence of ground water or surface water quality degradation exists;

(e) Inadequately treated effluent contaminating ground water or surface water; or

(f) Noncompliance with standards stipulated on the permit.

"Fecal coliform" means bacteria common to the digestive systems of warm-blooded animals that are cultured in standard tests. Counts of these organisms are typically used to indicate potential contamination from sewage or to describe a level of needed disinfection. Generally expressed as colonies per 100 ml.

"Gravelly" means soils with fifteen percent or more, but less than thirty-five percent rock fragments by volume.

"Gray water" means sewage from bathtubs, showers, bathroom sinks, washing machines, dishwashers, and kitchen sinks. It includes sewage from any source in a residence or structure that has not come into contact with toilet wastes.

"Ground water" means subsurface water occupying the zone of saturated soil, permanently, seasonally, or as the result of the tides. Indications of ground water may include:

(a) Water seeping into or standing in an open excavation from the soil surrounding the excavation or monitoring ports.

(b) Spots or blotches of different color or shades of color interspersed with a dominant color in soil, caused by reduction and oxidation of iron. These color patterns are redoximorphic features, commonly referred to as mottling. Redoximorphic features often indicate the intermittent presence of ground water and may indicate poor aeration and impeded drainage. Also see "water table."

"Holding tank sewage system" means an on-site sewage system which incorporates a sewage tank without a discharge outlet, the services of a sewage pumper/hauler, and the off-site treatment and disposal for the sewage generated.

"Hydraulic loading rate" means the amount of effluent applied to a given treatment step, in this chapter expressed as gallons per square foot per day (gal/sq.ft./day).

"Industrial wastewater" means the water or liquid carried waste from an industrial process. These wastes may result from any process or activity of industry, manufacture, trade or business, from the development of any natural resource, or from animal operations such as feedlots, poultry houses, or dairies. The term includes contaminated storm water and leachate from solid waste facilities.

"Infiltrative surface" means the surface within a treatment component or soil dispersal component to which effluent is applied and through which effluent moves into original, undisturbed soil or other porous treatment media.

"Installer" means a person approved by the local health officer to install on-site sewage systems or components.

"Local health officer" means the health officer of the city, county, or city-county health department or district within the state of Washington, or a representative authorized by and under the direct supervision of the local health officer, as defined in chapter 70.05 RCW.

"Maintenance" means the actions necessary to keep the on-site sewage system components functioning as designed.

"Massive structure" means the condition of a soil layer in which the layer appears as a coherent or solid mass not separated into peds of any kind.

"Moderate structure" means well-formed distinct peds evident in undisturbed soil. When disturbed, soil material parts into a mixture of whole peds, broken peds, and material that is not in peds.

"Monitoring" means periodic or continuous checking of an on-site sewage system, which is performed by observations and measurements, to determine if the system is functioning as intended and if system maintenance is needed. Monitoring also includes maintaining accurate records that document monitoring activities.

"On-site sewage system" (OSS) means an integrated system of components, located on or nearby the property it serves, that conveys, stores, treats, and/or provides subsurface soil treatment and dispersal of sewage. It consists of a

collection system, a treatment component or treatment sequence, and a soil dispersal component. An on-site sewage system also refers to a holding tank sewage system or other system that does not have a soil dispersal component.

"Operating capacity" means the average daily volume of sewage an OSS can treat and disperse on a sustained basis. The operating capacity, which is lower than the design flow, is an integral part of the design and is used as an index in OSS monitoring.

"Ordinary high-water mark" means the mark on lakes, streams, springs, and tidal waters, found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland with respect to vegetation, as that condition exists on the effective date of this chapter, or as it may naturally change thereafter. The following definitions apply where the ordinary high-water mark cannot be found:

(a) The ordinary high-water mark adjoining marine water is the elevation at mean higher high tide; and

(b) The ordinary high-water mark adjoining freshwater is the line of mean high water.

"Ped" means a unit of soil structure such as blocks, column, granule, plate or prism formed by natural processes.

"Person" means any individual, corporation, company, association, society, firm, partnership, joint stock company, or any governmental agency, or the authorized agents of these entities.

"Planned unit development" means a subdivision characterized by a unified site design, clustered residential units and/or commercial units, and areas of common open space.

"Platy structure" means soil that contains flat peds that lie horizontally and often overlap. This type of structure will impede the vertical movement of water.

"Pressure distribution" means a system of small diameter pipes equally distributing effluent throughout a SSAS, as described in the department's *Recommended Standards and Guidance for Pressure Distribution Systems*, 2001. A sub-surface drip system may be used wherever the chapter requires pressure distribution.

"Professional engineer" means a person who is currently licensed as an engineer under the provisions of chapter 18.43 RCW.

"Proprietary product" means a sewage treatment and distribution technology, method, or material subject to a patent or trademark.

"Public domain technology" means a sewage treatment and distribution technology, method, or material not subject to a patent or trademark.

"Public sewer system" means a sewerage system:

(a) Owned or operated by a city, town, municipal corporation, county, or other approved ownership consisting of a collection system and necessary trunks, pumping facilities and a means of final treatment and disposal; and

(b) Approved by or under permit from the department of ecology, the department of health and/or a local health officer.

"Pumper" means a person approved by the local health officer to remove and transport sewage or septage from on-site sewage systems.

"Record drawing" means an accurate graphic and written record of the location and features of the OSS that are needed to properly monitor, operate, and maintain that system.

"Repair" means the relocation, replacement or reconstruction of a failed on-site sewage system.

"Reserve area" means an area of land approved for the installation of a conforming system that is protected and maintained for replacement of the OSS upon its failure.

"Residential sewage" means sewage having the constituency and strength typical of wastewater from domestic households.

"Restrictive layer" means a stratum impeding the vertical movement of water, air, and growth of plant roots, such as hardpan, claypan, fragipan, caliche, some compacted soils, bedrock and unstructured clay soils.

"Rock fragment" means rock or mineral fragments having a diameter of two millimeters or more; for example, gravel, cobbles, stones, and boulders.

"Seepage pit" means an excavation more than three feet deep where the sidewall of the excavation is designed to dispose of septic tank effluent. Seepage pits may also be called "dry wells."

"Septage" means the mixture of solid wastes, scum, sludge, and liquids pumped from within septic tanks, pump chambers, holding tanks, and other OSS components.

"Septic tank" means a watertight treatment receptacle receiving the discharge of sewage from a building sewer or sewers, designed and constructed to permit separation of settleable and floating solids from the liquid, detention and anaerobic digestion of the organic matter, prior to discharge of the liquid.

"Septic system" see on-site sewage system or OSS.

"Sewage" means any urine, feces, and the water carrying human wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments or other places.

"Sewage quality" means contents in sewage that include:

(a) CBOD₅, TSS, and O&G;

(b) Other parameters that can adversely affect treatment. Examples include pH, temperature, and dissolved oxygen;

(c) Other constituents that create concerns due to specific site sensitivity. Examples include fecal coliform and nitrogen.

"Sewage tank" means a prefabricated or cast-in-place septic tank, pump tank/dosing chamber, holding tank, grease interceptor, recirculating filter tank or any other tanks as they relate to on-site sewage systems including tanks for use with proprietary products.

"Soil dispersal component" means a technology that releases effluent from a treatment component into the soil for dispersal, final treatment and recycling.

"Soil log" means a detailed description of soil characteristics providing information on the soil's capacity to act as an acceptable treatment and dispersal medium for sewage.

"Soil scientist" means a person certified by the American Society of Agronomy as a Certified Professional Soil Scientist.

"Soil type" means one of seven numerical classifications of fine earth particles and rock fragments as described in WAC 246-272A-0220 (2)(e).

"Standard methods" means the 20th Edition of *Standard Methods for the Examination of Water and Wastewater*, prepared and published jointly by the American Public Health Association, the American Water Works Association and the Water Environment Federation.

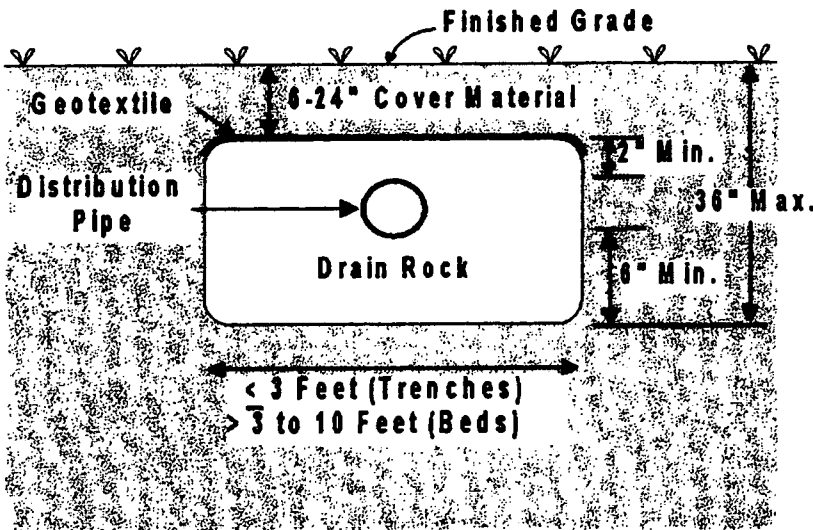
"Strong structure" means peds are distinct in undisturbed soil. They separate cleanly when soil is disturbed, and the soil material separates mainly into whole peds when removed.

"Subdivision" means a division of land or creation of lots or parcels, described under chapter 58.17 RCW, includ-

ing both long and short subdivisions, planned unit developments, and mobile home parks.

"Subsurface drip system" means an efficient pressurized wastewater distribution system that can deliver small, precise doses of effluent to soil surrounding the drip distribution piping (called dripline) as described in the department's *Recommended Standards and Guidance for Subsurface Drip Systems*."

"Subsurface soil absorption system" (SSAS) means a soil dispersal component of trenches or beds containing either a distribution pipe within a layer of drainrock covered with a geotextile, or an approved gravelless distribution technology, designed and installed in original, undisturbed, unsaturated soil providing at least minimal vertical separation as established in this chapter, with either gravity or pressure distribution of the treatment component effluent.



"Surface water" means any body of water, whether fresh or marine, flowing or contained in natural or artificial unlined depressions for significant periods of the year, including natural and artificial lakes, ponds, springs, rivers, streams, swamps, marshes, irrigation canals and tidal waters.

"Timed dosing" means delivery of discrete volumes of sewage at prescribed time intervals.

"Treatment component" means a technology that treats sewage in preparation for further treatment and/or dispersal into the soil environment. Some treatment components, such as mound systems, incorporate a soil dispersal component in lieu of separate treatment and soil dispersal components.

"Treatment level" means one of six levels (A, B, C, D, E, & N) used in these rules to:

(a) Identify treatment component performance demonstrated through requirements specified in WAC 246-272A-0110; and

(b) Match site conditions of vertical separation and soil type with treatment components. Treatment levels used in these rules are not intended to be applied as field compliance standards. Their intended use is for establishing treatment product performance in a product testing setting under established protocols by qualified testing entities.

"Treatment sequence" means any series of treatment components that discharges treated sewage to the soil dispersal component.

"Trench" means a soil dispersal component consisting of an excavation with a width of three feet or less.

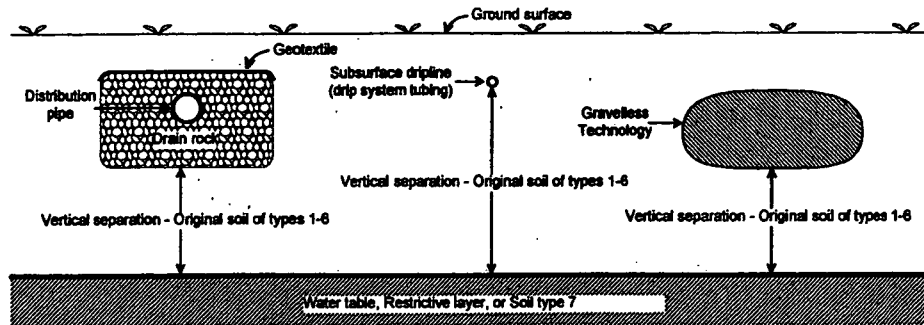
"Unit volume of sewage" means:

(a) Flow from a single-family residence;

PROPOSED

- (b) Flow from a mobile home site in a mobile home park;
or
(c) Four hundred fifty gallons of sewage per day where the proposed development is not single-family residences or a mobile home park.

"Vertical separation" means the depth of unsaturated, original, undisturbed soil of soil types 1-6 between the bottom infiltrative surface of a soil dispersal component and the highest seasonal water table, a restrictive layer, or soil type 7 as illustrated below by the profile drawing of subsurface soil absorption systems:



"Very gravelly" means soil containing thirty-five percent or more, but less than sixty percent rock fragments by volume.

"Water table" means the upper surface of the ground water, whether permanent or seasonal. Also see "ground water."

"Well" means any excavation that is constructed when the intended use of the well is for the location, diversion, artificial recharge, observation, monitoring, dewatering or withdrawal of ground water for agricultural, municipal, industrial, domestic, or commercial use. Excluded are:

- (a) A temporary observation or monitoring well used to determine the depth to a water table for locating an OSS;
- (b) An observation or monitoring well used to measure the effect of an OSS on a water table; and
- (c) An interceptor or curtain drain constructed to lower a water table.

NEW SECTION

WAC 246-272A-0015 Local management and regulation. (1) By July 1, 2007, the local health officers of health jurisdictions in the twelve counties bordering Puget Sound shall develop a written plan that will provide guidance to the local health jurisdiction regarding development and management activities for all OSS within the jurisdiction. The plan must specify how the local health jurisdiction will:

- (a) Progressively develop and maintain an inventory of all known OSS in operation within the jurisdiction;
- (b) Identify any areas where OSS could pose an increased public health risk. The following areas shall be given priority in this activity:
 - (i) Shellfish protection districts or shellfish growing areas;
 - (ii) Sole source aquifers designated by the USEPA;
 - (iii) Areas in which aquifers used for potable water as designated under the Washington State Growth Management

Act, chapter 36.70A RCW are critically impacted by recharge;

(iv) Designated wellhead protection areas for Group A public water systems;

(v) Up-gradient areas directly influencing water recreation facilities designated for swimming in natural waters with artificial boundaries within the waters as described by the Water Recreation Facilities Act, chapter 70.90 RCW;

(vi) Areas designated by the department of ecology as special protection areas under WAC 173-200-090, Water quality standards for ground waters of the state of Washington;

(vii) Wetland areas under production of crops for human consumption;

(viii) Frequently flooded areas including areas delineated by the Federal Emergency Management Agency and or as designated under the Washington State Growth Management Act, chapter 36.70A RCW;

(ix) Areas where nitrogen has been identified as a contaminant of concern; and

(x) Other areas designated by the local health officer.

(c) Identify operation, maintenance and monitoring requirements commensurate with risks posed by OSS within the geographic areas identified in (b) of this subsection;

(d) Facilitate education of homeowners regarding their responsibilities under this chapter and provide operation and maintenance information for all types of systems in use within the jurisdiction;

(e) Remind and encourage homeowners to complete the operation and maintenance inspections required by WAC 246-272A-0270;

(f) Maintain records required under this chapter, including of all operation and maintenance activities as identified; and

(g) Enforce OSS owner permit application, operation, monitoring and maintenance and failure repair requirements defined in WAC 246-272A-0200(1), 246-272A-0270, 246-272A-0275, and 246-272A-0280 (1) and (2);

(h) Describe the capacity of the local health jurisdiction to adequately fund the local OSS plan, including the ability to find failing and unknown systems; and

(i) Assure that it was developed to coordinate with the comprehensive land use plan of the entities governing development in the health officer's jurisdiction.

(2) After being approved by the local board of health following a public hearing, the local health officers required to develop a written plan under subsection (1) of this section shall:

(a) Supply a copy of the plan to the department;

(b) Supply a copy of the plan to the entities responsible for land use planning and development regulations in the health officer's jurisdiction; and

(c) Implement the plan described in subsection (1) of this section.

(3) The plans of local health jurisdictions required to develop a written plan under subsection (1) of this section shall be submitted to the department by July 1, 2007, and shall be reviewed to ensure the elements described in subsection (1) of this section have been addressed. The department shall provide in writing to the local board of health its review of the completeness of the plan.

(4) For purposes of this chapter, the local health jurisdictions in marine counties are Clallam, Island, Kitsap, Jefferson, Mason, San Juan, Seattle-King, Skagit, Snohomish, Tacoma-Pierce, Thurston and Whatcom.

(5) The local health officers for all other jurisdictions not required to develop a written plan under subsection (1) of this section shall develop a written plan that will provide guidance to the local jurisdiction regarding development and management activities for all OSS within the jurisdiction. At a minimum the plan shall include:

(a) A description of the capacity of the local health jurisdiction to provide education and operation and maintenance information for all types of systems in use within the jurisdiction;

(b) A description of how the local health officer will remind and encourage homeowners to complete the operation and maintenance inspection required by WAC 246-272A-0270; and

(c) A description of the capacity of the local health jurisdiction to adequately fund the local OSS plan.

(6) In order to implement the plan described in subsections (1) and (5) of this section, the local health officer shall require the owner of the OSS to:

(a) Comply with additional requirements identified in the plan for the location, design, or performance; and

(b) Comply with the conditions of the operational permit if one is required.

(7) In order to implement the plan described in subsections (1) and (5) of this section, the local health officer may require the owner of the OSS to:

(a) Ensure additional maintenance and monitoring of the OSS;

(b) Provide dedicated easements for inspections, maintenance, and potential future expansion of the OSS;

(c) Place a notice to title identifying any additional requirements for OSS operation, maintenance and monitoring; and

(d) Have an inspection of the OSS at the time of property transfer including the preparation of a "record drawing" if necessary.

(8) No later than July 1, 2006, the department shall develop guidance on local management programs to assist marine local health jurisdictions in plan development.

(9) Until such time as the local board of health decides to adopt its own rules, the local health officer shall enforce this chapter. Local boards of health may adopt and enforce local rules and regulations governing on-site sewage systems when the local regulations are:

(a) Consistent with, and at least as stringent as, this chapter; and

(b) Approved by the department prior to the effective date of local regulations.

(10) A local board of health shall apply for departmental approval of local regulations by initiating the following procedure:

(a) The local board shall submit the proposed local regulations to the department.

(b) Within ninety days of receipt, the department shall:

(i) Approve the regulation in writing; or

(ii) Signify automatic tacit approval with the local regulations and permitting local implementation by failing to act; or

(iii) Deny approval of the regulations. If the department determines local regulations are not consistent with this chapter, the department shall provide specific reasons for denial.

(11) Upon receipt of departmental approval or after ninety days without notification, whichever comes first, the local board may implement adopted regulations. The local board shall provide a copy of the adopted local regulations to the department.

(12) If the department denies approval of local regulations, the local board of health may:

(a) Resubmit revised regulations for departmental consideration; or

(b) Submit a written request for a review of the departmental denial within one hundred twenty days from the date the local board of health receives the written reasons for the denial.

(13) Upon receipt of written request for review of the departmental denial, the department shall:

(a) Acknowledge the receipt of the request in writing; and

(b) Form a mutually acceptable advisory panel consisting of:

(i) One departmental employee;

(ii) One employee from a local health jurisdiction other than that which requested the review; and

(iii) One member of the technical advisory committee.

(14) If good faith efforts to reach agreement are unsuccessful, the local board of health may appeal the denial to the Washington state board of health for resolution.

(15) Nothing in this chapter shall prohibit the adoption and enforcement of more stringent regulations by local health departments.

(16) In the plan required in subsection (1) of this section and in local regulations, the local health officer may address water conservation and include options for the nonpotable

reuse of gray water. Any treatment and dispersal of gray water outside the residence or structure must comply with this chapter.

GENERAL REQUIREMENTS

NEW SECTION

WAC 246-272A-0020 Applicability. (1) The local health officer:

(a) Shall apply this chapter to OSS treating sewage and dispersing effluent from residential sources with design flows up to three thousand five hundred gallons per day;

(b) May apply this chapter to OSS for nonresidential sources of sewage if treatment, siting, design, installation, and operation and maintenance measures provide treatment and effluent dispersal equal to that required of residential sources.

(c) May not apply this chapter to industrial wastewater.

(2) The department shall apply this chapter for the registration of proprietary treatment and distribution products.

(3) A valid sewage system design approval, or installation permit issued prior to the effective date of these regulations:

(a) Shall be acted upon in accordance with regulations in force at the time of issuance;

(b) Shall have a maximum validity period of five years from the date of issuance or remain valid for an additional year beyond the effective date of these regulations, whichever assures the most lenient expiration date; and

(c) May be modified to include additional requirements if the health officer determines that a serious threat to public health exists.

(4) This chapter does not apply to facilities regulated as reclaimed water use under chapter 90.46 RCW.

NEW SECTION

WAC 246-272A-0025 Connection to public sewer system. (1) When adequate public sewer services are available within two hundred feet of the residence or facility, the local health officer, upon the failure of an existing on-site sewage system may:

(a) Require hook-up to a public sewer system; or

(b) Permit the repair or replacement of the on-site sewage system only if a conforming system can be designed and installed.

(2) Except as noted in subsection (1) of this section, the owner of a failure shall abandon the OSS under WAC 246-272A-0300 and connect the residence or other facility to a public sewer system when:

(a) The distance between the residence or other facility and an adequate public sewer is two hundred feet or less as measured along the usual or most feasible route of access; and

(b) The sewer utility allows the sewer connection.

(3) The owner of a residence or other facility served by a system meeting the requirements of Table IX of this chapter shall abandon the OSS according to the requirements specified in WAC 246-272A-0300, and connect the residence or other facility to a public sewer system when:

(a) Connection is deemed necessary to protect public health by the local health officer;

(b) An adequate public sewer becomes available within two hundred feet of the residence or other facility as measured along the usual or most economically feasible route of access; and

(c) The sewer utility allows the sewer connection.

(4) Local boards of health may require a new development to connect to a public sewer system to protect public health.

(5) Local boards of health shall require new development or a development with a failing system to connect to a public sewer system if it is required by the comprehensive land use plan or development regulations.

SEWAGE PRODUCTS AND TECHNOLOGIES

NEW SECTION

WAC 246-272A-0100 Sewage technologies. (1) The department may develop recommended standards and guidance to assist local health officers in permitting different types of sewage treatment and distribution technologies including the following four broad categories:

(a) Public domain treatment technologies (e.g., sand filters);

(b) Proprietary treatment products (e.g., aerobic treatment systems and packed bed filters);

(c) Public domain distribution technologies (e.g., gravel or generic gravel substitutes, gravity and pressure distribution methods and materials);

(d) Proprietary distribution products (e.g., subsurface dripline products or gravelless distribution products).

(2) All types of sewage technologies must have either standards for use described in this chapter or departmental recommended standards and guidance before the local health officer may permit them. Recommended standards and guidance may include information and detail such as:

(a) Application;

(b) Design;

(c) Installation;

(d) Operation, monitoring and maintenance;

(e) Performance expectations; and

(f) Sources of information.

NEW SECTION

WAC 246-272A-0110 Proprietary treatment products—Certification and registration. (1) Manufacturers shall register their proprietary treatment products with the department before the local health officer may permit their use.

(2) To qualify for product registration, manufacturers desiring to sell or distribute proprietary treatment products in Washington state shall:

(a) Verify product performance through testing using the testing protocol established in Table I and register their product with the department using the process described in WAC 246-272-0120;

(b) Report test results of influent and effluent sampling obtained throughout the testing period (including normal and

stress loading phases) for evaluation of constituent reduction according to Table II;

(c) Demonstrate product performance according to Table III. All thirty-day averages and geometric means obtained throughout the test period must meet the identified threshold values to qualify for registration at that threshold level; and

(d) For registration at levels A, B, and C verify bacteriological reduction according to WAC 246-272A-0130.

(3) Manufacturers verifying product performance through testing according to the following standards or protocols shall have product testing conducted by a testing facility accredited by ANSI:

(a) ANSI/NSF Standard 40—Residential Wastewater Treatment Systems;

(b) NSF Standard 41: Non-Liquid Saturated Treatment Systems;

(c) NSF Protocol P157 Electrical Incinerating Toilets - Health and Sanitation; or

(d) Protocol for bacteriological reduction described in WAC 246-272A-0130.

(4) Manufacturers verifying product performance through testing according to the following standards or protocols shall have product testing conducted by a testing facility meeting the requirements established by the Testing Organization and Verification Organization, consistent with the test protocol and plan:

(a) EPA/NSF—Protocol for the Verification of Wastewater Treatment Technologies; or

(b) EPA Environmental Technology Verification Program protocol for the Verification of Residential Wastewater Treatment Technologies for Nutrient Reduction.

(5) Treatment levels used in these rules are not intended to be applied as field compliance standards. Their intended use is for establishing treatment product performance in a product testing setting under established protocols by qualified testing entities.

TABLE I

Testing Requirements for Proprietary Treatment Products	
Treatment Component/ Sequence Category	Required Testing Protocol
<p>Category 1 Designed to treat sewage with strength typical of a residential source when septic tank effluent is anticipated to be equal to or less than treatment level E.</p> <p>Category 2 Designed to treat high-strength sewage when septic tank effluent is anticipated to be greater than treatment level E.</p> <p>(Such as at restaurants, grocery stores, mini-marts, group homes, medical clinics, residences, etc.)</p>	<p>ANSI/NSF 40—Residential Wastewater Treatment Systems (protocols dated between July 1996 and the effective date of these rules)</p> <p>EPA/NSF Protocol for the Verification of Wastewater Treatment Technologies / EPA Environmental Technology Verification (April 2001)</p>
<p>Category 3 Black water component of residential sewage (such as composting and incinerating toilets).</p>	<p>NSF/ANSI Standard 41: Non-Liquid Saturated Treatment Systems (September 1999)</p> <p>NSF Protocol P157 Electrical Incinerating Toilets - Health and Sanitation (April 2000)</p>
<p>Total Nitrogen Reduction in Categories 1 & 2 (Above)</p>	<p>Protocol for the Verification of Residential Wastewater Treatment Technologies for Nutrient Reduction/EPA Environmental Technology Verification Program (November, 2000)</p>

TABLE II

Test Results Reporting Requirements for Proprietary Treatment Products	
Treatment Component/ Sequence Category	Testing Results Reported
<p>Category 1 Designed to treat sewage with strength typical of a residential source when septic tank effluent is anticipated to be equal to or less than treatment level E.</p>	<p>Report test results of influent and effluent sampling obtained throughout the testing period for evaluation of constituent reduction for the parameters: CBOD₅, and TSS:</p>

PROPOSED

TABLE II

Test Results Reporting Requirements for Proprietary Treatment Products	
	<input type="checkbox"/> Average <input type="checkbox"/> Standard Deviation <input type="checkbox"/> Minimum <input type="checkbox"/> Maximum <input type="checkbox"/> Median <input type="checkbox"/> Interquartile Range <input type="checkbox"/> 30-day Average (for each month) For bacteriological reduction performance, report fecal coliform test results of influent and effluent sampling by geometric mean from samples drawn within thirty-day or monthly calendar periods, obtained from a minimum of three samples per week throughout the testing period. See WAC 246-272A-0130. Test report must also include the individual results of all samples drawn throughout the test period.
Category 2 Designed to treat high-strength sewage when septic tank effluent is anticipated to be greater than treatment level E. (Such as at restaurants, grocery stores, mini-marts, group homes, medical clinics, residences, etc.)	Report all individual test results and full test average values of influent and effluent sampling obtained throughout the testing period for: CBOD ₅ , TSS and O&G Establish the treatment capacity of the product tested in pounds per day for CBOD ₅ .
Category 3 Black water component of residential sewage (such as composting and incinerating toilets).	Report test results on all required performance criteria according to the format prescribed in the NSF test protocol described in Table I.
Total Nitrogen Reduction in Categories 1 & 2 (Above)	Report test results on all required performance criteria according to the format prescribed in the test protocol described in Table I.

TABLE III

Product Performance Requirements for Proprietary Treatment Products						
Treatment Component/Sequence Category	Product Performance Requirements					
Category 1 Designed to treat sewage with strength typical of a residential source when septic tank effluent is anticipated to be equal to or less than treatment level E.	Treatment System Performance Testing Levels					
	Level	Parameters				
		CBOD₅	TSS	O&G	FC	TN
	A	10 mg/L	10 mg/L	—	200/100 ml	—
	B	15 mg/L	15 mg/L	—	1,000/100 ml	—
	C	25 mg/L	30 mg/L	—	50,000/100 ml	—
	D	25 mg/L	30 mg/L	—	—	—
	E	125 mg/L	80 mg/L	20 mg/L	—	—
N	—	—	—	—	20 mg/L	
	Values for Levels A - D are 30-day values (averages for CBOD ₅ , TSS, and geometric mean for FC.) All 30-day averages throughout the test period must meet these values in order to be registered at these levels. Values for Levels E and N are derived from full test averages.					
Category 2 Designed to treat high-strength sewage when septic tank effluent is anticipated to be greater than treatment level E. (Such as at restaurants, grocery stores, mini-marts, group homes, medical clinics, residences, etc.)	All of the following requirements must be met: (1) All full test averages must meet Level E; and (2) Establish the treatment capacity of the product tested in pounds per day for CBOD ₅ .					

PROPOSED

TABLE III

Product Performance Requirements for Proprietary Treatment Products	
Treatment Component/Sequence Category	Product Performance Requirements
Category 3 Black water component of residential sewage (such as composting and incinerating toilets).	Test results must meet the performance requirements established in the NSF test protocol.
Total Nitrogen Reduction in Categories 1 & 2 (Above)	Test results must establish product performance effluent quality meeting Level N, when presented as the full test average.

PROPOSED

NEW SECTION

WAC 246-272A-0120 Proprietary treatment product registration—Process and requirements. (1) Manufacturers shall register their proprietary treatment product(s) with the department by submitting a complete application in the format provided by the department, including:

- (a) Manufacturer's name, mailing address, street address and phone number;
- (b) Contact individual's name, mailing address, street address, and phone number. The contact individual must be vested with the authority to represent the manufacturer in this capacity;
- (c) Name, including specific brand and model, of the proprietary treatment product;
- (d) A description of the function of the proprietary treatment product along with any known limitation on the use of the product;
- (e) Product description and technical information, including process flow drawings and schematics; materials and characteristics; component design specifications; design capacity, volumes and flow assumptions and calculations; components; dimensioned drawings and photos;
- (f) For treatment systems in Category 2, daily capacity of the model or models in pounds per day of CBOD₅;
- (g) Siting and installation requirements;
- (h) Detailed description, procedure and schedule of routine service and system maintenance events;
- (i) Estimated operational costs for the first five years of the treatment component's life. This shall include both estimated annual electricity costs, and routine maintenance costs, including replacement of parts;
- (j) Identification of information subject to protection from disclosure of trade secrets;
- (k) Copies of product brochures & manuals: *Sales & Promotional; Design; Installation; Operation & Maintenance; and Homeowner Instructions*;
- (l) The most recently available product test protocol and results report;
- (m) A signed and dated certification by the manufacturer's agent specifically including the following statement, "I certify that I represent (INSERT MANUFACTURING COMPANY NAME) and I am authorized to prepare or direct the preparation of this application for registration. I attest, under penalty of law, that this document and all attachments are true, accurate, and complete. I understand and accept that the product testing results reported with this application for registration are the parameters and values to be used for determining con-

formance with Treatment System Performance Testing Levels established in chapter 246-272A WAC";

(n) A signed and dated certification from the testing entity including the statement, "I certify that I represent (INSERT TESTING ENTITY NAME), that I am authorized to report the testing results for this proprietary treatment product. I attest, under penalty of law, that the report about the test protocol and results is true, accurate, and complete"; and

(o) The fee described in WAC 246-272A-990.

(2) Products within a single series or model line (sharing distinct similarities in design, materials, and capacities) may be registered under a single application, consistent with the provisions of their test protocol for the certification of other products within a product series. Products outside of the series or model line must be registered under separate applications.

(3) Upon receipt of an application the department shall:

(a) Verify that the application is complete;

(b) If complete, place the product on the list of proprietary treatment products.

(4) All registrations are valid for up to one year, expiring on December 31 of each year. Fees are not prorated.

(5) In order to renew technology registration, a manufacturer shall:

(a) Apply for renewal of product registration using the form or in the format provided by the department.

(b) Submit the results of retesting, if the product has completed retesting according to the protocol required for registration and a report from the testing entity has been issued since initial registration or previous renewal. Renewal shall be based on the most recent test results.

(c) Provide an affidavit to the department verifying whether or not the product has changed over the previous year. If the product has changed, the affidavit must also include a full description of the changes. If the product has changed in a way that affects performance, the product may not be renewed and shall meet the requirements for initial registration.

(d) Submit the fee established in WAC 246-272A-990.

(6) As part of product registration renewal, the department shall:

(a) Request field assessment comments from local health officers no later than October 31st of each year. These comments may include concerns about a variety of field assessment issues, including product function, product reliability, and problems arising with operation and maintenance;

(b) Discuss with the TAC any field assessment information that may impact product registration renewal;

(c) Notify the manufacturer of any product to be discussed with the TAC, prior to discussion with the TAC, regarding the nature of comments received; and

(d) Renew the product registration unless:

(i) The manufacturer of a product does not apply for renewal; or

(ii) The department, after deliberation with the TAC, concludes product registration renewal should not be given or should be delayed until the manufacturer submits information that satisfactorily answers concerns and issues.

(7) The department shall maintain a list of proprietary treatment products meeting the registration requirements established in this chapter. The product registration is a condition of approval for use.

(8) Manufacturers shall have readily accessible information for designers, homeowners, regulators, system owners and other interested parties about their product including:

(a) Product manuals;

(b) Design instructions;

(c) Installation instructions;

(d) Operation and maintenance;

(e) Homeowner instructions; and

(f) A list of representatives and manufacturer certified service providers, if any.

NEW SECTION

WAC 246-272A-0125 Transition from the list of approved systems and products to the registered list—Treatment products. (1) The department's list of approved systems and products shall:

(a) Become static on *(the effective date of this chapter)*. Subsequent changes, additions or deletions to the list of approved systems and products will only be made if approved by the department based on completed applications received prior to *(the effective date of this chapter)*.

(b) Remain in effect until *(a period of eighteen months after the effective date of this chapter)*.

(2) Treatment products not on the department's list of approved systems and products on *(the effective date of this chapter)* and not otherwise eligible for inclusion on the list by submittal of a completed application prior to *(the effective date of this chapter)*, must be registered with the department according to the requirements of this chapter before being permitted by the local health officer.

(3) Between *(the effective date of this chapter)* and *(a period of eighteen months after the effective date of this chapter)*, the local health officer may permit treatment products that are on the department's list of approved systems and products or registered with the department under the requirements of this chapter.

(4) After *(a period of eighteen months after the effective date of this chapter)*, local health officers may only permit those treatment products registered under the requirements of this chapter.

(5) In order to be registered, manufacturers with treatment product models specified on the department's list of approved systems and products (excluding products being evaluated under the experimental systems program) on *(the effective date of this chapter)*, or subsequently added to the

list as provided in subsection (1)(a) of this section, shall apply for product registration within eighteen months of the effective date of this chapter using the following information:

(a) For treatment products approved for use with sewage typical of a residential source:

(i) If product approval was based on performance test results obtained from testing conducted according to a ANSI/NSF Standard 40 protocol dated prior to July 1996, the manufacturer may apply for registration as established by these rules using the performance test results obtained by a qualified testing facility from testing conducted according to a ANSI/NSF Standard 40 test protocol dated prior to July 1996;

(ii) In order to be registered, manufacturers must identify on their application for product registration if the reported product testing results use an excursion allowance. If an excursion allowance is used, only the excursion allowance provided in 1996 and later NSF protocols may be used;

(iii) Thirty-day averaging of sample results must meet the requirements established in 1996 and later NSF protocols;

(iv) If product approval was based upon the performance information obtained through the department's former experimental systems program, manufacturers may apply for registration under this chapter using the performance test results obtained from their experimental system program. This provision is valid for only those models on the list of approved systems and products;

(b) For products approved for use with high-strength residential or commercial sewage:

(i) Manufacturers may apply for product registration using the performance test results and other information previously provided to the department in support of product approval application.

(ii) If product approval was based upon the performance information obtained through the department's former experimental systems program, manufacturers may apply for registration under this chapter using the performance test results obtained from their experimental system program. This provision is valid for only those models on the list of approved systems and products;

(c) Test results for BOD₅ may be submitted in lieu of test results for CBOD₅. In these cases the numerical values for CBOD₅ will be determined using the following formula:
(BOD₅ value x .83 = CBOD₅ value);

(d) In order to be registered for treatment levels A, B or C, a manufacturer shall provide data demonstrating that each of the parameters (CBOD₅, TSS and fecal coliform) is met;

(e) Fecal coliform reduction performance must be demonstrated according to the provisions and requirements established in WAC 246-272A-0130 Bacteriological reduction; and

(f) Manufacturers and treatment products must meet all other requirements established in these rules for product registration.

NEW SECTION

WAC 246-272A-0130 Bacteriological reduction. This section establishes the requirements for registering bacteriological reduction processes.

(1) Manufacturers shall, for the purpose of product registration as described in WAC 246-272A-0110 and 246-272A-0120 for meeting treatment levels A, B, or C, verify bacteriological reduction performance by sampling for fecal coliform.

(a) For products not yet tested according to ANSI/NSF Standard 40 testing protocol dated July 1996 or later, the requirements of both ANSI/NSF Standard 40 and the protocol specified in subsection (2) of this section for verifying bacteriological reduction must be met.

(b) For products that have been tested according to ANSI/NSF Standard 40 dated July 1996 or later but have not yet been tested for bacteriological reduction, treatment performance of the treatment product or sequence may be established based on test results for CBOD₅ and TSS obtained from the previous ANSI/NSF Standard 40 testing and bacteriological reduction performance based on testing according to the protocol in subsection (2) of this section. Provided that the testing entity must verify the influent wastewater stream throughout the bacteriological testing period meets the influent threshold levels for CBOD₅ and TSS required by ANSI/NSF Standard 40 testing protocol.

(2) All test data submitted for product registration shall be produced by an ANSI accredited, third-party testing and certification organization whose accreditation is specific to on-site wastewater treatment products. Bacteriological reduction performance must be determined while the treatment product or sequence is tested according to the ANSI/NSF Standard 40 testing protocol. During this testing the following requirements apply:

(a) Collect samples from both the influent and effluent streams, identifying the treatment performance achieved by the full treatment process (component or sequence);

(b) Obtain influent characteristics falling within a range of 10⁶ - 10⁸ fecal coliform/100 mL calculated as thirty-day geometric means during the test.

(c) Test the influent to any disinfection unit and report the following at each occasion of sampling performed in (d) of this subsection:

- (i) Flow rate;
- (ii) pH;
- (iii) Temperature;
- (iv) Turbidity; and
- (v) Color.

(d) Obtain samples for fecal coliform analysis throughout the testing period, including both design loading and stress loading recovery periods, as follows:

(i) Both an influent and an effluent grab sample must be taken during each of the three daily design loading periods on three separate days of each week; and

(ii) The three influent samples collected each day must be combined and analyzed as a single sample for that day. The effluent samples for each day must also be combined and analyzed as a single sample for that day.

(e) Conduct analyses according to standard methods;

(f) Report the geometric mean of fecal coliform test results from all samples taken within thirty-day or monthly calendar periods;

(g) Report the individual results of all samples taken throughout the test period design and stress loading; and

(h) Report all maintenance and servicing conducted during the testing period, including for example, instances of cleaning a UV lamp, or replenishment of chlorine chemicals.

(3) Manufacturers may register products in treatment levels A and B using disinfection.

(4) Manufacturers may not register products for treatment level C using disinfection.

NEW SECTION

WAC 246-272A-0135 Transition from the list of approved systems and products to the registered list—Bacteriological reduction. This section on how bacteriological reduction products on the list of approved systems and products can become registered.

(1) The department's list of approved systems and products shall:

(a) Become static on (*the effective date of this section*). Subsequent changes, additions or deletions to the list of approved systems and products will only be made if approved by the department based on completed applications received prior to (*the effective date of this chapter*).

(b) Remain in effect until (*a period of eighteen months after the effective date of this chapter*).

(2) Systems on the department's list of approved systems and products meeting the BOD₅ (or CBOD₅) and TSS requirements for treatment standards 1 and 2 may continue to be combined with disinfection equipment and methods specified by the on-site sewage system designer to meet or exceed the fecal coliform reduction performance required by treatment standards 1 and 2, until (*insert a date eighteen months after the effective date*).

(3) After (*eighteen months after the effective date*), the local health officer may permit only those treatment products registered as meeting bacteriological reduction portions of treatment level A, B, or C under the requirements of this chapter.

(4) Products that have been tested for bacteriological reduction and have met all the requirements of WAC 246-272A-0130, except the bacteriological influent and/or sampling frequency requirements, may be registered under this chapter to allow continued use of the product after eighteen months from the effective date of this chapter. In order to register their product, the manufacturer shall:

(a) Assure their product is on the department's list of approved systems and products that have been approved as meeting a bacteriological reduction standard on (*the effective date of this chapter*), or subsequently added to the list as provided in subsection (1)(a) of this section;

(b) Apply for product registration within eighteen months of the effective date of this chapter; and

(c) Have their product tested for two additional months of testing using the testing protocol specified in WAC 246-272A-0130(2) to verify the bacteriological reduction performance.

NEW SECTION

WAC 246-272A-0140 Proprietary distribution products—Certification and registration. (1) Manufacturers shall register proprietary distribution products, including gravelless distribution products and subsurface dripline products, with the department before the local health officer may permit their use.

(2) Manufacturers desiring to sell proprietary distribution products shall certify that the product(s) meets the standards established in this chapter and register their product(s) with the department using the process described in WAC 246-272A-0145.

(3) Proprietary gravelless distribution products shall:

(a) Be constructed or manufactured from materials that are nondecaying and nondeteriorating and do not leach chemicals when exposed to sewage and the subsurface soil environment;

(b) Provide liquid storage volume at least equal to the storage volume provided within the thirty percent void space in a twelve-inch layer of drainrock in a drainrock-filled distribution system. This storage volume must be established by the gravelless distribution products, system design and installation and must be maintained for the life of the system. This requirement may be met on a lineal-foot, or on an overall system design basis;

(c) Provide suitable effluent distribution to the infiltrative surface at the soil interface; and

(d) Maintain the integrity of the trench or bed. The material used, by its nature and its manufacturer-prescribed installation procedure, must withstand the physical forces of the soil sidewalls, soil backfill and the weight of equipment used in the backfilling.

(4) Proprietary subsurface dripline products shall:

(a) Be warranted by the manufacturer for use with sewage and for resistance to root intrusion.

(b) Incorporate emitters with a maximum nominal rated discharge of 1.3 gallons per hour. Emitter discharge rate may be controlled either by use of pressure-compensating emitters or with a pressure regulator.

(c) Be color-coded purple to identify that the pipe contains nonpotable water from a sewage source.

NEW SECTION

WAC 246-272A-0145 Proprietary distribution product registration—Process and requirements. (1) Manufacturers shall register their proprietary distribution product(s) with the department by submitting a complete application in the format provided by the department, including:

(a) Manufacturer's name, mailing address, street address, and phone number;

(b) Contact individual's name, mailing address, street address, and phone number. The contact individual must be vested with the authority to act as the agent of the manufacturer in this capacity;

(c) Name, including specific brand and model, of the proprietary distribution product;

(d) A description of the function of the proprietary distribution product along with any known limitations on its use;

(e) Product description and technical information, including schematics; materials and characteristics; component design specifications; design capacity, volumes and flow assumptions and calculations; components; dimensioned drawings and photos;

(f) Siting and installation requirements;

(g) Detailed description, procedure and schedule of routine service and system maintenance events;

(h) Identification of information subject to protection from disclosure of trade secrets;

(i) Copies of product brochures and manuals: *Sales & Promotional; Design; Installation; Operation & Maintenance; and Homeowner Instructions;*

(j) For gravelless chamber systems a quantitative description of the actual exposed trench-bottom infiltrative surface area for each model seeking registration;

(k) A statement from a professional engineer that certifies the technology meets the standards established in WAC 246-272A-0140;

(l) A signed and dated certification by the manufacturer's agent specifically including the following statement, "I certify that I represent (INSERT MANUFACTURING COMPANY NAME) and I am authorized to prepare or direct the preparation of this application for product registration. I attest, under penalty of law, that this document and all attachments, are true, accurate, and complete."

(m) A signed and dated certification from the licensed professional engineer including the statement, "I certify that I represent (INSERT PROFESSIONAL ENGINEERING FIRM NAME), that I am authorized to certify the performance characteristics for the proprietary distribution product presented in this application. I attest, under penalty of law, that the technology report is true, accurate, and complete."

(n) The fee established in WAC 246-272A-0990.

(2) Products within a single series or model line (sharing distinct similarities in design, materials, and capacities) may be registered under a single application. Products outside of the series or model line must be registered under separate applications.

(3) Upon receipt of an application the department shall:

(a) Verify that the application is complete;

(b) If complete, place the product on the list of proprietary distribution products.

(4) All registrations are valid for up to one year, expiring on December 31st of each year. Required fees are not prorated.

(5) In order to renew a proprietary distribution product registration, a manufacturer must:

(a) Apply for renewal of product registration using the form or in the format provided by the department;

(b) Provide an affidavit to the department verifying whether or not the product has changed over the previous year. If the product has changed, the affidavit must also include a full description of the changes. If the product has changed in a way that affects performance, the product may not be renewed and shall meet the requirements of initial registration; and

(c) Submit the fee established in WAC 246-272A-0990.

(6) As part of product registration renewal, the department shall:

(a) Request field assessment comments from local health officers no later than October 31st of each year. These comments may include concerns about a variety of field assessment issues, including product function, product reliability, and problems arising with operation and maintenance;

(b) Discuss with the TAC any field assessment information that may impact product registration renewal;

(c) Notify the manufacturer of any product to be discussed with the TAC, prior to discussion with the TAC, regarding the nature of comments received; and

(d) Renew the product registration unless:

(i) The manufacturer of a product does not apply for renewal; or

(ii) The department, after deliberation with the TAC, concludes product registration renewal should not be given or should be delayed until the manufacturer submits information that satisfactorily answers concerns and issues.

(7) The department shall maintain a list of proprietary distribution products meeting the registration requirements established in this chapter. Product registration is a condition of approval for use.

(8) Manufacturers shall have readily accessible information for designers, homeowners, regulators, system owners and other interested parties about their product including:

(a) Product manuals;

(b) Design instructions;

(c) Installation instructions;

(d) Operation and maintenance;

(e) Homeowner instructions; and

(f) A list of representatives and manufacturer certified service providers, if any.

NEW SECTION

WAC 246-272A-0150 Transition from the list of approved systems and products to the registered list—Distribution products. (1) The department's list of approved systems and products shall:

(a) Become static on *(the effective date of the chapter)*. Subsequent changes, additions or deletions to the list of approved systems and products will only be made when approved by the department based on completed applications received prior to *(the effective date of this chapter)*.

(b) Remain in effect until *(for a period of eighteen months after the effective date of this chapter)*.

(2) Distribution products not on the department's list of approved systems and products on *(the effective date of this chapter)* and not otherwise eligible for inclusion on the list by submittal of a completed application prior to *(the effective date of this chapter)*, must be registered with the department under this chapter before being permitted by the local health officer.

(3) Between *(the effective date of this chapter)* and *(a period of eighteen months after the effective date of this chapter)*, the local health officer may permit distribution products that are on the department's list of approved systems and products or registered by the department under the requirements of this chapter.

(4) After *(a period of eighteen months after the effective date of this chapter)*, local health officers may only permit

those distribution products registered under the requirements of this chapter.

(5) In order to be registered, manufacturers with distribution product models specified on the department's list of approved systems and products (excluding products being evaluated under the experimental systems program) on *(the effective date of this chapter)*, or subsequently added to the list as provided in subsection (1)(a) of this section, shall apply for product registration within eighteen months of the effective date of this chapter using the following information:

(a) Manufacturers may apply for registration using the information previously provided to the department in support of product approval application, without further professional engineer certification.

(b) If product approval was based upon the performance information obtained through the department's former experimental systems program, the manufacturer may apply for registration as established by these rules using the performance test results obtained from their experimental system program, without further professional engineer certification. This provision is valid for only those models on the approved list of systems and products.

(c) Manufacturers and distribution products shall meet all other requirements established in these rules for product registration.

NEW SECTION

WAC 246-272A-0170 Product development permits.

(1) A local health officer may issue a product development permit (PDP) for any proprietary treatment component or sequence. In order to protect public health during the development period, a complete system meeting the requirements of this chapter and the site must be installed. The product under development may then be added to the treatment system allowing the product developer to gather data about the product's performance in the field. The PDP allows product developers to explore and develop new technologies prior to product testing and registration under WAC 246-272A-0110 and 246-272A-0120. The PDP is not an alternative to testing and registration.

(2) An application for a PDP shall include all of the following:

(a) Proof of an existing conforming system in compliance with all local requirements, or a permit for a conforming system. The conforming system must be installed in its entirety before the PDP becomes valid;

(b) A description of the product under development including performance goals and a description of how the system will be used to treat sewage;

(c) Documentation of financial assurance that will cover the correction of any potential public health threats or environmental damage resulting from the use of the product under development. Instruments of financial assurance include:

(i) An irrevocable letter of credit in the amount required by the local health officer issued by an entity authorized to issue letters of credit in Washington state;

(ii) Cash or security deposit payable to the local health jurisdiction in the amount required by the local health officer; or

(iii) Any other financial assurance that satisfies the local health officer.

(d) Documentation signed by the owner of the proposed product development site allowing access to the local health officer for inspection of the site; and

(e) Any other information required by the local health officer.

(3) The local health officer may stipulate additional requirements for a PDP necessary to assure the performance of the conforming system, including providing performance data to the local health officer.

(4) A PDP is a site-specific permit. Product development at multiple sites requires a PDP for each site.

(5) During the term of the PDP, product development, testing and sampling are under the full control of the product developer and all data collected is considered proprietary information.

(6) A PDP is valid for one year and may be renewed by the local health officer.

(7) The product development period is over when the original PDP or any subsequently renewed permits have expired. At this time the product developer:

(a) Shall, at the direction of the local health officer, remove the product under development from the site, reestablishing all appropriate plumbing and power connections for the conforming system.

(b) May subject the product to performance testing described in WAC 246-272A-0110 in order to allow the product to be eligible for registration with the department.

(8) The local health officer may revoke or amend a PDP:

(a) If the continued operation or presence of the product under development:

(i) Presents a risk to the public health or the environment;

(ii) Causes adverse effects on the proper function of the conforming system on the site; or

(iii) Leaks or discharges sewage on the surface of the ground.

(b) If the developer fails to comply with any requirements stipulated on the permit by the local health officer.

(9) The local health officer may charge fees adequate to administer the PDP program.

NEW SECTION

WAC 246-272A-0175 Transition from the experimental system program to application for product registration. (1) The department's list of approved systems and products shall:

(a) Become static on *(the effective date of this chapter)*. Subsequent changes, additions or deletions to the list of approved systems and products will only be made when approved by the department based on completed applications received prior to *(the effective date of this chapter)*.

(b) Remain in effect until *(a period of eighteen months after the effective date of this chapter)*.

(2) Persons representing experimental systems not on the department's list of approved systems and products on *(the effective date of this chapter)* and not otherwise eligible for inclusion on the list by submittal of a completed application prior to *(the effective date of this chapter)*, may apply to a local health officer for a product development permit under WAC 246-272A-0170.

(3) Those persons representing experimental systems on the department's list of approved systems and products on *(the effective date of this chapter)* may continue with the experimental testing according to the experimental testing protocol agreed to by the department until completed. Upon completion of the testing, the person may apply to the department for product registration under WAC 246-272A-0120 or 246-272A-0145. In considering the results of the experimental testing protocol, the department may seek a recommendation from the TAC. The department may determine:

(a) The product meets the requirements for registration and place it on the list of registered proprietary products; or

(b) The product does not meet the requirements for registration. Any further treatment product development and testing may continue under WAC 246-272A-0170, not under the department's previous experimental system program. The requirements of WAC 246-272A-0110, 246-272A-0130, or 246-272A-0140 apply to any further application for product registration.

SPECIFIC REQUIREMENTS

NEW SECTION

WAC 246-272A-0200 Permit requirements. (1) Prior to beginning the construction process, a person proposing the installation, repair, modification, connection to, or expansion of an OSS, shall report the following and obtain a permit from the local health officer:

(a) General information including:

(i) Name and address of the property owner and the applicant at the head of each page of submission;

(ii) Parcel number and if available, the address of the site;

(iii) Source of drinking water supply;

(iv) Identification if the property is within the boundaries of a recognized sewer utility;

(v) Size of the parcel;

(vi) Type of permit for which application is being made, for example, new installation, repair, expansion, modification, or operational;

(vii) Source of sewage, for example, residence, restaurant, or other type of business;

(viii) Location of utilities;

(ix) Name of the site evaluator;

(x) Name, signature and stamp of the designer;

(xi) Date of application; and

(xii) Name and signature of the fee simple owner, the contract purchaser of the property or the owner's authorized agent.

(b) The soil and site evaluation as specified under WAC 246-272A-0220.

(c) A dimensioned site plan of the proposed initial system, the reserve area and those areas immediately adjacent that contain characteristics impacting design including:

(i) Designated areas for the proposed initial system and the reserve area;

(ii) The location of all soil logs and other soil tests for the OSS;

(iii) General topography and/or slope;

(iv) Drainage characteristics;

(v) The location of existing and proposed encumbrances affecting system placement, including legal access documents if any component of the OSS is not on the lot where the sewage is generated; and

(vi) An arrow indicating north.

(d) A detailed system design meeting the requirements under WAC 246-272A-0230, 246-272A-0232, 246-272A-0234, and 246-272A-0238 including:

(i) A drawing showing the dimensioned location of components of the proposed OSS, and the system designed for the reserve area if reserve site characteristics differ significantly from the initial area;

(ii) Vertical cross-section drawings showing:

(A) The depth of the soil dispersal component, the vertical separation, and depth of cover material; and

(B) Other new OSS components constructed at the site.

(iii) Calculations and assumptions supporting the proposed design, including:

(A) System operating capacity and design flow;

(B) Soil type; and

(C) Hydraulic loading rate in the soil dispersal component; and

(e) Any additional information as deemed necessary by the local health officer.

(2) A permit is not required for replacement, addition, or modification of broken or malfunctioning building sewers, risers and lids, sewage tank lids, sewage tank baffles, sewage tank pumps, pump control floats, pipes connecting multiple sewage tanks, and OSS inspection boxes and ports where a sewage tank, treatment component, or soil dispersal component does not need to be replaced. The local health officer may require the owner to submit information regarding these activities for recordkeeping purposes.

(3) The local health officer may develop the information required in subsection (1) of this section if authorized by local regulations.

(4) The local health officer shall:

(a) Respond to an application within thirty days as required in RCW 70.05.074.

(b) Permit only public domain technologies that have departmental RS&G. Permit only proprietary products that are registered by the department. During the period of transition from the list of approved systems and products to the registered list, the local health officer may permit products on the list of approved systems and products.

(c) Issue a permit when the information submitted under subsection (1) of this section meets the requirements contained in this chapter and in local regulations;

(d) Identify the permit as a new installation, repair, expansion, modification, or operational permit;

(e) Specify the expiration date on the permit. The expiration date may not exceed five years from the date of permit issuance;

(f) Include a reminder on the permit application of the applicant's right of appeal; and

(g) If requiring an operational permit, state the period of validity and the date and conditions of renewal.

(5) The local health officer may revoke or deny a permit for just cause. Examples include, but are not limited to:

(a) Construction or continued use of an OSS that threatens the public health;

(b) Misrepresentation or concealment of material fact in information submitted to the local health officer; or

(c) Failure to meet conditions of the permit, this chapter or any local regulations.

(6) Before the local health officer issues a permit for the installation of an OSS to serve more than one development, the applicant shall show:

(a) An approved public entity owning or managing the OSS in perpetuity; or

(b) A management arrangement acceptable to the local health officer, recorded in covenant, lasting until the on-site system is no longer needed, and containing, but not limited to:

(i) A recorded easement allowing access for construction, operation, monitoring maintenance, and repair of the OSS; and

(ii) Identification of an adequate financing mechanism to assure the funding of operation, maintenance, and repair of the OSS.

(7) The local health officer shall not delegate the authority to issue permits.

(8) The local health officer may stipulate additional requirements for a particular permit if necessary for public health protection.

NEW SECTION

WAC 246-272A-0210 Location. (1) Persons shall design and install OSS to meet the minimum horizontal separations shown in Table IV, Minimum Horizontal Separations:

Table IV
Minimum Horizontal Separations

Items Requiring Setback	From edge of soil dispersal component and reserve area	From sewage tank and distribution box	From building sewer, and nonperforated distribution pipe
Well or suction line	100 ft.	50 ft.	50 ft.
Public drinking water well	100 ft.	100 ft.	100 ft.
Public drinking water spring measured from the ordinary high-water mark	200 ft.	200 ft.	100 ft.
Spring or surface water used as drinking water source measured from the ordinary high-water mark ¹	100 ft.	50 ft.	50 ft.
Pressurized water supply line	10 ft.	10 ft.	10 ft.
Decommissioned well (decommissioned in accordance with chapter 173-160 WAC)	10 ft.	N/A	N/A
Surface water measured from the ordinary high-water mark	100 ft.	50 ft.	10 ft.
Building foundation/in-ground swimming pool	10 ft.	5 ft.	2 ft.
Property or easement line	5 ft.	5 ft.	N/A
Interceptor/curtain drains/foundation drains/drainage ditches			
Down-gradient ² :	30 ft.	5 ft.	N/A
Up-gradient ² :	10 ft.	N/A	N/A
Other site features that may allow effluent to surface			
Down-gradient ² :	30 ft.	5 ft.	N/A
Up-gradient ² :	10 ft.	N/A	N/A
Down-gradient cuts or banks with at least 5 ft. of original, undisturbed soil above a restrictive layer due to a structural or textural change	25 ft.	N/A	N/A
Down-gradient cuts or banks with less than 5 ft. of original, undisturbed soil above a restrictive layer due to a structural or textural change	50 ft.	N/A	N/A
Other adjacent soil dispersal components/subsurface storm water infiltration systems	10 ft.	N/A	N/A

PROPOSED

¹If surface water is used as a public drinking water supply, the designer shall locate the OSS outside of the required source water protection area.

²The item is down-gradient when liquid will flow toward it upon encountering a water table or a restrictive layer. The item is up-gradient when liquid will flow away from it upon encountering a water table or restrictive layer.

(2) If any condition indicates a greater potential for contamination or pollution, the local health officer may increase the minimum horizontal separations. Examples of such con-

ditions include excessively permeable soils, unconfined aquifers, shallow or saturated soils, dug wells, and improperly abandoned wells.

(3) The local health officer may allow a reduced horizontal separation to not less than two feet where the property line, easement line, in-ground swimming pool, or building foundation is up-gradient.

(4) The horizontal separation between an OSS dispersal component and an individual water well, individual spring, or

surface water that is not a public water source can be reduced to a minimum of seventy-five feet, by the local health officer, and be described as a conforming system upon signed approval by the health officer if the applicant demonstrates:

(a) Adequate protective site-specific conditions, such as physical settings with low hydro-geologic susceptibility from contaminant infiltration. Examples of such conditions include evidence of confining layers and/or aquatards separating potable water from the OSS treatment zone, excessive depth to ground water, down-gradient contaminant source, or outside the zone of influence; or

(b) Design and proper operation of an OSS system assuring enhanced treatment performance beyond that accomplished by meeting the vertical separation and effluent distribution requirements described in WAC 246-272A-0230 Table VI; or

(c) Evidence of protective conditions involving both (a) and (b) of this subsection.

(5) Persons shall design and/or install a soil dispersal component only if:

(a) The slope is less than forty-five percent (twenty-four degrees);

(b) The area is not subject to:

(i) Encroachment by buildings or construction such as placement of power poles and underground utilities;

(ii) Cover by impervious material;

(iii) Vehicular traffic; or

(iv) Other activities adversely affecting the soil or the performance of the OSS.

(c) Sufficient reserve area for replacement exists to treat and dispose one hundred percent of the design flow;

(d) The land is stable; and

(e) Surface drainage is directed away from the site.

(6) The local health officer may approve a sewer transport line within ten feet of a water supply line if the sewer line is constructed in accordance with section C1-9 of the department of ecology's "Criteria For Sewage Works Design," December 1998.

NEW SECTION

WAC 246-272A-0220 Soil and site evaluation. (1) Only professional engineers, designers, or local health officers may perform soil and site evaluations. Soil scientists may only perform soil evaluations.

(2) The person evaluating the soil and site shall:

(a) Report:

(i) A sufficient number of soil logs to evaluate conditions within:

(A) The initial soil dispersal component; and

(B) The reserve area.

(ii) The ground water conditions, the date of the observation, and the probable maximum height;

(iii) The topography of the proposed initial system, the reserve area, and those areas immediately adjacent that contain characteristics impacting the design;

(iv) The drainage characteristics of the proposed initial system, the reserve area and those areas immediately adjacent that contain characteristics impacting the design;

(v) The existence of structurally deficient soils subject to major wind or water erosion events such as slide zones and dunes;

(vi) The existence of designated flood plains and other areas identified in the local management plan required in WAC 246-272A-0015; and

(vii) The location of existing features affecting system placement, such as, but not limited to:

(A) Wells and suction lines;

(B) Water sources and supply lines;

(C) Surface water and stormwater infiltration areas;

(D) Abandoned wells;

(E) Outcrops of bedrock and restrictive layers;

(F) Buildings;

(G) Property lines and lines of easement;

(H) Interceptors such as footing drains, curtain drains, and drainage ditches;

(I) Cuts, banks, and fills;

(J) Driveways and parking areas;

(K) Existing OSS; and

(L) Underground utilities;

(b) Use the soil and site evaluation procedures and terminology in accordance with Chapter 5 of the *On-site Wastewater Treatment Systems Manual*, EPA 625/R-00/008, February 2002 except where modified by, or in conflict with, this chapter (available upon request to the department);

(c) Use the soil names and particle size limits of the United States Department of Agriculture Natural Resources Conservation Service classification system;

(d) Determine texture, structure, compaction and other soil characteristics that affect the treatment and water movement potential of the soil by using normal field and/or laboratory procedures such as particle size analysis; and

(e) Classify the soil as in Table V, Soil Type Descriptions:

**Table V
Soil Type Descriptions**

Soil Type	Soil Textural Classifications
1	Gravelly and very gravelly coarse sands, all extremely gravelly soils excluding soil types 5 and 6, all soil types with greater than or equal to 90% rock fragments.
2	Coarse sands.
3	Medium sands, loamy coarse sands, loamy medium sands.
4	Fine sands, loamy fine sands, sandy loams, loams.
5	Very fine sands, loamy very fine sands; or silt loams, sandy clay loams, clay loams and silty clay loams with a moderate or strong structure (excluding platy structure).
6	Other silt loams, sandy clay loams, clay loams, silty clay loams.

PROPOSED

PROPOSED

Soil Type	Soil Textural Classifications
7 Unsuitable for treatment or dispersal	Sandy clay, clay, silty clay, strongly cemented or firm soils, soil with a moderate or strong platy structure, any soil with a massive structure, any soil with appreciable amounts of expanding clays.

(3) The owner of the property or his agent shall:

(a) Prepare the soil log excavation to:

(i) Allow examination of the soil profile in its original position by:

(A) Excavating pits of sufficient dimensions to enable observation of soil characteristics by visual and tactile means to a depth three feet deeper than the anticipated infiltrative surface at the bottom of the soil dispersal component; or

(B) Stopping at a shallower depth if a water table or restrictive layer is encountered;

(ii) Allow determination of the soil's texture, structure, color, bulk density or compaction, water absorption capabilities or permeability, and elevation of the highest seasonal water table; and

(b) Assume responsibility for constructing and maintaining the soil log excavation in a manner to prevent injury as required by chapter 296-155 WAC.

(4) The local health officer:

(a) Shall render a decision on the height of the water table within twelve months of receiving the application under precipitation conditions typical for the region;

(b) May require water table measurements to be recorded during months of probable high-water table conditions, if insufficient information is available to determine the highest seasonal water table;

(c) May require any other soil and site information affecting location, design, or installation; and

(d) May reduce the required number of soil logs for OSS serving a single-family residence if adequate soils information has previously been developed.

NEW SECTION

WAC 246-272A-0230 Design requirements—General. (1) On-site sewage systems may only be designed by professional engineers, licensed under chapter 18.43 RCW or on-site sewage treatment system designers, licensed under chapter 18.210 RCW, except:

(a) If at the discretion of the local health officer, a resident owner of a single-family residence not adjacent to a marine shoreline is allowed to design a system for that residence; or

(b) If the local health officer performs the soil and site evaluation, the health officer is allowed to design a system.

(2) The designer shall use the following criteria when developing a design for an OSS:

(a) All sewage from the building served is directed to the OSS;

(b) Sewage tanks have been reviewed and approved by the department;

(c) Drainage from the surface, footing drains, roof drains, subsurface stormwater infiltration systems, and other

nonsanitary drains is prevented from entering the OSS, the area where the OSS is located, and the reserve area;

(d) The OSS is designed to treat and disperse the sewage volume as follows:

(i) For single-family residences:

(A) The operating capacity is based on 45 gpd per capita with two people per bedroom.

(B) The minimum design flow per bedroom per day is the operating capacity of ninety gallons multiplied by 1.33. This results in a minimum design flow of one hundred twenty gallons per bedroom per day.

(C) A factor greater than 0.33 to account for surge capacity may be required by the local health officer.

(D) The local health officer may require an increase of the design flow for dwellings with anticipated greater flows, such as larger dwellings.

(E) The minimum design flow is two hundred forty gallons per day.

(ii) For other facilities, the design flows noted in "On-site Wastewater Treatment Systems Manual," USEPA, EPA-625/R-00/008, February 2002 (available upon request to the department) shall be used. Sewage flows from other sources of information may be used in determining system design flows if they incorporate both an operating capacity and a surge capacity.

(e) The OSS is designed to address sewage quality as follows:

(i) For all systems, the designer shall consider:

(A) CBOD, TSS, and O&G;

(B) Other parameters that can adversely affect treatment anywhere along the treatment sequence. Examples include pH, temperature and dissolved oxygen;

(C) The sensitivity of the site where the OSS will be installed. Examples include areas where fecal coliform constituents can result in public health concerns, such as shellfish growing areas, designated swimming areas, and other areas identified by the local management plan required in WAC 246-272A-0015.

(D) Nitrogen contributions. Where nitrogen has been identified as a contaminant of concern by the local management plan required in WAC 246-272A-0015, it shall be addressed through lot size and/or treatment.

(ii) For OSS treating sewage from a nonresidential source, the designer shall provide the following information:

(A) Information to show the sewage is not industrial wastewater;

(B) Information regarding the sewage quality and identifying chemicals found in the sewage that are not found in sewage from a residential source; and

(C) A site-specific design providing the treatment level equal to that required of sewage from a residential source;

(f) The vertical separation to be used to establish the treatment levels and application rates. The selected vertical separation shall be used consistently throughout the design process.

(g) Treatment levels:

(i) Requirements for matching treatment component and method of distribution with soil conditions of the soil dispersal component are listed in Table VI. The treatment levels correspond with those established for treatment components

under the product performance testing requirements in Table III of WAC 246-272A-0110. The method of distribution applies to the soil dispersal component.

(ii) Disinfection may not be used to achieve the fecal coliform requirements to meet:

- (A) Treatment levels A or B in Type 1 soils; or
- (B) Treatment level C.

**Table VI
Treatment Component Performance Levels and Method of Distribution¹**

Vertical Separation in inches	Soil Type		
	1	2	3-6
12 < 18	A - pressure with timed dosing	B - pressure with timed dosing	B - pressure with timed dosing
≥18 < 24	B - pressure with timed dosing	B - pressure with timed dosing	B - pressure with timed dosing
≥24 < 36	B - pressure with timed dosing	C - pressure	E - pressure
≥36 < 60	B - pressure with timed dosing	E - pressure	E - gravity
≥60	C - pressure	E - gravity	E - gravity

¹ The treatment component performance levels correspond with those established for treatment components under the product testing requirements in WAC 246-272A-0110.

(3) The coarsest textured soil within the vertical separation selected by the designer shall determine the minimum treatment level and method of distribution.

(4) The local health officer shall not approve designs for:

- (a) Cesspools; or
- (b) Seepage pits.

(5) The local health officer may approve a design for the reserve area different from the design approved for the initial OSS, if both designs meet the requirements of this chapter for new construction.

NEW SECTION

WAC 246-272A-0232 Design requirements—Septic tank sizing. Septic tanks shall:

(1) Have at least two compartments with the first compartment liquid volume equal to one-half to two-thirds of the total liquid volume. This standard may be met by one tank with two compartments or by two single compartment tanks in series.

(2) Have the following minimum liquid volumes:

(a) For a single family residence use Table VII, Required Minimum Liquid Volumes of Septic Tanks:

**Table VII
Required Minimum Liquid Volumes of Septic Tanks**

Number of Bedrooms	Required Minimum Liquid Tank Volume in Gallons
≤3	900
4	1000
Each additional bedroom	250

(b) For OSS treating sewage from a residential source, other than one single-family residence, two hundred fifty gallons per bedroom with a minimum of one thousand gallons;

(c) For OSS treating sewage from a nonresidential source, three times the design flow.

NEW SECTION

WAC 246-272A-0234 Design requirements—Soil dispersal components. (1) All soil dispersal components, except one using a subsurface dripline product, shall be designed to meet the following requirements:

(a) Maximum hydraulic loading rates shall be based on the rates described in Table VIII;

**Table VIII
Maximum Hydraulic Loading Rate**

Soil Type	Soil Textural Classification Description	Loading Rate for Residential Effluent Using Gravity or Pressure Distribution gal./sq. ft./day
1	Gravelly and very gravelly coarse sands, all extremely gravelly soils excluding Soil types 5 & 6, all soil types with greater than or equal to 90% rock fragments.	1.0
2	Coarse sands.	1.0
3	Medium sands, loamy coarse sands, loamy medium sands.	0.8
4	Fine sands, loamy fine sands, sandy loams, loams.	0.6
5	Very fine sands, loamy very fine sands; or silt loams, sandy clay loams, clay loams and silty clay loams with a moderate structure or strong structure (excluding a platy structure).	0.4
6	Other silt loams, sandy clay loams, clay loams, silty clay loams.	0.2

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Soil Type	Soil Textural Classification Description	Loading Rate for Residential Effluent Using Gravity or Pressure Distribution gal./sq. ft./day
7	Sandy clay, clay, silty clay and strongly cemented firm soils, soil with a moderate or strong platy structure, any soil with a massive structure, any soil with appreciable amounts of expanding clays.	Not suitable

- (b) Calculation of the absorption area is based on:
 - (i) The design flow in WAC 246-272A-0230(2); and
 - (ii) Loading rates equal to or less than those in Table VIII applied to the infiltrative surface of the soil dispersal component or the finest textured soil within the vertical separation selected by the designer, whichever has the finest texture.
- (c) Requirements for the method of distribution shall correspond to those in Table VI.
- (d) Soil dispersal components having daily design flow between one thousand and three thousand five hundred gallons of sewage per day shall:
 - (i) Only be located in soil types 1-5;
 - (ii) Only be located on slopes of less than thirty percent, or seventeen degrees; and
 - (iii) Have pressure distribution including time dosing.
- (2) All soil dispersal components using a subsurface dripline product must be designed to meet the following requirements:
 - (a) Calculation of the absorption area is based on:
 - (i) The design flow in WAC 246-272A-0230(2);
 - (ii) Loading rates that are dependent on the soil type, other soil and site characteristics, and the spacing of dripline and emitters;
 - (b) The dripline must be installed a minimum of six inches into original, undisturbed soil;
 - (c) Timed dosing; and
 - (d) Soil dispersal components having daily design flows greater than one thousand gallons of sewage per day may:
 - (i) Only be located in soil types 1-5;
 - (ii) Only be located on slopes of less than thirty percent, or seventeen degrees.
- (3) All SSAS shall meet the following requirements:
 - (a) The infiltrative surface may not be deeper than three feet below the finished grade, except under special conditions approved by the local health officer. The depth of such system shall not exceed ten feet from the finished grade;
 - (b) A minimum of six inches of sidewall must be located in original undisturbed soil;
 - (c) Beds are only designed in soil types 1, 2, 3 or in fine sands with a width not exceeding ten feet;
 - (d) Individual laterals greater than one hundred feet in length must use pressure distribution;

- (e) A layer of between six and twenty-four inches of cover material; and
- (f) Other features shall conform with the "On-site Wastewater Treatment Systems Manual," United States Environmental Protection Agency EPA-625/R-00/008 February 2002 (available upon request to the department) except where modified by, or in conflict with this section or local regulations.
- (4) For SSAS with drainrock and distribution pipe:
 - (a) A minimum of two inches of drainrock is required above the distribution pipe;
 - (b) The sidewall below the invert of the distribution pipe is located in original undisturbed soil.
- (5) The local health officer may allow the infiltrative surface area in a SSAS to include six inches of the SSAS sidewall height when meeting the required absorption area where total recharge by annual precipitation and irrigation is less than twelve inches per year.
- (6) The local health officer may permit systems consisting solely of a septic tank and a gravity SSAS in soil type 1 if all the following criteria are met:
 - (a) The system serves a single-family residence;
 - (b) The lot size is greater than two and one-half acres;
 - (c) Annual precipitation in the region is less than twenty-five inches per year as described by "Washington Climate" published jointly by the Cooperative Extension Service, College of Agriculture, and Washington State University (available for inspection at Washington state libraries);
 - (d) The system is located outside the twelve counties bordering Puget Sound; and
 - (e) The geologic conditions beneath the dispersal component must satisfy the minimum unsaturated depth requirements to ground water as determined by the local health officer. The method for determination is described by "Design Guideline for Gravity Systems in Soil Type 1" (available upon request to the department).
- (7) The local health officer may increase the loading rate in Table VIII up to a factor of two for soil types 1-4 and up to a factor of 1.5 for soil types 5 and 6 if a product tested to meet treatment level D is used. This reduction may not be combined with any other SSAS size reductions.
- (8)(a) The primary and reserve areas must be sized to at least one hundred percent of the loading rates listed in Table VIII.
 - (b) However, the local health officer may allow a legal lot of record created prior to the effective date of this chapter that cannot meet this primary and reserve area requirement to be developed if all the following conditions are met:
 - (i) The lot cannot meet the minimum primary and reserve area requirements due to the loading rates for medium sand, fine sand and very fine sand listed in Table VIII of this chapter;
 - (ii) The primary and reserve areas are sufficient to allow installation of a SSAS using maximum loading rates of 1.0 gallons/square foot per day for medium sand, 0.8 gallons/square foot/day for fine sand, and 0.6 gallons/square foot/day for very fine sand; and
 - (iii) A treatment product meeting at least Treatment Level D and pressure distribution with timed-dosing is used.

PROPOSED

NEW SECTION

WAC 246-272A-0238 Design requirements—Facilitate operation, monitoring and maintenance. (1) The OSS must be designed to facilitate operation, monitoring and maintenance according to the following criteria:

(a) For gravity systems, septic tank access for maintenance and inspection at finished grade is required. If effluent filters are used, access to the filter at finished grade is required. The local health officer may allow access for maintenance and inspection of a system consisting of a septic tank and gravity flow SSAS to be a maximum of six inches below finished grade provided a marker showing the location of the tank access is installed at finished grade.

(b) For all other systems, service access and monitoring ports at finished grade are required for all system components. Specific component requirements include:

(i) Septic tanks must have service access manholes and monitoring ports for the inlet and outlet. If effluent filters are used, access to the filter at finished grade is required;

(ii) Surge, flow equalization or other sewage tanks must have service access manholes;

(iii) Other pretreatment units (such as aerobic treatment units and packed-bed filters) must have service access manholes and monitoring ports;

(iv) Pump chambers, tanks and vaults must have service access manholes;

(v) Disinfection units must have service access and be installed to facilitate complete maintenance and cleaning; and

(vi) Soil dispersal components shall have monitoring ports for both distribution devices and the infiltrative surface.

(c) For systems using pumps, clearly accessible controls and warning devices are required including:

(i) Process controls such as float and pressure activated pump on/off switches, pump-run timers and process flow controls;

(ii) Diagnostic tools including dose cycle counters and hour meters on the sewage stream, or flow meters on either the water supply or sewage stream; and

(iii) Audible and visual alarms designed to alert a resident of a malfunction. The alarm must be placed on a circuit independent of the pump circuit.

(2) All accesses must be designed to allow for monitoring and maintenance and shall be secured to minimize injury or unauthorized access in a manner approved by the local health officer.

NEW SECTION

WAC 246-272A-0240 Holding tank sewage systems.

(1) A person may not install or use holding tank sewage systems for residential development or expansion of residences, whether seasonal or year-round, except as set forth under subsection (2) of this section.

(2) The local health officer may approve installation of holding tank sewage systems only:

(a) For permanent uses limited to controlled, part-time, commercial usage situations, such as recreational vehicle parks and trailer dump stations;

(b) For interim uses limited to handling of emergency situations; or

(c) For repairs as permitted under WAC 246-272A-0280 (1)(c)(i).

(3) A person proposing to use a holding tank sewage system shall:

(a) Follow design criteria established by the department;

(b) Submit a management program to the local health officer assuring ongoing operation, monitoring and maintenance before the local health officer issues the installation permit; and

(c) Use a holding tank reviewed and approved by the department.

NEW SECTION

WAC 246-272A-0250 Installation. (1) Only installers may construct OSS, except as noted under subsection (2) of this section.

(2) The local health officer may allow the resident owner of a single-family residence not adjacent to a marine shoreline to install the OSS for that single-family residence.

(3) The installer described by either subsection (1) or (2) of this section shall:

(a) Follow the approved design;

(b) Have the approved design in possession during installation;

(c) Make no changes to the approved design without the prior authorization of the designer and the local health officer;

(d) Only install septic tanks, pump chambers, and holding tanks approved by the department;

(e) Be on the site at all times during the excavation and construction of the OSS;

(f) Install the OSS to be watertight, except for the soil dispersal component;

(g) Cover the installation only after the local health officer has given approval to cover; and

(h) Back fill with six to twenty-four inches of cover material and grade the site to prevent surface water from accumulating over any component of the OSS.

NEW SECTION

WAC 246-272A-0260 Inspection. (1) For all activities requiring a permit, the local health officer shall:

(a) Visit the OSS site during the site evaluation, construction, or final construction inspection;

(b) Either inspect the OSS before cover or allow the designer of the OSS to perform the inspection before cover if the designer is not also named as installer of the system.

(c) Keep the record drawings on file, with the approved design documents.

(2) The person responsible for the final construction inspection shall assure the OSS meets the approved design.

NEW SECTION

WAC 246-272A-0265 Record drawings. Upon completion of the new construction, alteration or repair of the OSS, a complete and detailed record drawing shall be submitted to both the health officer and the OSS owner that includes at a minimum the following:

(1) Measurements and directions accurate to +/- 1/2 foot, unless otherwise determined by the local health officer, to assure the following parts of the OSS can be easily located:

- (a) All sewage tank openings requiring access;
 - (b) The ends, and all changes in direction, of installed and found buried pipes and electrical cables that are part of the OSS; and
 - (c) Any other OSS component which, in the judgment of the health officer or the designer, must be accessed for observation, maintenance, or operation;
- (2) Location and dimensions of reserve area;
- (3) Record that materials and equipment meet the specifications contained in the design;
- (4) Initial settings of electrical or mechanical devices that must be known to operate the system in the manner intended by the designer or installer; and
- (5) For proprietary products, manufacturer's standard product literature, including performance specifications and maintenance recommendations needed for operation, monitoring, maintenance or repair of the OSS.

NEW SECTION

WAC 246-272A-0270 Operation, monitoring, and maintenance—Owner responsibilities. (1) The OSS owner is responsible for operating, monitoring, and maintaining the OSS to minimize the risk of failure, and to accomplish this purpose, shall:

- (a) Obtain approval from the local health officer before repairing, altering or expanding an OSS;
- (b) Secure and renew contracts for periodic maintenance where required by the local health jurisdiction;
- (c) Obtain and renew operation permits if required by the local health jurisdiction;
- (d) Assure a complete evaluation of the system components and/or property to determine functionality, maintenance needs and compliance with regulations and any permits:
 - (i) At least once every three years for all systems consisting solely of a septic tank and gravity SSAS;
 - (ii) Annually for all other systems unless more frequent inspections are specified by the local health officer;
- (e) Employ an approved pumper to remove the septage from the tank when the level of solids and scum indicates that removal is necessary;
- (f) Provide maintenance and needed repairs to promptly return the system to a proper operating condition;
- (g) Protect the OSS area and the reserve area from:
 - (i) Cover by structures or impervious material;
 - (ii) Surface drainage, and direct drains, such as footing or roof drains. The drainage must be directed away from the area where the OSS is located;
 - (iii) Soil compaction, for example by vehicular traffic or livestock; and
 - (iv) Damage by soil removal and grade alteration;
- (h) Keep the flow of sewage to the OSS at or below the approved operating capacity and sewage quality;
- (i) Operate and maintain systems as directed by the local health officer;

(j) Request assistance from the local health officer upon occurrence of a system failure or suspected system failure; and

(k) At the time of property transfer, provide to the buyer, maintenance records, if available, in addition to the completed seller disclosure statement in accordance with chapter 64.06 RCW for residential real property transfers.

(2) Persons shall not:

- (a) Use or introduce strong bases, acids or chlorinated organic solvents into an OSS for the purpose of system cleaning;
- (b) Use a sewage system additive unless it is specifically approved by the department; or
- (c) Use an OSS to dispose of waste components atypical of sewage from a residential source.

NEW SECTION

WAC 246-272A-0275 Operation, monitoring, and maintenance—Food service establishments. The local health officer shall require annual inspections of OSS serving food service establishments and may require pumping as needed.

NEW SECTION

WAC 246-272A-0280 Repair of failures. (1) When an OSS failure occurs, the OSS owner shall:

- (a) Repair or replace the OSS with a conforming system or component, or a system meeting the requirements of Table IX either on the:
 - (i) Property served; or
 - (ii) Nearby or adjacent property if easements are obtained; or
 - (b) Connect the residence or facility to a:
 - (i) Publicly owned LOSS;
 - (ii) Privately owned LOSS where it is deemed economically feasible; or
 - (iii) Public sewer; or
 - (c) Perform one of the following when requirements in (a) and (b) of this subsection are not feasible:
 - (i) Use a holding tank; or
 - (ii) Obtain a National Pollution Discharge Elimination System or state discharge permit from the Washington state department of ecology issued to a public entity or jointly to a public entity and the system owner only when the local health officer determines:
 - (A) An OSS is not feasible; and
 - (B) The only realistic method of final dispersal of treated effluent is discharge to the surface of the land or into surface water; or
 - (iii) Abandon the property.
- (2) Prior to repairing the soil dispersal component, the OSS owner shall develop and submit information required under WAC 246-272A-0200(1).
- (3) The local health officer shall permit a system that meets the requirements of Table IX only if the following are not feasible:
 - (a) Installation of a conforming system or component; and

(b) Connection to either an approved LOSS or a public sewer.

(4) The person responsible for the design shall locate and design repairs to:

(a) Meet the requirements of Table IX if the effluent treatment and soil dispersal component to be repaired or

replaced is closer to any surface water, well, or spring than prescribed by the minimum separation required in Table IV of WAC 246-272A-0210(1). Pressure distribution with timed dosing in the soil dispersal component is required in all cases where a conforming system is not feasible.

**Table IX
Treatment Component Performance Levels for Repair of OSS Not Meeting
Vertical and Horizontal Separations¹**

Vertical Separation (in inches)	Horizontal Separation ²											
	< 25 feet			25 < 50 feet			50 < 100 feet ³			≥100 feet		
	Soil Type			Soil Type			Soil Type			Soil Type		
	1	2	3-6	1	2	3-6	1	2	3-6	1	2	3-6
< 12	A	A	A	A	A	A	A	A	B	B	B	B
≥ 12 < 18	A	A	A	A	B	B	A	B	B	Conforming Systems		
≥ 18 < 24	A	A	A	A	B	B	A	B	C			
≥ 24 < 36	A	B	B	B	C	C	B	C	C			
≥ 36	A	B	B	B	C	C	B	C	E			

¹The treatment component performance levels correspond with those established for treatment components under the product performance testing requirements in Table III of WAC 246-272A-0110.

² The horizontal separation indicated in Table IX is the distance between the soil dispersal component and the surface water, well, or spring. If the soil dispersal component is up-gradient of a surface water, well, or spring to be used as a potable water source, or beach where shellfish are harvested, the next higher treatment level shall apply unless treatment level A is already required.

³On a site where there is a horizontal setback of 75 - 100 feet between an OSS dispersal component and an individual water well, individual spring, nonmarine surface water or surface water that is not a public water source and a vertical separation of greater than twelve inches, a conforming system that complies with WAC 246-272A-0210(4) shall be installed if feasible.

(b) Protect drinking water sources and shellfish harvesting areas;

(c) Minimize nitrogen discharge in areas where nitrogen has been identified as a contaminant of concern in the local plan under WAC 246-272A-0015;

(d) Prevent the direct discharge of sewage to ground water, surface water, or upon the surface of the ground;

(e) Meet the horizontal separations under WAC 246-272A-0210(1) to public drinking water sources;

(f) Meet other requirements of this chapter to the maximum extent permitted by the site; and

(g) Maximize the:

(i) Vertical separation;

(ii) Distance from a well, spring, or suction line; and

(iii) Distance to surface water.

(5) Prior to designing the repair system, the designer shall consider the contributing factors of the failure to enable the repair to address identified causes.

(6) If the vertical separation is less than twelve inches, the local health officer may permit ASTM C-33 sand or coarser to be used as fill to prevent direct discharge of treated effluent to ground water, surface water, or upon the surface of the ground.

(7) For a repair using the requirements of Table IX, disinfection may not be used to achieve the fecal coliform requirements to meet:

(a) Treatment levels A or B where there is less than eighteen inches of vertical separation;

(b) Treatment levels A or B in type 1 soils; or

(c) Treatment level C.

(8) The local health officer shall identify repair permits meeting the requirements of Table IX for the purpose of tracking future performance.

(9) An OSS owner receiving a repair permit for a system meeting the requirements of Table IX from the local health officer shall:

(a) Immediately report any failure to the local health officer;

(b) Comply with all local and state requirements stipulated on the permit.

NEW SECTION

WAC 246-272A-0290 Expansions. (1) The local health officer shall require an OSS and a reserve area in full compliance with the new system construction standards specified in this chapter for an expansion of a residence or other facility.

(2) A local health officer may allow expansion of an existing on-site sewage system adjacent to a marine shoreline that does not meet the minimum horizontal separation between the soil dispersal component and the ordinary high-water mark required by WAC 246-272A-0210, Table IV, provided that:

(a) The system meets all requirements of WAC 246-272A-0230, 246-272A-0232, 246-272A-0234, and 246-272A-0238;

(b) The system complies with all other requirements of WAC 246-272A-0210 and this section;

(c) Horizontal separation between the soil dispersal component and the ordinary high-water mark is fifty feet or greater; and

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(d) Vertical separation is two feet or greater.

NEW SECTION

WAC 246-272A-0300 Abandonment. Persons permanently abandoning a septic tank, seepage pit, cesspool, or other sewage container shall:

- (1) Have the septage removed by an approved pumper;
- (2) Remove or destroy the lid; and
- (3) Fill the void with soil or gravel.

NEW SECTION

WAC 246-272A-0310 Septage management. (1) The local health officer shall approve an individual before they may remove septage from an OSS.

(2) Persons removing septage from an OSS shall:

- (a) Transport septage or sewage only in vehicles clearly identified with the name of the business and approved by the local health officer;
- (b) Record and report septage removal as required by the local health officer; and
- (c) Dispose of septage, or apply septage biosolids to land only in a manner consistent with applicable laws.

NEW SECTION

WAC 246-272A-0320 Developments, subdivisions, and minimum land area requirements. (1) A person proposing a subdivision where the use of OSS is planned shall

obtain a recommendation for approval from the local health officer as required by RCW 58.17.150.

(2) The local health officer shall require the following prior to approving any development:

- (a) Site evaluations as required under WAC 246-272A-0220, excluding subsections (3)(a)(i) and (4)(d);
- (b) Where a subdivision with individual wells is proposed:
 - (i) Configuration of each lot to allow a one hundred-foot radius water supply protection zone to fit within the lot lines; or
 - (ii) Establishment of a one hundred-foot protection zone around each existing and proposed well site;
- (c) Where preliminary approval of a subdivision is requested, provision of at least one soil log per proposed lot, unless the local health officer determines existing soils information allows fewer soil logs;
- (d) Determination of the minimum lot size or minimum land area required for the development using Method I and/or Method II:

METHOD I. Table X, Single-Family Residence Minimum Lot Size or Minimum Land Area Required Per Unit Volume of Sewage, shows the minimum lot size required per single-family residence. For developments other than single-family residences, the minimum land areas shown are required for each unit volume of sewage. However, the local health officer may require larger lot sizes where the local health officer has identified nitrogen as a concern either through planning activities described in WAC 246-272A-0015 or another process.

**Table X
Minimum Land Area Requirement
Single-Family Residence or Unit Volume of Sewage**

Type of Water Supply	Soil Type (defined by WAC 246-272A-0220)					
	1	2	3	4	5	6
Public	0.5 acre	12,500 sq. ft.	15,000 sq. ft.	18,000 sq. ft.	20,000 sq. ft.	22,000 sq. ft.
	2.5 acre ¹					
Individual, on each lot	1.0 acre	1 acre	1 acre	1 acre	2 acres	2 acres
	2.5 acres ¹					

¹See WAC 246-272A-0234(6).

METHOD II. A minimum land area proposal using Method II is acceptable only when the applicant:

- (i) Justifies the proposal through a written analysis of the:
 - (A) Soil type and depth;
 - (B) Area drainage, and/or lot drainage;
 - (C) Public health impact on ground and surface water quality;
 - (D) Setbacks from property lines, water supplies, etc.;
 - (E) Source of domestic water;
 - (F) Topography, geology, and ground cover;
 - (G) Climatic conditions;
 - (H) Availability of public sewers;
 - (I) Activity or land use, present, and anticipated;
 - (J) Growth patterns;
 - (K) Reserve areas for additional subsurface treatment and dispersal;

- (L) Anticipated sewage volume;
- (M) Compliance with current planning and zoning requirements;
- (N) Types of proposed systems or designs, including the use of systems designed for removal of nitrogen;
- (O) Existing encumbrances, such as those listed in WAC 246-272A-0200 (1)(c)(v) and 246-272A-0220 (2)(a)(vii); and
- (P) Estimated nitrogen loading from OSS effluent to existing ground and surface water;
- (Q) Any other information required by the local health officer.
- (ii) Shows development with public water supplies having:
 - (A) At least twelve thousand five hundred square feet lot sizes per single-family residence;

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(B) No more than 3.5 unit volumes of sewage per day per acre for developments other than single-family residences; and

(iii) Shows development with individual water supplies having at least one acre per unit volume of sewage; and

(iv) Shows land area under surface water is not included in the minimum land area calculation; and

(e) Regardless of which method is used for determining required minimum lot sizes or minimum land area, submittal to the health officer of information consisting of field data, plans, and reports supporting a conclusion the land area provided is sufficient to:

(i) Install conforming OSS;

(ii) Assure preservation of reserve areas for proposed and existing OSS;

(iii) Properly treat and dispose of the sewage; and

(iv) Minimize public health effects from the accumulation of contaminants in surface and ground water.

(3) The department shall develop guidelines for the application of Method II by *(insert date one year from the effective date)*.

(4) The local health officer shall require lot areas of twelve thousand five hundred square feet or larger except when a person proposes:

(a) OSS within the boundaries of a recognized sewer utility having a finalized assessment roll; or

(b) A planned unit development with:

(i) A signed, notarized, and recorded deed covenant restricting any development of lots or parcels above the approved density with the overall density meeting the minimum land area requirements of subsection (2)(d) of this section;

(ii) A public entity responsible for operation and maintenance of the OSS, or a single individual owning the OSS;

(iii) Management requirements under chapter 246-272B WAC when installing a LOSS; and

(iv) Extinguishment of the deed covenant and higher density development allowed only when the development connects to public sewers.

(5) The local health officer may:

(a) Allow inclusion of the area to the centerline of a road or street right of way in a Method II determination under subsection (2)(d) of this section to be included in the minimum land area calculation if:

(i) The dedicated road or street right of ways are along the perimeter of the development;

(ii) The road or street right of ways are dedicated as part of the proposed development; and

(iii) Lots are at least twelve thousand five hundred square feet in size.

(b) Require detailed plot plans and OSS designs prior to final approval of subdivision proposals;

(c) Require larger land areas or lot sizes to achieve public health protection;

(d) Prohibit development on individual lots within the boundaries of an approved subdivision if the proposed OSS design does not protect public health by meeting requirements of these regulations; and

(e) Permit the installation of an OSS, where the minimum land area requirements or lot sizes cannot be met, only when all of the following criteria are met:

(i) The lot is registered as a legal lot of record created prior to the effective date of this chapter;

(ii) The lot is outside an area identified by the local plan developed under WAC 246-272A-0015 where minimum land area has been listed as a design parameter necessary for public health protection; and

(iii) The proposed system meets all requirements of these regulations other than minimum land area.

(6) The use of a reduced-sized SSAS does not provide for a reduction in the minimum land area requirements established in this section. Site development incorporating reduced-sized SSAS must meet the minimum land area requirements established in state and local codes.

NEW SECTION

WAC 246-272A-0340 Certification of installers, pumpers, and maintenance service providers. (1) OSS installers and pumpers must obtain approval from the local health officer prior to providing services within a local health jurisdiction.

(2) Local health officer may establish programs and requirements for approving maintenance service providers.

NEW SECTION

WAC 246-272A-0400 Technical advisory committee.

(1) The department shall:

(a) Maintain a technical advisory committee to advise the department regarding:

(i) OSS design and siting;

(ii) Public domain technologies and recommended standards and guidance for their use; and

(iii) Testing and design standards used for proprietary product registration and recommended standards and guidance for use of proprietary products.

(b) Select members for the technical advisory committee with technical or scientific knowledge applicable to OSS from agencies, professions, and organizations including:

(i) Local health departments;

(ii) Engineering firms;

(iii) The department of ecology;

(iv) Land sales, development and building industries;

(v) Public sewer utilities;

(vi) On-site sewage system design and installation firms;

(vii) Environmental organizations;

(viii) University/college academic communities;

(ix) On-site sewage system or related product manufacturers; and

(x) Other interested organizations or groups.

(c) Convene meetings as needed.

(2) The department may have a representative on the technical advisory committee.

NEW SECTION

WAC 246-272A-0410 Policy advisory committee. (1) The department shall:

- (a) Maintain a policy advisory committee to:
- (i) Make recommendations concerning departmental policy and regulations;
 - (ii) Review program services; and
 - (iii) Provide input to the department regarding the on-site sewage program;
- (b) Select members from agencies, professions, organizations having knowledge and interest in OSS, and groups which are affected by the regulations; and
- (c) Convene meetings as needed.
- (2) The department may have a representative on the policy advisory committee.

NEW SECTION

WAC 246-272A-0420 Waiver of state regulations. (1) The local health officer may grant a waiver from specific requirements of this chapter if:

- (a) The waiver request is evaluated by the local health officer on an individual, site-by-site basis;
 - (b) The local health officer determines that the waiver is consistent with the standards in, and the intent of, these rules;
 - (c) The local health officer submits quarterly reports to the department regarding any waivers approved or denied; and
 - (d) Based on review of the quarterly reports, if the department finds that the waivers previously granted have not been consistent with the standards in, and the intent of these rules, the department shall provide technical assistance to the local health officer to correct the inconsistency, and may notify the local and state boards of health of the department's concerns. If upon further review of the quarterly reports, the department finds that the inconsistency between the waivers granted and the state board of health standards has not been corrected, the department may suspend the authority of the local health officer to grant waivers under this section until such inconsistencies have been corrected.
- (2) The department shall develop guidance to assist local health officers in the application of waivers.

NEW SECTION

WAC 246-272A-0425 Required rule review. The department shall review this chapter to evaluate the effectiveness of the rules and determine areas where revisions may be necessary. The department will provide the results of their review along with their recommendations to the state board of health and all local health officers by *(insert a date four years after the effective date of the rules)* and every four years thereafter.

NEW SECTION

WAC 246-272A-0430 Enforcement. (1) The department or the local health officer:

- (a) Shall enforce the rules of chapter 246-272A WAC; or
 - (b) May refer cases within their jurisdiction to the local prosecutor's office or office of the attorney general, as appropriate.
- (2) When a person violates the provisions under this chapter, the department, local health officer, local prosecu-

tor's office, or office of the attorney general may initiate enforcement or disciplinary actions, or any other legal proceeding authorized by law including, but not limited to, any one or a combination of the following:

- (a) Informal administrative conferences, convened at the request of the department or owner, to explore facts and resolve problems;
 - (b) Orders directed to the owner and/or operator of the OSS and/or person causing or responsible for the violation of the rules of chapter 246-272A WAC;
 - (c) Denial, suspension, modification, or revocation of permits, approvals, registrations, or certification;
 - (d) The penalties under chapter 70.05 RCW and RCW 43.70.190; and
 - (e) Civil or criminal action.
- (3) Orders authorized under this section include the following:
- (a) Orders requiring corrective measures necessary to effect compliance with chapter 246-272A WAC which may include a compliance schedule; and
 - (b) Orders to stop work and/or refrain from using any OSS or portion of the OSS or improvements to the OSS until all permits, certifications, and approvals required by rule or statute are obtained.
- (4) Enforcement orders issued under this section shall:
- (a) Be in writing;
 - (b) Name the person or persons to whom the order is directed;
 - (c) Briefly describe each action or inaction constituting a violation of the rules of chapter 246-272A WAC, or applicable local code;
 - (d) Specify any required corrective action, if applicable;
 - (e) Specify the effective date of the order, with time or times of compliance;
 - (f) Provide notice of the consequences of failure to comply or repeated violation, as appropriate. Such notices may include a statement that continued or repeated violation may subject the violator to:
 - (i) Denial, suspension, or revocation of a permit approval, or certification;
 - (ii) Referral to the office of the county prosecutor or attorney general; and/or
 - (iii) Other appropriate remedies.
 - (g) Provide the name, business address, and phone number of an appropriate staff person who may be contacted regarding an order.
- (5) Enforcement orders shall be personally served in the manner of service of a summons in a civil action or in a manner showing proof of receipt.
- (6) The department shall have cause to deny the application or reapplication for an operational permit or to revoke, suspend, or modify a required operational permit of any person who has:
- (a) Failed or refused to comply with the provisions of chapter 246-272A WAC, or any other statutory provision or rule regulating the operation of an OSS; or
 - (b) Obtained or attempted to obtain a permit or any other required certificate or approval by misrepresentation.
- (7) For the purposes of subsection (6) of this section and WAC 246-272A-0440, a person is defined to include:

- (a) Applicant;
 (b) Reapplicant;
 (c) Permit holder; or
 (d) Any individual associated with (a), (b) or (c) of this subsection including, but not limited to:
- (i) Board members;
 - (ii) Officers;
 - (iii) Managers;
 - (iv) Partners;
 - (v) Association members;
 - (vi) Agents; and
 - (vii) Third persons acting with the knowledge of such persons.

NEW SECTION

WAC 246-272A-0440 Notice of decision—Adjudicative proceeding. (1) All local boards of health shall:

(a) Maintain an administrative appeals process to consider procedural and technical conflicts arising from the administration of local regulations; and

(b) Establish rules for conducting hearings requested to contest a local health officer's actions.

(2) The department shall provide notice of the department's denial, suspension, modification or revocation of a permit, certification, or approval consistent with RCW 43.70.115, chapter 34.05 RCW, and chapter 246-10 WAC.

(3) A person contesting a departmental decision regarding a permit, certificate, or approval may file a written request for an adjudicative proceeding consistent with chapter 246-10 WAC.

(4) Department actions are governed under the Administrative Procedure Act chapter 34.05 RCW, RCW 43.70.115, this chapter, and chapter 246-10 WAC.

NEW SECTION

WAC 246-272A-0450 Severability. If any provision of this chapter or its application to any person or circumstances is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances shall not be affected.

NEW SECTION

WAC 246-272A-990 Fees. *Fees will be set by DOH in a separate rule making. We will ask to recodify this section so that it will be in the new chapter until the new fees can be established.*

Title of Rule and Other Identifying Information: The Washington State Parks and Recreation Commission has determined the need to amend rules in chapter 352-28 WAC, Tree, plant and fungi cutting, removal and/or disposal.

Hearing Location(s): Coupeville Elementary School, Multi Purpose Room, 6 South Main Street, Coupeville, WA 98239, phone (360) 678-4551, fax (360) 678-6810, on August 4, 2005, at 9:00 a.m.

Date of Intended Adoption: August 4, 2005, at 9:00 a.m.

Submit Written Comments to: Lisa Lantz, Environmental Planner, Washington State Parks, Southwest Region Headquarters, 11838 Tilley Road South, Olympia, WA 98512, phone (360) 956-4803, fax (360) 586-4272, e-mail Lisa.Lantz@parks.wa.gov, by July 14, 2005.

Assistance for Persons with Disabilities: Contact Pauli Larson by July 21, 2005, TTY (360) 664-3133 or (360) 902-8505.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The Washington State Parks and Recreation Commission has determined the need to reschedule the hearing on the proposed amendments to chapter 352-28 WAC to the August 4, 2005, commission meeting scheduled in Coupeville, Washington.

Name of Agency Personnel Responsible for Drafting: Lisa Lantz, Washington State Parks, Southwest Region, 11838 Tilley Road South, Olympia, WA 98512, (360) 956-4803; Implementation: Rob Fimbel, State Parks Headquarters, P.O. Box 42650, Tumwater, WA 98504-2650, (360) 902-8592; and Enforcement: Phil Shave, State Parks Headquarters, P.O. Box 42650, Tumwater, WA 98504-2650, (360) 902-8606.

May 18, 2005

Jim French

Chief of Policy Research
and Program Development

WSR 05-11-114

PROPOSED RULES

PARKS AND RECREATION
COMMISSION

[Filed May 18, 2005, 11:45 a.m.]

Continuance of WSR 05-10-071.

Preproposal statement of inquiry was filed as WSR 05-06-125.

WSR 05-11-059
EXPEDITED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed May 17, 2005, 10:14 a.m.]

Title of Rule and Other Identifying Information: Chapter 296-16 WAC, Employer—Worker reemployment incentives.

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 Carmen Moore, Department of Labor and Industries, P.O. Box 44001, Olympia, WA 98504-4208, e-mail moog235@lni.wa.gov, fax (360) 902-4202, AND RECEIVED BY July 18, 2005.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These proposed rules were developed based on comments received during the public hearing for rules previously promulgated and codified. See WSR 05-01-105. These rules will:

- Define the employer of record,
- Clarify who the employer of record is in occupational disease claims, and
- Clarify how the department will handle certification for preferred workers with multiple claims.

Reasons Supporting Proposal: Agency customers will better understand benefits available under the program, and the department will be able to more consistently and fairly respond to requests for preferred worker program benefits.

Statutory Authority for Adoption: RCW 51.04.010, 51.04.020, and 51.16.120.

Statute Being Implemented: RCW 51.16.120.

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: Valerie Grimm, Tumwater, Washington, (360) 902-5005; Implementation: Sandra Dziedzic, State Fund, Tumwater, Washington, (360) 902-4300 and Jean Vanek, Self-insurance, Olympia, Washington, (360) 902-6907; and Enforcement: Robert Malooly, Tumwater, Washington, (360) 902-4209.

May 17, 2005

Judy Schurke
 Acting Director

NEW SECTION

WAC 296-16-112 For purposes of the "preferred worker" program, who is the "employer of record"? When "preferred worker" certification is considered under a claim, the employer of record is any employer determined as responsible for all or part of that claim's costs in the department's final order establishing:

- (1) Claim allowance, for injury claims; and
- (2) Claim liability, for occupational disease claims.

NEW SECTION

WAC 296-16-135 Will the department grant a worker "preferred worker" certification under multiple open claims at the same time? No. While a worker may have multiple open claims at the same time, the department will not grant the worker "preferred worker" certification under more than one of these claims at the same time.

(1) If the worker still has "preferred worker" certification time remaining from a previous claim, and also applies for "preferred worker" certification under a subsequent claim, the department will not grant the worker additional certification. In order to seek employment as a certified "preferred worker," the worker must use the certification time remaining from the previous claim.

(2) If the worker received "preferred worker" certification under a prior claim, and the thirty-six months of that certification has ended, the worker may be eligible for "preferred worker" certification under a subsequent or new open claim.

WSR 05-11-089
EXPEDITED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed May 17, 2005, 4:56 p.m.]

Title of Rule and Other Identifying Information: Commercial fishing 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 July 18, 2005.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Requires fishers landing highly migratory species to conform to federal laws.

Reasons Supporting Proposal: Supports federal rules for high seas fisheries by ensuring that landings and possession in Washington conform to the federal laws.

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: Phil Anderson, 1111 Washington Street, Olympia, (360) 902-2720; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, (360) 902-2373.

May 17, 2005

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 01-288, filed 12/27/01, effective 1/27/02)

WAC 220-44-035 ((~~Coastal pelagic gear~~)) Highly migratory species fisheries—Possession and landing requirements—Gear restriction. It is unlawful to possess, transport through the waters of the state, or land into any Washington port highly migratory species taken from Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A-1, 59A-2, 60A-1, 60A-2, 61, 62, or 63 in violation of any permit or data collection requirements, established by the Pacific Fishery Management Council and published in the Federal Register, Volume 70, No. 27, published February 10, 2005. Therefore, persons must consult the federal regulations, which are incorporated by reference and made a part of chapter 220-44 WAC. Where rules refer to the fishery management area, that area is extended to include Washington state waters coterminous with the Exclusive Economic Zone. A copy of the federal rules may be obtained by contacting Evan Jacoby at 360-902-2930. Except as authorized under the federal rules referenced in this section, it is unlawful to use drift gill net gear in state and offshore waters west of the Bonilla-Tatoosh line, north of the Washington-Oregon boundary, and south of the United States-Canada boundary.

WSR 05-10-055
PERMANENT RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Docket No. UG-011073, General Order No. R-520—Filed May 2, 2005,
 1:14 p.m., effective June 2, 2005]

In the matter of amending, adopting, and repealing sections of chapter 480-93 WAC, relating to gas companies - safety.

1 STATUTORY OR OTHER AUTHORITY: The Washington Utilities and Transportation Commission takes this action under Notice No. WSR 05-02-096, filed with the code reviser on January 5, 2005, and Continuance Notice No. WSR 05-06-064, filed with the code reviser on March 1, 2005. The commission brings this proceeding pursuant to RCW 80.04.160, 80.28.210, and 80.01.040.

2 STATEMENT OF COMPLIANCE: This proceeding complies with the Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

3 DATE OF ADOPTION: The commission adopts these rules on the date that this order is entered.

4 CONCISE STATEMENT OF PURPOSE AND EFFECT OF THE RULE: RCW 34.05.325(6) requires that the commission prepare and provide to commenters a concise explanatory statement about an adopted rule. The statement must include the identification of the commission's reasons for adopting the rule, a description of the differences between the version of the proposed rules published in the register and the rules as adopted (other than editing changes), a summary of the comments received regarding the proposed rule changes, and the commission's responses to the comments, reflecting the commission's consideration of them.

5 The commission often includes a discussion of those matters in its rule adoption order. In addition, most rule-making proceedings involve extensive work by commission staff that includes summaries in memoranda of stakeholder comments, commission decisions, and staff recommendations in each of those areas.

6 In this docket, to avoid unnecessary duplication, the commission designates the discussion in this order as its concise explanatory statement, supplemented where not inconsistent by the staff memoranda presented at the adoption hearing and at the open meetings where the commission considered whether to begin the rule making and whether to propose adoption of specific language. Together, the documents provide a complete but concise explanation of the agency's actions and its reasons for taking those actions.

7 REFERENCE TO AFFECTED RULES: This order repeals, amends, or adopts the following sections of the Washington Administrative Code: **Repealing** WAC 480-93-002 Application of rules, 480-93-010 Compliance with federal standards, 480-93-030 Proscribed areas, 480-93-082 Qualification of employees, 480-93-111 Noncathodically protected gas facilities, 480-93-112 Corrosive condition investigation, 480-93-120 Exposed pipelines, 480-93-150 Station maintenance, 480-93-183 Pipeline and system pressure reporting, 480-93-184 Gas leak responsibility, 480-93-190 Being aware of construction work near gas company facilities, 480-93-210

Interruptions to service and 480-93-220 Rule of precedence; **amending** WAC 480-93-005 Definitions, 480-93-015 Odorization of gas, 480-93-017 Filing requirements for design, specification, and construction procedures, 480-93-018 Maps, drawings, and records of gas facilities, 480-93-020 Proximity considerations, 480-93-040 Location of gas compressor stations on gas pipelines, 480-93-080 Welder and plastic joiner identification and qualification, 480-93-100 Valves, 480-93-110 Corrosion control, 480-93-115 Casing of pipelines, 480-93-124 Pipeline markers, 480-93-130 Multi-stage pressure regulation, 480-93-140 Service regulators, 480-93-155 Increasing maximum allowable operating pressure, 480-93-160 Reporting requirements of proposed construction, 480-93-170 Tests and reports for pipelines, 480-93-175 Moving and lowering metallic gas pipelines, 480-93-180 Plan of operations and maintenance procedures; emergency policy; reporting requirements, 480-93-185 Gas leak investigation, 480-93-186 Leak evaluation, 480-93-18601 Leak classification and action criteria—Grade—Definition—Priority of leak repair, 480-93-187 Gas leak records, 480-93-188 Gas leak surveys, 480-93-200 Reporting requirements for operators of gas facilities, 480-93-223 Civil penalty for violation of RCW 80.28.210, 480-93-230 Exemptions from rules in chapter 480-93 WAC and WAC 480-93-999 Adoption by reference; and **adopting** WAC 480-93-007 Application of rules, 480-93-008 Additional requirements, 480-93-009 Severability, 480-93-012 Computation of time, 480-93-013 Covered tasks, and 480-93-178 Protection of plastic pipe.

8 PREPROPOSAL STATEMENT OF INQUIRY AND ACTIONS THEREUNDER: The commission filed a preproposal statement of inquiry (CR-101) with the code reviser on August 9, 2001, at WSR 01-17-048. The statement advised interested persons that the commission was considering entering a rule making concerning safety rules for gas pipelines.

9 ADDITIONAL NOTICE AND ACTIVITY PURSUANT TO PREPROPOSAL STATEMENT: The commission also informed persons of the inquiry into this matter by providing notice of the subject and the CR-101 to all persons on the commission's list of persons requesting such information pursuant to RCW 34.05.320(3) and the commission's lists of all gas pipelines operating in the state, persons interested in gas companies, pipeline safety, and regulatory rule makings, as well as to attorneys representing these companies or persons.

10 Pursuant to the notice, the commission received comments from Puget Sound Energy (PSE), Avista Utilities (Avista), Cascade Natural Gas (Cascade), Northwest Natural Gas Company (Northwest Natural), Energy Advocates LLP, representing the Northwest Industrial Gas Users (NWIGU), and Mr. Harry Skinner with Sumas Mountain Pipeline Safety Association. The commission engaged in three stakeholder meetings in September 2001, February 2003, and December 2003 to address stakeholder comments and discuss a variety of proposed changes to the gas pipeline safety rules.

11 On April 6, 2004, the commission sent a set of draft rules to stakeholders and requested responses to a small business economic impact statement questionnaire. PSE, Cascade, and Camas Mills (Georgia Pacific) responded to the questionnaire.

12 NOTICE OF PROPOSED RULE MAKING: The commission filed with the code reviser a notice of proposed rule mak-

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ing (CR-102) on July 21, 2004, at WSR 04-15-141, scheduling the matter for oral comment and adoption on October 27, 2004. The notice provided interested persons the opportunity to submit written comments to the commission by August 27, 2004. On October 18, 2005, at WSR 04-21-048, the commission filed a continuance of WSR 04-15-141, rescheduling the matter for oral comment and adoption for February 9, 2005. On January 5, 2005, at WSR 05-02-096, the commission filed a supplemental notice to WSR 04-15-141, notifying interested persons of changes to the rules proposed at WSR 04-15-151 and scheduling the matter for oral comment and adoption on March 16, 2005. The notice provided interested persons the opportunity to submit written comments to the commission by January 28, 2005. On March 1, 2005, at WSR 05-06-064, the commission filed a continuance of WSR 05-02-096, rescheduling the matter for oral comment and adoption under Notice No. WSR 05-02-096 at 1:30 p.m., Thursday, March 31, 2005, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA.

13 COMMENTERS (WRITTEN COMMENTS): The commission received written comments from Industrial Gas Services, Inc., NWIGU, PSE, Avista, Northwest Natural, Cascade, the City of Ellensburg, the City of Renton, and Raymond A. Allen in response to the rules proposed at WSR 04-15-151. The commission received written comments from Mr. Allen, Cascade, and PSE in response to the supplemental notice of rules proposed at WSR 05-02-096. The commission received written comments from Tony Smith, Welding Coordinator, UA Local 32, Don Davis, Master Builders Association of King and Snohomish Counties, and Northwest Natural prior to the adoption hearing on March 31, 2005.

14 RULE-MAKING HEARING: The rule proposal was considered for adoption, pursuant to the notices in WSR 05-02-096 and 05-06-064, at a rule-making hearing scheduled during the commission's regularly scheduled open public meeting on March 31, 2005, before Chairman Mark H. Sidran and Commissioners Patrick J. Oshie and Philip B. Jones. The commission heard oral comments from Sondra Walsh, Senior Policy Strategist, representing commission staff, Jim Hogan, Manager of Standards and Compliance, representing PSE, Trent Matsen, representing the Building Industry Association of Washington (BIAW), and Chad Stokes, representing NWIGU.

15 SUGGESTIONS FOR CHANGE THAT ARE REJECTED:

WAC 480-93-005 Definitions. PSE suggests that the word "vented" be deleted from the term "Gas associated substructures." The commission does not accept PSE's proposed change because if the word "vented" is deleted from the definition, the definition would include inaccessible casings that operators could not test or read.

WAC 480-93-015 Odorization of gas. NWIGU suggests that this proposed rule be amended to require that "sniff" tests be performed every other month. The commission does not accept the proposed change because monthly odorization tests provide additional safety to pipelines in Washington state, while adding very little additional cost to operators.

WAC 480-93-080 Welder and plastic joiner identification and qualification. Northwest Natural suggests deleting subsection (2)(c) from the proposed rule. This subsection is

written to clarify and ensure compliance with 49 C.F.R. § 192.285(c). Subsection (2)(c) merely restates the measures an operator must take to avoid having to requalify persons annually who join plastic pipe.

PSE suggests deleting subsections (1)(b) and (c) of the proposed rule arguing they are duplicative of requirements in subsection (1). These subsections clarify that operators must use proper equipment when qualifying a welding procedure or welder using an approved welding procedure, and provide that the actual welding variables must be measured and recorded. While API Standard 1104 and ASME Section IX require that welding be performed within the specified ranges outlined in welding specifications and procedures, they do not specifically address the use of measuring devices to confirm compliance. Not all operators use the necessary equipment to ensure that welders are staying within the specified ranges. The commission does not accept the proposal because the subsections are not duplicative of requirements in subsection (1).

WAC 480-93-110 Corrosion control. PSE suggests deleting subsection (2) of this proposed rule because it duplicates 49 C.F.R. § 192.491. The commission does not accept PSE's suggestion because the subsection requires operators to provide more detailed documentation of remedial actions than the federal rule.

PSE also recommends that an additional thirty days for remediation be included in subsection (2). The proposed rule adds thirty days to the required ninety-day requirement to remediate. Because this is a reasonable timeframe for an operator to acquire a permit, the commission does not accept PSE's proposal to add thirty more days.

WAC 480-93-155 Increasing maximum allowable operating pressure. PSE suggests that a "summary" of the procedure for conducting an uprate is sufficient. (An "uprate" occurs when a pipeline is authorized to operate at a pressure higher than previously authorized.) The proposed rule clarifies that operators provide for commission review the actual documentation pertaining to the parameters of the uprate. The commission does not accept PSE's proposal because a summary is not sufficient for the commission to properly evaluate an uprate request.

WAC 480-93-160 Reporting requirements of proposed construction. The mayor of the city of Renton suggests that the proposed rule should contain language requiring operators to submit reports for proposed construction to local building and fire departments. While the commission understands the interests of municipalities in obtaining the proposed construction reports, we decline to include such a requirement in rule. However, the commission will work with municipalities to make available any information relating to proposed construction or pipeline activity affecting a municipality.

WAC 480-93-170 Tests and reports for pipelines. The mayor of the city of Renton suggests that the proposed rule incorporate the names of the officials that should be contacted. The commission does not accept this proposed change because the operators are found in many different jurisdictions, and it would be difficult to name all appropriate officials in the rule.

PSE suggests deleting subsection (3) of this proposed rule because it appears redundant with 49 C.F.R. Part 192. The commission does not accept this change. Although the requirement may appear to be redundant, it is included in the proposed rule to clarify that pressure tests must be conducted on broken service lines.

WAC 480-93-178 Protection of plastic pipe. PSE opposes the requirement in subsection (7) of the proposed rule that requires bedding material to be rock-free unless otherwise specified by the manufacturer. The commission does not accept this change, because rock-free bedding material or bedding material that is specified by the manufacturer provides the safest protection for pipelines.

WAC 480-93-186 Leak evaluation. Northwest Natural believes that the requirement in this proposed rule to document the perimeter of every leak area would be a significant burden that does not materially contribute to pipeline safety. Northwest Natural recommends deleting this requirement. The commission does not accept this proposed change because operators and the commission are better able to determine the stability of a leak if the operator documents the perimeter of the leak.

PSE suggests that WAC 480-93-186 and 480-93-18601 be combined into one rule. The commission does not accept this proposed change because WAC 480-93-186 and 480-93-18601 address different concerns, and therefore it is appropriate to maintain separate requirements. WAC 480-93-186 addresses when a leak must be evaluated, while WAC 480-93-18601 addresses the procedure to evaluate, repair, and reinspect leaks, when a leak can be downgraded, and how often.

WAC 480-93-187 Gas leak records. Northwest Natural believes that subsection (17), now identified as subsection (1)(m) of the proposed rule, is not necessary because operators have programs in place to ensure the ongoing accuracy and calibration of all equipment used for leakage detection. The commission disagrees with this proposed change. In the commission's experience, there have been continued gaps in calibration records, which operators attribute to nonusage. The requirement to supply the unique identification numbers of leak detection equipment will provide valid information needed to verify gas leak records.

PSE requests that this proposed rule address only records of gas leak repair surveys, not all gas leaks. The commission does not accept this proposed change, because the intent of the rule is to require operators to maintain all records of gas leaks, not just records applicable to repaired leaks.

WAC 480-93-188 Gas leak surveys. PSE opposes the requirement that instruments be tested monthly, and not to exceed forty-five days between tests, if there is no manufacturer's recommended interval. The commission does not accept this proposed change, as the requirement will generally apply to older equipment that has the potential for unreliable operation.

WAC 480-93-200 Reporting requirements for operators of gas facilities. PSE and Northwest Natural oppose the requirement to notify the commission within two hours of evacuation of a high occupancy structure or area. The commission does not accept this proposal because an evacuation

could indicate an incident is occurring. The commission needs to be informed of these events.

Cascade and PSE both suggest deleting the requirement that operators must submit daily construction reports to the commission. The commission disagrees and notes that most operators currently provide the reports to the commission voluntarily. Moreover, the reports enable the commission to review and inspect an operator's daily construction activities.

WAC 480-93-999 Covered tasks. PSE opposes including "new construction" in the definition of "covered tasks." The proposed rule makes the commission's rules more stringent than federal rules in this regard. The commission does not accept PSE's proposed change because operators should apply current safety requirements during pipeline construction, not just after the pipeline is in operation.

16 COMMISSION ACTION: After considering all of the information regarding this proposal, the commission finds and concludes that it should amend, repeal, and adopt the rules in the supplemental CR-102 notice at WSR 05-02-096 with the changes described below.

17 CHANGES FROM PROPOSAL: The commission adopts the proposal noticed at WSR 05-02-096 with the following changes:

WAC 480-93-005 Definitions. The commission makes three changes to this proposed rule: First, a definition for "enclosed space" replaces the same definition of "confined space" in the existing rule. PSE and Cascade request inclusion of the definition as the term is used in WAC 480-93-186 and WAC 480-93-18601. Second, the term "High occupancy structure or area" is placed in the correct alphabetical order. Third, the word "natural" is deleted from subsection (17)(a)(i) to properly reflect the statutory definition of "gas company" in RCW 80.04.010.

WAC 480-93-013 Covered tasks. In the proposed rules, the commission adopts by reference certain federal rules, and includes a more stringent definition of "covered tasks" than the federal rule addressing operator qualifications, 49 C.F.R. § 192.801 (b)(2). In order to clarify that "new construction" is included in the definition of "covered tasks," the commission includes the more stringent requirement in a new rule, WAC 480-93-013, and provides a cross-reference to WAC 480-93-999 (1)(a), which adopts by reference the federal rule.

WAC 480-93-015 Odorization of gas. Subsections (2) and (3) of this proposed rule are modified to exempt from application of the rule master meter operators who comply with federal rules on odorization, and to clarify language concerning obligations to calibrate instruments, as requested by Mr. Allen, a corrosion control engineer.

WAC 480-93-017 Filing requirements for design, specification, and construction procedures. The commission makes typographical changes to this proposed rule.

WAC 480-93-018 Maps, drawings, and records of gas facilities. Based on comments by PSE, subsections (1) and (2) of the proposed rule are modified to clarify language addressing records that operators must maintain and make available to the commission.

WAC 480-93-020 Proximity considerations. As requested by PSE, the proposed rule is modified to add clarity by replacing the words "pounds per square inch" with the

acronym "psig," and by removing the words "building or" prior to the term "high occupancy structure or area" to avoid redundancy. The commission makes other typographical changes.

WAC 480-93-080 Welder and plastic joiner identification and qualification. As requested by Cascade, the term "fuses" in subsection (2)(c) of this proposed rule is deleted and replaced with the term "joints." The commission makes other typographical changes.

WAC 480-93-100 Valves. As requested by Cascade, subsection (2) of the proposed rule is modified to clarify that valves are not required to be installed on preexisting services. The commission makes other typographical changes.

WAC 480-93-110 Corrosion control. As requested by PSE, subsection (3) of the proposed rule is modified to read more clearly and a redundant word is deleted in subsection (2).

WAC 480-93-124 Pipeline markers. As requested by PSE, subsections (1) and (2) of the proposed rule are modified to clarify exceptions for marking buried pipeline. The commission makes other typographical changes.

WAC 480-93-130 Multistage pressure regulation. In response to a change requested by PSE, the words "where feasible" in the proposed rule are replaced with the words "when practical to do so." The commission makes other typographical changes.

WAC 480-93-155 Increasing maximum allowable operating pressure. The terms "maximum allowable operating pressure" and "pounds per square inch gauge" in subsection (1) of the proposed rule have been replaced with the acronyms MAOP and psig, as requested by PSE. Other changes requested by PSE were also included, such as referring to "hoop stress" to clarify the intent of the proposed rule, and deleting the last sentence of subsection (2).

WAC 480-93-160 Reporting requirements of proposed construction. In response to suggestions by PSE, the term "maximum allowable operating pressure" in subsection (2)(d) of the proposed rule has been replaced with the acronym MAOP, and subsection (3) has been deleted to eliminate language redundant with the last sentence of subsection (1).

WAC 480-93-170 Tests and reports for pipelines. In response to suggestions by PSE, language in subsections (1) and (2) of this proposed rule is modified for clarity and language in subsection (10) relating to calibrating equipment is modified to be consistent with calibration language in other rules in the chapter.

WAC 480-93-178 Protection of plastic pipe. In response to oral comments made by Mr. Hogan of PSE and Mr. Matsen of the BIAW during the March 31, 2005, adoption hearing, the second sentence of subsection (4) of this proposed rule is modified to read "Where a minimum twelve inches of separation is not possible, operators must take adequate precautions, such as inserting the plastic pipeline in conduit, to minimize any potential hazards resulting from the close proximity to the other utilities."

WAC 480-93-180 Plan of operations and maintenance procedures; emergency policy, reporting requirements. To avoid confusion, the words "and general intent" are removed from subsection (1) of this proposed rule, as requested by PSE.

WAC 480-93-185 Gas leak investigation. The commission makes typographical changes to subsection (1) of this proposed rule.

WAC 480-93-186 Leak evaluation. The commission modifies the title of this proposed rule to more clearly describe the proposed rule, and has deleted the definitions of Grade 1, 2, and 3 leaks, because the leak types are defined in WAC 480-93-18601. The term "confined space" in subsection (2) is changed to "enclosed space," as requested by Cascade, and various terms in the proposed rule are modified as requested by PSE.

WAC 480-93-18601 Leak classification and action criteria—Grade—Definition—Priority of leak repair. As requested by Cascade, the term "confined space" in subsections (1)(b)(v) and (2)(e)(iv) of this proposed rule is changed to "enclosed space." The commission deletes the titles introducing subsections (1), (2) and (3) of the proposed rule and makes other typographical changes.

WAC 480-93-187 Gas leak records. As requested by PSE, subsections (2), (3), and (4) of this proposed rule are deleted and language from these sections is included in subsection (1).

WAC 480-93-188 Gas leak surveys. Based on concerns raised by PSE, subsections (1)(c) and (3)(b) of this proposed rule are deleted, and language in subsections (4)(a) and (b) relating to the potential for damage have been removed. The commission makes other typographical changes.

WAC 480-93-200 Reporting requirements for operators of gas facilities. As requested by PSE, subsection (1)(b) is modified to require reporting for damage in excess of fifty thousand dollars, and the word "dwelling" in subsection (1)(c) of the proposed rule has been deleted. Language in subsection (4) is deleted and included as subsection (1)(e), and language in subsection (2)(a) is deleted and included as subsection (6)(c). The commission modifies the title to more clearly describe the proposed rule and makes other typographical changes.

WAC 480-93-223 Civil penalty for violation of RCW 80.28.210 and commission gas safety rules. The commission modifies subsection (1)(a) of the proposed rule to reflect that the maximum civil penalty under RCW 80.28.212 for violations of this chapter, other than WAC 480-93-160 and 480-93-200 (1)(h), is twenty-five thousand dollars, rather than the five thousand dollar amount reflected in the proposed rule. The change is to correct an oversight in the drafting of the proposed rule. The commission's intent was to rewrite the existing rule for clarity, not to modify the penalty amounts in the existing rule.

The commission also changes the references to WAC 480-93-200 (1)(e) in subsections (1)(a) and (b) to WAC 480-93-200 (1)(h) to reflect changes to WAC 480-93-200 that the commission adopts in this order.

WAC 480-93-999 Adoption by reference. The commission modifies subsection (1)(a) of this proposed rule to reflect federal regulations in effect on October 1, 2004, and to refer to WAC 480-93-013, which provides that "new construction" is included in the definition of "covered tasks," applying more stringent requirements than the federal rule addressing operator qualifications, 49 C.F.R. § 192.801 (b)(2). The commission also modifies the language in subsections (3)(a)

and (c) of the proposed rule to reflect the most current edition of the American Petroleum Institute standard 1104.

18 STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE: After reviewing the entire record, the commission determines that WAC 480-93-002, 480-93-010, 480-93-030, 480-93-082, 480-93-111, 480-93-112, 480-93-120, 480-93-150, 480-93-183, 480-93-184, 480-93-190, 480-93-210, and 480-93-220 should be repealed, WAC 480-93-005, 480-93-015, 480-93-017, 480-93-018, 480-93-020, 480-93-040, 480-93-080, 480-93-100, 480-93-110, 480-93-115, 480-93-124, 480-93-130, 480-93-140, 480-93-155, 480-93-160, 480-93-170, 480-93-175, 480-93-180, 480-93-185, 480-93-186, 480-93-18601, 480-93-187, 480-93-188, 480-93-200, 480-93-223, 480-93-230, and 480-93-999 should be amended, and WAC 480-93-007, 480-93-008, 480-93-009, 480-93-012, 480-93-013, and 480-93-178 should be adopted to read as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380(2) on the thirty-first day after filing with the code reviser.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 6, Amended 27, Repealed 13.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

ORDER

19 THE COMMISSION ORDERS:

20 (1) The commission repeals the following sections of chapter 480-93 WAC: WAC 480-93-002, 480-93-010, 480-93-030, 480-93-082, 480-93-111, 480-93-112, 480-93-120, 480-93-150, 480-93-183, 480-93-184, 480-93-190, 480-93-210, and 480-93-220.

21 (2) The commission amends and adopts the following sections of chapter 480-93 WAC to read as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission, to take effect on the thirty-first day after the date of filing with the code reviser pursuant to RCW 34.05.380(2): WAC 480-93-005, 480-93-015, 480-93-017, 480-93-018, 480-93-020, 480-93-040, 480-93-080, 480-93-100, 480-93-110, 480-93-115, 480-93-124, 480-93-130, 480-93-140, 480-93-155, 480-93-160, 480-93-170, 480-93-175, 480-93-180, 480-93-185, 480-93-186, 480-93-18601, 480-93-187, 480-93-188, 480-93-200, 480-93-223, 480-93-230, and 480-93-999.

22 (3) The commission adopts the following new sections of chapter 480-93 WAC to read as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission, to take effect on the thirty-first day after the

date of filing with the code reviser pursuant to RCW 34.05.-380(2): WAC 480-93-007, 480-93-008, 480-93-009, 480-93-012, 480-93-013, and 480-93-178.

23 (4) This order and the rules set out below, after being recorded in the register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapters 80.01 and 34.05 RCW and chapter 1-21 WAC.

DATED at Olympia, Washington, this 29th day of April, 2005.

Washington Utilities and Transportation Commission

Mark H. Sidran, Chairman

Patrick J. Oshie, Commissioner

Philip B. Jones, Commissioner

AMENDATORY SECTION (Amending Docket No. A-010827, General Order No. R-491, filed 9/28/01, effective 10/29/01)

WAC 480-93-005 Definitions. ~~((1) Bar hole—a hole that has been made in the soil or paving for the specific purpose of testing the subsurface atmosphere with a combustible gas indicator.~~

~~(2) Building—any structure which is normally or occasionally entered by humans for business, residential, or other purposes and within which gas could accumulate.~~

~~(3) Combustible gas indicator (CGI)—a device capable of detecting and measuring gas concentrations of the gas being transported.~~

~~(4) Confined space—any subsurface structure of sufficient size which could accommodate a person and within which gas could accumulate, e.g., vaults, catch basins, manholes, etc.~~

~~(5) Follow-up inspection—an inspection performed after a repair has been completed in order to determine the effectiveness of the repair.~~

~~(6) Gas—natural gas, flammable gas, or gas which is toxic or corrosive.~~

~~(7) Gas associated substructures—those devices or facilities utilized by a gas company which are not intended for storing, transporting, or distributing gas, such as valve boxes, vaults, test boxes, and vented casing pipe.~~

~~(8) Gas company—the term "gas company" shall mean:~~

~~(a) Every gas company otherwise subject to the jurisdiction of the commission under Title 80 RCW as to rates and service; and~~

~~(b) Every person, corporation, city, or town which owns or operates a pipeline transporting gas in this state, even though such person, corporation, city, or town is not a public service company under chapter 80.28 RCW, and even though such person, corporation, city, or town does not deliver, sell, or furnish gas to any person or corporation within this state.~~

~~(9) Gathering line—a gas pipeline which transports gas from the outlet of a well and any associated compressor to the connection with a second gathering line or with a transmission line.~~

~~(10) Indication—a response indicated by a gas detection instrument that has not been verified as a reading.~~

(11) L.E.L.—the lower explosive limit of the gas being transported.

(12) Main—a gas pipeline, not a gathering or transmission line:

(a) Which serves as a common source of gas for more than one service line;

(b) Which crosses a public right of way; or

(c) Which crosses property not owned by the customer or the gas company.

(13) Master meter system—a pipeline system for distributing gas to more than one building within, but not limited to, a definable area, such as a mobile home park, housing project, or apartment complex, where the operator purchases metered gas from an outside source for distribution to ultimate consumers other than the system operator's immediate family through a gas distribution pipeline system.

(14) Maximum operating pressure—a maximum pressure selected by a gas company for operation of a pipeline or segment of a pipeline, which is equal to or less than the maximum allowable operating pressure derived pursuant to 49 CFR, Part 192 on the date specified in WAC 480-93-999.

(15) Prompt action—shall consist of dispatching qualified personnel without undue delay for the purpose of evaluating and where necessary abating an existing or probable hazard.

(16) Reading—a repeatable deviation on a combustible gas indicator or equivalent instrument expressed in percent L.E.L. or gas air ratio. Where the reading is in an unvented, confined space, consideration shall be given to the rate of dissipation when the space is ventilated and the rate of accumulation when the space is resealed.

(17) Service line—a gas pipeline, not a main, gathering or transmission line, which provides service to one building. Service lines shall include gas pipelines extended from a main to provide service to one building, which traverse a public right of way or an easement immediately adjacent to a public right of way or another easement.

(18) Transmission line—a gas pipeline which connects to an existing transmission line without pressure regulation to lower the pressure; which is downstream of the connection of two or more gathering lines; and as defined in 49 CFR, Part 192, section 192.3 on the date specified in WAC 480-93-999.

(19) Tunnel—a subsurface passageway large enough for a person to enter and within which gas could accumulate.

(20) Other terms which correspond to those used in 49 CFR, Parts 191, 192 and 199 (Minimum Federal Safety Standards for Gas Pipelines) shall be construed as used therein on the date specified in WAC 480-93-999.) (1) "Bar hole" means a hole made in the soil or paving for the specific purpose of testing the subsurface atmosphere with a combustible gas indicator.

(2) "Building" means any structure that is normally or occasionally entered by humans for business, residential, or other purposes and where gas could accumulate.

(3) "Business district" means an area where the public regularly congregates or where the majority of the buildings on either side of the street are regularly utilized, for financial, commercial, industrial, religious, educational, health, or recreational purposes.

(4) "CFR" means the Code of Federal Regulations.

(5) "Combustible gas indicator" (CGI) means a device capable of detecting and measuring gas concentrations in air.

(6) "Commission" means the Washington utilities and transportation commission.

(7) "Enclosed space" means any subsurface structure of sufficient size that could accommodate a person and within which gas could accumulate, e.g., vaults, catch basins, and manholes.

(8) "Follow-up inspection" means an inspection performed after a repair has been completed in order to determine the effectiveness of the repair.

(9) "Gas" means natural gas, flammable gas, or gas that is toxic or corrosive.

(10) "Gas associated substructures" means those devices or facilities utilized by an operator which are not intended for storing, transporting, or distributing gas, such as valve boxes, vaults, test boxes, and vented casing pipe.

(11) "Gas company" means, as defined in RCW 80.04.010, every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receiver appointed by any court whatsoever, and every city or town, owning, controlling, operating or managing any gas plant within this state.

(12) "High occupancy structure or area" means a building or an outside area (such as a playground, recreation area, outdoor theater, or other place of public assembly) that is occupied by twenty or more persons on at least five days a week for ten weeks in any twelve-month period. (The days and weeks need not be consecutive.)

(13) "Indication" means a response indicated by a gas detection instrument that has not been verified as a reading.

(14) "LEL" means the lower explosive limit of the gas being transported.

(15) "MAOP" means maximum allowable operating pressure.

(16) "Master meters system" is defined as set forth in 49 CFR § 191.3.

(17) "Operator":

(a) For purposes of chapter 480-93 WAC, the term "operator" means:

(i) Every gas distribution company that has tariffs on file with the commission;

(ii) Every city or town that owns, controls, operates, or manages any gas plant in this state; and

(iii) Every other person or corporation transporting natural gas by pipeline, or having for one or more of its principal purposes the construction, maintenance, or operation of pipelines for transporting natural gas in this state; even though such person or corporation does not deliver, sell, or furnish any such gas to any person or corporation within this state. The terms "person" and "corporation" are defined in RCW 80.04.010. "Transporting natural gas by pipeline" means transmission or distribution of natural gas through a pipe.

(b) A single entity may qualify as an operator under one or more of the provisions of this subsection.

(c) The term "operator" includes operators of master meter systems, as that term is defined in WAC 480-93-005.

(18) "Prompt action" means to dispatch qualified personnel without undue delay for the purpose of evaluating and, where necessary, abating an existing or probable hazard.

(19) "Psig" means pounds per square inch gauge.

(20) "Public service company" is defined in RCW 80.04.010.

(21) "Reading" means a repeatable representation on a combustible gas indicator or equivalent instrument expressed in percent LEL or gas-air ratio.

(22) "Sniff test" means a qualitative test utilizing both threshold and readily detectable methods for determining proper concentrations of odorant.

(23) "Transmission line" means a gas pipeline as defined in 49 CFR § 192.3 on the date specified in WAC 480-93-999.

(24) "Weak link" means a device or method used when pulling polyethylene pipe to ensure that damage will not occur to the pipeline by exceeding the maximum tensile stresses allowed.

(25) Other terms that correspond to those used in 49 CFR Parts 191, 192 and 199 (Minimum Federal Safety Standards for Gas Pipelines) must be construed as used therein on the date specified in WAC 480-93-999.

NEW SECTION

WAC 480-93-007 Application of rules. (1) This chapter applies to the following activities of operators: The construction, operation, maintenance, and safety of gas facilities used in the gathering, storage, distribution, and transmission of gas in this state.

(2) This chapter does not apply to customer-owned facilities, where the customer is the end user, and the customer-owned facilities are on the customer's side of the distribution meter. Customer-owned transmission lines are subject to the rules in this chapter.

(3) This chapter does not apply to those operators of gas facilities exclusively under federal jurisdiction for compliance with pipeline safety regulations.

NEW SECTION

WAC 480-93-008 Additional requirements. (1) These rules do not relieve any operator 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 operator in appropriate circumstances, consistent with the requirements of law.

NEW SECTION

WAC 480-93-009 Severability. If any provision of this chapter or its application to any entity 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 480-93-012 Computation of time. The time frames identified in this chapter are calculated as follows:

(1) "Monthly" means any time within the calendar month.

(2) "Annually" means any time within the calendar year.

(3) "Six months" means the same calendar date of the sixth consecutive month (e.g., January 1, to July 1, would be six months).

(4) "Seven and one-half months" means the same calendar date of the seventh consecutive month plus an additional fifteen days.

(5) "Fifteen months" means the same calendar date of the fifteenth consecutive month.

(6) "Three years" means the same calendar date of the third consecutive year.

(7) "Thirty-nine months" means the same calendar date of the thirty-ninth consecutive month.

(8) "Five years" means the same calendar date of the fifth consecutive year.

(9) "Ten years" means the same calendar date of the tenth consecutive year.

(10) "Calendar year" means twelve consecutive months beginning January 1 and ending December 31.

(11) For calendar dates that end on a weekend or holiday, the next business day shall be considered the time frame end date.

NEW SECTION

WAC 480-93-013 Covered tasks. (1) Background. 49 CFR §§ 192.803 through 192.809 prescribe the requirements associated with qualifications for operator personnel to perform "covered tasks." 49 CFR § 192.801 defines a "covered task." In WAC 480-93-999, the commission adopts 49 CFR §§ 192.801 through 192.809.

(2) In this section, the commission includes "new construction" in the definition of "covered task." Accordingly, for the purpose of this chapter, the commission defines a covered task that will be subject to the requirements of 49 CFR §§ 192.803 through 192.809 as an activity, identified by the operator, that:

(a) Is performed on a pipeline facility;

(b) Is an operations, maintenance, or new construction task;

(c) Is performed as a requirement of Part 192 CFR; and

(d) Affects the operation or integrity of the pipeline.

(3) In all other respects, the requirements of 49 CFR §§ 192.801 through 192.809 apply to this chapter.

AMENDATORY SECTION (Amending Docket No. A-010827, General Order No. R-491, filed 9/28/01, effective 10/29/01)

WAC 480-93-015 Odorization of gas. ~~((All gas being transported by pipeline in this state, and all gas consumed by an end use customer, shall be odorized in accordance with 49 CFR, Part 192.625 in effect on the date specified in WAC 480-93-999, unless waiver is approved in advance of such transportation, in writing, by the commission.))~~ (1) All natural gas that is transported by pipeline must be odorized at a concentration in air of one-fifth of the lower explosive limit, so that the gas is readily detectable by a person with a normal sense of smell.

(2) Operators must use odorant testing instrumentation when conducting sniff tests. Sniff tests must be performed at least once monthly. Master meter operators who comply with CFR § 192.625(f) are exempt from this requirement.

(3) Instruments used to conduct odorant sniff tests must be maintained, tested for accuracy, calibrated, and operated in accordance with the manufacturer's recommendations. When there are no manufacturer's recommendations, operators must conduct accuracy checks and calibrate instruments if outside specified tolerances, at least once annually.

(4) Operators must keep all records of odorant usage, sniff tests performed, and equipment calibration for five years.

AMENDATORY SECTION (Amending Order R-375, Docket No. UG-911261, filed 8/5/92, effective 9/5/92)

WAC 480-93-017 Filing requirements for design, specification, and construction procedures. ((The design, specification, and construction procedures for all gas facilities in this state must be on file with the commission. All proposed construction plans which do not conform with a gas company's existing and accepted design, specification, and construction procedures on file with the commission, must be submitted to the commission at least thirty days prior to the initiation of construction activity. Written commission acceptance or rejection of the design, specification, and construction procedures to be utilized will be made within thirty days of receipt.)) (1) Any operator operating a gas pipeline facility in this state must file with the commission all applicable construction procedures, designs, and specifications used for each pipeline facility prior to operating the pipeline. All procedures must detail the acceptable types of materials, fittings, and components for the different types of facilities in the operator's system.

(2) With the exception of emergency situations, any construction plans that do not conform with a gas company's existing and accepted construction procedures, designs, and specifications on file with the commission, must be submitted to the commission for review at least forty-five days prior to the initiation of construction activity.

AMENDATORY SECTION (Amending Order R-375, Docket No. UG-911261, filed 8/5/92, effective 9/5/92)

WAC 480-93-018 Maps, drawings, and records of gas facilities. ((All gas companies shall prepare, maintain, and provide to the commission, upon request, copies of maps, drawings, and records of the company's gas facilities. The maps, drawings, and records shall be of such scale and detail as is necessary to show the size and type of material of all facilities, whether or not the facilities are cathodically protected, and the maximum operating pressure. The maps and drawings shall indicate all district regulator stations and gate stations and the approximate location of all valves, identifying those valves classified as emergency valves in the company's emergency procedures. The gas company shall provide key sheets for ready reference as needed.)) (1) In addition to any document required to be maintained by this chapter, each operator must also prepare, maintain, and make available to the commission, any record, map or written pro-

cedure required by federal law to be kept by an operator concerning the reporting of gas releases, and the design, construction, testing, or operation and maintenance of gas pipelines.

(2) Nothing in subsection (1) of this section limits the commission's right to inspect any other accounts, books, papers or documents of any public service company, pursuant to RCW 80.04.070.

(3) Operators must update records within six months of completion of construction activity and make them available to appropriate company operations personnel.

AMENDATORY SECTION (Amending Order R-375, Docket No. UG-911261, filed 8/5/92, effective 9/5/92)

WAC 480-93-020 Proximity considerations. ((Gas facilities having a maximum operating pressure greater than five hundred psig shall not be operated within five hundred feet of the places described below without prior written authorization of the commission, unless a waiver previously approved by the commission continues in effect:

(1) A building intended for human occupancy which is in existence or under construction prior to the date authorization for construction is filed with the commission, and which is not owned and used by the petitioning gas company in its gas operations;

(2) Property which has been zoned as residential or commercial prior to the date authorization for construction is filed with the commission;

(3) A well defined outside area, such as a playground, recreation area, outdoor theater, or other place of public assembly, which is occupied by twenty or more people, sixty days in any twelve month period which is in existence or under construction prior to the date authorization for construction is filed with the commission; and

(4) A public highway, as defined in RCW 81.80.010(3).

In requesting prior written authorization of the commission, the petitioning gas company shall certify that it is not practical to select an alternative route which will avoid such locations and further certify that management has given due consideration to the possibility of the future development of the area and has designed its facilities accordingly. The petition shall include, upon request of the commission, an aerial photograph showing the exact location of the pipeline in reference to places listed above that are within five hundred feet of the pipeline right of way.)) (1) Each operator must submit a written request and receive commission approval prior to:

(a) Operating any gas pipeline facility at greater than five hundred psig that is within five hundred feet of any of the following places:

(i) A building that is in existence or under construction prior to the date authorization for construction is filed with the commission, and that is not owned and used by the petitioning operator in its gas operations; or

(ii) A high occupancy structure or area that is in existence or under construction prior to the date authorization for construction is filed with the commission; or

(iii) A public highway, as defined in RCW 81.80.010(3).

(b) Operating any gas pipeline facility at greater than two hundred fifty psig, up to and including five hundred psig, that

is operated within one hundred feet of either of the following places:

(i) A building that is in existence or under construction prior to the date authorization for construction is filed with the commission, and that is not owned and used by the petitioning operator in its gas operations; or

(ii) A high occupancy structure or area that is in existence or under construction prior to the date authorization for construction is filed with the commission.

(2) For proposed new construction of pipelines having the characteristics listed in subsection (1)(a) or (b) of this section, operators must provide documentation proving that it is not practical to select an alternate route that will avoid such locations and further provide documents that demonstrate that the operator has considered the possibility of the future development of the area and has designed their pipeline facilities accordingly.

(3) During the review process, operators must provide maps and records to the commission showing the exact location of the pipeline and the shortest direct distance to the places described in subsection (1)(a) and (b) of this section. Upon request of the commission, the operator must provide the maintenance, construction, and operational history of the pipeline system and an aerial photograph showing the exact location of the pipeline in reference to places listed in subsection (1)(a) and (b) of this section.

AMENDATORY SECTION (Amending Order R-28, filed 7/15/71)

WAC 480-93-040 Location of gas compressor stations on gas pipelines. ((No compressor station to be located on any gas pipeline shall be constructed in any zoned area without prior approval of the appropriate zoning authority and acquisition of required permits. In other areas the distance between any compressor station designed to operate at pressures in excess of 250 psig and any existing building intended for human occupancy and not under the control of the gas company shall not be less than 500 feet, except for compressor stations having an installed capacity of less than 1,000 horsepower, in which case such distance shall not be less than 250 feet.)) (1) Gas compressor stations that are designed to operate at pressures in excess of two hundred fifty psig, and that have an installed capacity equal to or greater than one thousand horsepower, must be located at least five hundred feet away from any existing buildings that are not under the control of the operator.

(2) Gas compressor stations that are designed to operate at pressures in excess of two hundred fifty psig, and that have an installed capacity of less than one thousand horsepower must be located at least two hundred fifty feet away from any existing buildings that are not under the control of the operator.

AMENDATORY SECTION (Amending Order R-28, filed 7/15/71)

WAC 480-93-080 Welder and plastic joiner identification and qualification ((certificates)). ((Welders will carry appropriate identification and qualification certificates showing name of welder, his welding qualifications, and date

of last qualification test, the results thereof, and the company whose procedures were followed for the qualification. Welders certificates will be subject to commission inspection at all times when welder is working on construction projects which are subject to the commission's authority-)) (1) All welding procedures and welders, except welders listed in (a) of this subsection, must be qualified to API Standard 1104 or section IX of the ASME Boiler and Pressure Vessel Code.

(a) Oxyacetylene welders may qualify under 49 CFR § 192 Appendix C, but may only weld the following size pipe:

(i) Nominal two-inch or smaller branch connections to nominal six-inch or smaller main or service pipe.

(ii) Nominal two-inch or smaller below ground butt welds.

(iii) Nominal four-inch or smaller above ground manifold and meter piping operating at 10 psig or less.

(iv) Appendix C welders must be requalified at least twice annually, but not to exceed seven and one-half months between qualification tests.

(b) When testing welders or qualifying procedures, operators must use the necessary testing equipment to measure the amperage, voltage, and speed of travel. All essential variables, as defined by the applicable procedure, must be recorded and documented as performed during the welder and procedure testing.

(c) For the purposes of (b) of this subsection, "essential variable" is defined as any variable in the welding procedure, which, according to the procedure being used, would require the requalification of the procedure if changed from or performed outside a specified range. "Speed of travel" is defined as the actual per pass welding time in minutes divided by the length of the weld in inches.

(d) Qualified written welding procedures must be located on-site where welding is being performed.

(2) Personnel qualified to join plastic pipe must be requalified at least once annually, but not to exceed fifteen months between qualifications.

(a) Qualified written plastic joining procedures must be located on-site where plastic joining is being performed.

(b) Plastic joiners must be requalified under an applicable procedure, if during any twelve-month period that person has not made any joints under that procedure.

(c) In order to ensure compliance with (b) of this subsection and Title 49 CFR Part 192.285(c), each operator must have a method of tracking production joints. This method must be outlined in the operator's procedures manual. Production joints need to be tracked only to the extent that shows compliance with this requirement. Operators may elect not to track production joints, in which case personnel qualified to join plastic pipe must be requalified at a frequency not to exceed twelve months.

(3) Welders and plastic joiners must carry appropriate identification and qualification cards or certificates showing the name of the welder or joiner, their qualifications, the date of qualification and the operator whose procedures were followed for the qualification. Welder and plastic joiner qualification cards are subject to commission inspection at all times when qualified personnel are working on facilities subject to commission jurisdiction.

AMENDATORY SECTION (Amending Order R-28, filed 7/15/71)

WAC 480-93-100 ((Automatic)) Valves. ((Automatic valves shall not be installed on any gas pipeline except where the particular circumstances are such as to show that such valves will contribute to safer operation.)) (1) Each operator must have a written valve maintenance program detailing the valve selection process, inspection, maintenance, and operating procedures. The written program must detail which valves will be maintained under 49 CFR § 192.745, 49 CFR § 192.747, and this subsection. The written program must also outline how the operator will monitor and maintain valves during construction projects to ensure accessibility. The following criteria and locations must be considered when selecting which valves require annual inspections and maintenance under 49 CFR § 192.747:

- (a) Each pressure regulating station.
- (b) Principal feeds into business districts.
- (c) Geographical size of the area to be isolated.
- (d) Number of potential customers affected.
- (e) Pipeline size and operating pressures.
- (f) Class locations.
- (g) Potential threats including, but not limited to, earthquakes, floods, and landslides.
- (h) Emergency response time.
- (i) High occupancy structures or areas.

(2) Each operator must have a written service valve installation and maintenance program detailing the valve selection process, inspection, maintenance, and operating procedures. The written program must detail which new services will be required to have valves installed and maintained under this section. Preexisting services with valves already installed, and meeting the same inspection criteria established for new valve installation, must be maintained in accordance with subsection (3) of this section. The following criteria and/or locations must be considered when selecting which services will have valves installed and/or maintained under this section.

- (a) Services to churches, schools, hospitals.
- (b) Service line length and size.
- (c) Service line pressure.
- (d) Services to buildings occupied by persons who are confined, are of impaired mobility, or would be difficult to evacuate.
- (e) Services to commercial or industrial buildings or structures.
- (f) Services to high occupancy structures or areas.

(3) All service valves selected for inspection in the program required in subsection (2) of this section must be operated and maintained at least once annually, but not to exceed fifteen months between operation and maintenance.

(4) Operators must fully implement the requirements of subsections (2) and (3) of this section within one year of the adoption date of this rule.

AMENDATORY SECTION (Amending Docket No. A-010827, General Order No. R-491, filed 9/28/01, effective 10/29/01)

WAC 480-93-110 Corrosion control. ((Every gas company must ensure that all of its metallic gas pipelines, except cast iron and ductile iron, are protected by a recognized method or combination of methods of cathodic protection. Every gas company shall record and retain all cathodic protection test readings taken and complete remedial action within ninety days to correct any cathodic protection deficiencies known and indicated by the company's records.

Whenever a gas company finds from investigation as required by 49 CFR, Part 192 in effect on the date specified in WAC 480-93-999, that cathodic protection of gas pipelines is not needed, the company shall submit to the commission a report setting forth good and sufficient reasons why such protection is not required. The report shall include the results of soil tests and other supporting data.)) (1) Operators must record and retain a record of each cathodic protection test, survey, or inspection required by 49 CFR Subpart I, and chapter 480-93 WAC. Records of each test, survey, or inspection must be kept for a minimum of five years except those specified in 49 CFR § 192.491(c) requiring retention for the life of the facility.

(2) Each operator must complete remedial action within ninety days to correct any cathodic protection deficiencies known and indicated by any test, survey, or inspection. An additional thirty days may be allowed for remedial action if due to circumstances beyond the operator's control it is not possible to complete remedial action within ninety days. Each operator must be able to provide documentation to the commission indicating that remedial action was started in a timely manner and that all efforts were made to complete remedial action within ninety days. (Examples of circumstances allowing operators to exceed the ninety-day time frame include right of way permitting issues, availability of repair materials, or unusually long investigation or repair requirements.)

(3) Cathodic protection equipment and instrumentation must be maintained, tested for accuracy, calibrated, and operated in accordance with the manufacturer's recommendations. When there are no manufacturer's recommendations, then instruments must be tested for accuracy at an appropriate schedule determined by the operator.

(4) Each operator's procedures manual must have written procedures explaining how cathodic protection related surveys, reads, and tests will be conducted. Examples of such procedures include, but are not limited to, how to determine IR drop (as defined in 49 CFR § 192 Appendix D), how to conduct electrical surveys, how to test casings for electrical isolation, how to test casings for shorted conditions, and how to measure and interpret 49 CFR § 192 Appendix D criteria.

(5) Operators must conduct inspections or tests for electrical isolation between metallic pipeline casings and metallic pipelines at least once annually, but not to exceed fifteen months between inspections or tests. The test or inspection must also determine whether the pipeline has adequate levels of cathodic protection at the casing to pipeline interface. These requirements do not apply to unprotected copper inserted in ferrous pipe.

(a) For each casing installed prior to September 5, 1992, that does not have test leads, the operator must be able to demonstrate that other test or inspection methods are acceptable and that test lead wires are not necessary to monitor for electrical isolation and adequate cathodic protection levels.

(b) Whenever electrical isolation tests or inspections indicate that a possible shorted condition exists between a casing and a pipeline, the operator must conduct a follow-up test within ninety days to determine whether an actual short exists. The operator's procedures manual must have a level or threshold that would indicate a potential shorted condition and must also detail the method of determining whether the casing is actually shorted to the pipeline.

(c) The operator must clear the shorted condition where practical.

(d) Whenever a short exists between a pipeline and casing, the operator must perform a leak survey within ninety days of discovery and at least twice annually thereafter, but not to exceed seven and one-half months between leak surveys until the shorted condition is eliminated.

(6) Operators must record the condition of all underground metallic facilities each time the facilities are exposed.

(7) Operators must have a written program to monitor for indications of internal corrosion. The program must also have remedial action requirements for areas where internal corrosion is detected.

(8) On all cathodically protected pipelines, the operator must take a cathodic protection test reading each time an employee or representative of the operator exposes the facility and the protective coating is removed.

(9) Each operator must have a written atmospheric corrosion control monitoring program. The program must have time frames for completing remedial action.

AMENDATORY SECTION (Amending Order R-375, Docket No. UG-911261, filed 8/5/92, effective 9/5/92)

WAC 480-93-115 Casing of pipelines. ((Whenever a gas company is required by a governmental entity or railroad company to install pipeline casing, the casing shall be designed to withstand the superimposed load. Steel pipe shall only be encased in a bare steel casing. A separate test lead wire shall be attached to the casing and the steel gas pipeline to verify that no electric short exists between the two. Tests shall be performed annually on all encased gas pipelines. Whenever a short exists between a pipeline and its casing, the condition shall be evaluated within ninety days to determine whether a hazardous condition exists. Thereafter, leak tests shall be conducted on a ninety day schedule until the condition is corrected. Every gas company shall develop procedures to ensure that whenever plastic pipe is encased, suitable precautions shall be taken to prevent crushing or shearing of the plastic pipe where it exits the casing.)) (1) Whenever an operator installs a steel pipeline in a casing, the casing must be bare steel.

(2) For casings installed after September 5, 1992, operators must attach separate test lead wires to each casing without vents, and to the steel gas pipeline to verify that no electric short exists between the two, and that an adequate level of cathodic protection is applied to the steel pipeline.

(3) Whenever an operator installs a main or transmission line in a casing or conduit of any type material, the operator must seal the casing ends to prevent or slow the migration of gas in the event of a leak.

(4) Whenever an operator installs a service line in a casing or conduit, the operator must seal the casing at the end nearest the building wall to prevent or slow the migration of gas towards the building in the event of a leak.

AMENDATORY SECTION (Amending Docket No. A-010827, General Order No. R-491, filed 9/28/01, effective 10/29/01)

WAC 480-93-124 Pipeline markers. ((All buried gas pipelines shall have pipeline markers placed and maintained as close as practical over each main and transmission line as required by 49 CFR, Part 192.707. Off set pipeline markers may be used only if they indicate the distance from and direction to the pipeline. The pipeline markers shall be double-faced or single-faced signs. Single faced signs may be used on posts of distinctive color and shall meet the requirements of 49 CFR, Part 192.707(d). Pipeline markers shall be placed at all railroad crossings, road crossings, irrigation and drainage ditch crossings, and at all fence lines where a pipeline crosses private property. Pipeline markers required by 49 CFR, Part 192.707(a), shall be placed approximately five hundred yards apart if practical and at points of deflection of the pipeline. Exceptions to this rule must conform with 49 CFR, Part 192.707(b). Information about 49 CFR regarding the version currently in effect and where to obtain it is set out in WAC 480-93-999.)) (1) Operators must place pipeline markers at all railroad, road, irrigation, and drainage ditch crossings, and at all fence lines where a pipeline crosses private property, or where a pipeline or pipeline facility is exposed.

(2)(a) For buried pipelines, operators must place pipeline markers approximately five hundred yards apart, if practical, and at points of horizontal deflection of the pipeline.

(b) The following pipelines must have pipeline markers installed, notwithstanding any exceptions in 49 CFR § 192.707(b):

(i) Where practical, on all mains operating above two hundred fifty psig;

(ii) On both sides of crossings of navigable waterways;

(iii) On both sides of river, creek, or irrigation canal crossings where hydraulic scouring, dredging, or other activity could pose a risk to the pipeline; and

(iv) On both sides of railroad crossings.

(3) Where gas pipelines are attached to bridges or otherwise span an area, operators must place pipeline markers at both ends of the suspended pipeline. Each operator must conduct inspections at least annually, but not to exceed fifteen months between inspections, and maintain the markers to ensure that they are visible and legible.

(4) Operators must replace markers that are reported damaged or missing within forty-five days.

(5) Surveys of pipeline markers not associated with subsection (3) of this section must be conducted as frequently as necessary, to maintain the markers to ensure that they are vis-

ible and legible, but at intervals not to exceed five years. The survey records must be kept for a minimum of ten years.

(6) Operators must have maps, drawings or other sufficient records indicating class locations and other areas where pipeline markers are required.

AMENDATORY SECTION (Amending Order R-28, filed 7/15/71)

WAC 480-93-130 Multistage pressure regulation.

~~((Where gas pressures are reduced in two or more stages, the necessary regulations and auxiliary equipment will be installed in such a manner as to provide maximum protection between regulator systems. The purpose is to minimize the potential dangers from the failure of one stage of regulator equipment due to fire, explosion or damage of any kind from adversely affecting the operation of the other stage or stages of regulation. A minimum of fifty feet of separation will be provided between regulator systems when practical to do so.))~~ Where gas pressures are reduced in two or more stages, an operator must install the necessary regulators and equipment in such a manner as to provide protection between regulator stages. The purpose is to minimize the potential dangers of failures of one stage of regulator equipment resulting from fire, explosion, or damage of any kind, from adversely affecting the operation of the other stage or stages of regulation. Operators must ensure, when practical to do so, there is a minimum of fifty feet of separation between regulator stages.

AMENDATORY SECTION (Amending Order R-375, Docket No. UG-911261, filed 8/5/92, effective 9/5/92)

WAC 480-93-140 ((Meter)) Service regulators. ~~((Gas companies that have customers with electronic ignition appliances shall have meter regulators with relief valves, monitors, or safety shut off valves. Gas companies that have customers with standing pilots may use meter regulators that do not use relief valves, monitors, or safety shut off valves, if responsible officers of the gas company certify to the commission that due consideration has been given to the possible existence of foreign matter in their distribution system and other factors that might interfere with the proper operation of service regulators and they believe that under such conditions relief valves, monitors, or safety shut off valves are not required or appropriate for safe operation.))~~ (1) Operators must install, operate, and maintain service regulators in accordance with federal and state regulations, and in accordance with the manufacturer's recommended installation and maintenance practices to insure proper operation.

(2) Operators must inspect and test service regulators and associated safety devices during the initial turn-on, and when a customer experiences a pressure problem. Testing must include determining the gas regulator's outlet set pressure at a specified flow rate. Operators must use pressure gauges downstream of the regulator during testing. Safety devices such as fracture discs are not required to be tested.

AMENDATORY SECTION (Amending Docket No. A-010827, General Order No. R-491, filed 9/28/01, effective 10/29/01)

WAC 480-93-155 Increasing maximum allowable operating pressure. ~~((Notwithstanding the requirements of any other section of this chapter, the commission shall be furnished complete written plans and drawings of each pressure uprating to a maximum operating pressure greater than sixty psig, at least thirty days prior to raising the pressure. The plan shall include a review of the following:~~

- ~~(1) All affected gas facilities, including pipe, fittings, valves, and other associated equipment, with their manufactured design operating pressure and specifications;~~
- ~~(2) Original design and construction standards;~~
- ~~(3) All previous operating pressures and length of time at that pressure;~~
- ~~(4) All leaks, regardless of cause, and the date and method of repair;~~
- ~~(5) All upstream and downstream regulators and relief valves; and~~
- ~~(6) All cathodic protection readings on mains for the past three years or three most recent inspections, whichever is longer, and the most recent inspection on each attached service line, which is electrically isolated.~~

~~The plan shall conform with the requirements of 49 CFR, Part 192 in effect on the date specified in WAC 480-93-999.)~~ (1) At least forty-five days before uprating to a MAOP greater than sixty psig, each operator must submit to the commission for review a written plan of procedures including all applicable specifications with drawings of the affected pipeline systems. At a minimum, the plan must include the following:

- (a) A list of all affected gas facilities, including pipes, fittings, valves, and other affected equipment, with the manufacturer's specified maximum operating pressure limits, their specified minimum yield strength (SMYS) at the intended MAOP, and any other applicable specifications or limitations;
- (b) Original design and construction standards;
- (c) Original pressure test records;
- (d) Previous operating pressures identifying the dates and lengths of time at that pressure;
- (e) Records of all leaks, regardless of cause, and the dates and methods of repair;
- (f) Where the pipeline is being uprated to a MAOP that produces a hoop stress of twenty percent or more of the SMYS, records of the original welding standards and welders;
- (g) Maintenance records of all affected regulator stations and system relief valves for the past three years or three most recent inspections, whichever is longer;
- (h) Where applicable, relief valve capacities at the proposed MAOP compared to regulator flow capacities, with calculations;
- (i) Cathodic protection readings of the affected pipeline and facilities, including rectifier readings, for the past three years or three most recent inspections, whichever is longer; and
- (j) Any additional information that the commission may deem necessary to evaluate the pressure increase.

(2) Upgrades must be based on a previous or current pressure test that will substantiate the intended MAOP.

AMENDATORY SECTION (Amending Order R-28, filed 7/15/71)

WAC 480-93-160 ((Reports)) Reporting requirements of proposed construction. ~~((1) At least 30 days prior to the construction or major reconstruction (or reconditioning) of any gas pipeline intended to be operated at 20% or more of the specified minimum yield strength of the pipe used, a report shall be filed with the commission setting forth the proposed route and the specifications for such pipeline. The report shall include, but not be limited to, the following items:~~

- ~~(a) Description and purpose of the proposed pipeline.~~
- ~~(b) Pipe specifications and route map showing type of construction to be used throughout the length of the line and delineation of class location and incorporated boundaries along the route. Where Type A or B construction is planned, aerial photographs or other suitable means of verifying the applicability of Type A or B construction shall be furnished to the commission.~~
- ~~(c) Maximum allowable operating pressure for which the pipeline is being constructed.~~
- ~~(d) Location and construction details of all river crossings or other unusual construction requirements encountered en route, i.e., places where pipe will be exposed or it is impractical to provide required cover, bridge crossings, lines to be laid parallel to railroads or state highways and encroachments thereto, other areas requiring special or unusual design and construction considerations.~~
- ~~(e) Proposed corrosion control program to be followed including specifications for coating and wrapping.~~
- ~~(f) Type of fluid and test pressures to be used when proof strength testing the line. Terrain profile sketches indicating maximum and minimum elevations for testing purposes, if appropriate. Water will be used when feasible as the test medium on all lines 6" or greater in diameter and when the test pressure is to exceed 250 psig. If water is not to be used, briefly explain and list test medium to be used.~~
- ~~(g) Welding specifications and welding inspection methods and procedures to be followed during construction of the pipeline. Location of inspection records during and after construction. Name(s) and address(es) (while at the construction site) of authorized chief company inspector(s) and scope of responsibility, if appropriate. The 30 day advanced notification of name(s) and address(es) of chief inspector(s) is waived for this requirement and telephonic communication of such information will be acceptable. This information will, however, be furnished to the commission prior to the start of construction and will be kept current until construction is completed.~~
- ~~(h) Bending procedures to be followed.~~
- ~~(i) Location and specification of principal valves, regulators and other auxiliary equipment to be installed as a part of the pipeline system to be constructed.~~
- ~~(j) Any features of design or construction which do not meet or exceed the safety requirements of these rules and regulations will be explained and justified. Further, it will be~~

necessary to certify that the proposed deviation meets all known safety requirements and in the opinion of the certifying officer for the company, the deviation, if granted, would not contribute to the development of an unsafe operating condition in the system. All waivers to office of pipeline safety, department of transportation, rules and regulations require 60 day advanced notification before approval.

~~(2) Every gas company shall on the fifteenth day of each month submit a report to the commission setting forth the progress of such construction or major reconstruction as of the end of the preceding month.)~~ (1) Each operator must file a proposed construction report with the commission at least forty-five days prior to construction or replacement of any segment of a gas transmission pipeline equal to or greater than one hundred feet in length. Emergency repairs are exempt from this section.

(2) The report must describe the proposed route and the specifications for the pipeline and must include, but is not limited to, the following items:

- (a) Description and purpose of the proposed pipeline;
- (b) Route map showing the type of construction to be used throughout the length of the line, and delineation of class location as defined in 49 CFR Part 192.5, and incorporated boundaries along the route;
- (c) Location and specification of principal valves, regulators, and other auxiliary equipment to be installed as a part of the pipeline system to be constructed. The operator must submit aerial photographs upon request;
- (d) MAOP for the pipeline being constructed;
- (e) Location and construction details of all river crossings or other unusual construction requirements encountered en route, e.g., places where pipe will be exposed or it is impractical to provide required cover, bridge crossings, lines to be laid parallel to railroads or state highways, including encroachments, and any other areas requiring special or unusual design and construction considerations;
- (f) Proposed corrosion control program to be followed including specifications for coating and wrapping, and the method to ensure the integrity of the coating using holiday detection equipment;
- (g) Welding specifications; and
- (h) Bending procedures to be followed if needed.

AMENDATORY SECTION (Amending Order R-28, filed 7/15/71)

WAC 480-93-170 Tests and reports ((thereof)) for pipelines. ~~((1) When any gas pipeline intended to be subjected to pressures in excess of 20% of the specified minimum yield strength of the pipe used is placed in operation a report shall be filed with the commission certifying the maximum pressure to which the line is intended to be subjected and also certifying that the pipeline has been constructed and tested in accordance with the requirements of the rules herein prescribed. The results of all tests made pursuant thereto shall be filed with the commission within 30 days of placing the facilities into service. No gas pipeline hereafter placed in service shall be operated at pressures in excess of the pressure for which it was certified to the commission.~~

(2) At least 30 days prior to an increase and not later than 30 days subsequent to a decrease in the maximum allowable operating pressure of a pipeline, on pipelines operating at pressures equal to or greater than 20% of the specified minimum yield strength of the pipe in use, a report shall be filed with the commission giving change in allowable operating pressure, and, if the pressure was increased, the steps taken to qualify the line for higher operating pressure.

(3) The commission shall be notified in writing at least two business days prior to the commencement of any pressure test of a gas pipeline to be operated at pressures in excess of 20% of the specified minimum yield strength of the pipe used.

(4) The pressure tests of any such gas pipeline built in Class 3 or Class 4 locations shall be of at least 8 hours' duration.

(5) When the test medium is to be a gas or compressible fluid then every gas company testing pipelines to be operated in excess of 20% of the specified minimum yield strength of the pipe used shall, prior to any tests, notify appropriate officials of all municipalities wherein such tests are to be made in order that adequate and proper police protection may be provided.

(6) The requirements of paragraphs (3) and (4) will be waived in an emergency where it is necessary to maintain continuity of service.) (1) Operators must notify the commission in writing at least two business days prior to the commencement of any pressure test of a gas pipeline that will have a MAOP that produces a hoop stress of twenty percent or more of the specified minimum yield strength of the pipe used.

(a) The pressure tests of any such gas pipeline built in Class 3 or Class 4 locations, as defined in 49 CFR § 192.5, or within one hundred yards of a building, must be at least eight hours in duration.

(b) When the test medium is to be a gas or compressible fluid, each operator must notify the appropriate public officials so that adequate public protection can be provided for during the test.

(c) In an emergency situation where it is necessary to maintain continuity of service, the requirements of subsection (1) of this section and subsection (1)(a) of this section may be waived by notifying the commission by telephone prior to performing the test.

(2) The minimum test pressure for any steel service line or main, regardless of the intended operating pressure, must be determined by multiplying the intended MAOP by a factor determined in accordance with the table located in 49 CFR § 192.619 (a)(2)(ii).

(3) Operators must perform pressure tests for all new or replacement pipeline installations.

(4) All service lines that are broken, pulled, or damaged, resulting in the interruption of gas supply to the customer, must be pressure tested from the point of damage to the service termination valve (generally the meter set) prior to being placed back into service.

(5) Operators may only use pretested pipe when it is not feasible to conduct a pressure test.

(6) Operators must perform soap tests at the tie-in joints at not less than the current operating pressure of the pipeline.

(7) Operators must keep records of all pressure tests performed for the life of the pipeline and must document the following information:

(a) Operator's name;

(b) Employee's name;

(c) Test medium used;

(d) Test pressure;

(e) Test duration;

(f) Pipe size and length;

(g) Dates and times; and

(h) Test results.

(8) Where feasible, operators must install and backfill plastic pipe prior to pressure testing to expose any potential damage that could have occurred during the installation and backfill process.

(9) Where multiple pressure tests are performed on a single installation, operators must maintain a record of each test. An example of a single installation with multiple tests would be any continuous on-going job or installation such as a new plat or long main installation where more than one pressure test was conducted during construction.

(10) Pressure testing equipment must be maintained, tested for accuracy, or calibrated, in accordance with the manufacturer's recommendations. When there are no manufacturer's recommendations, then pressure testing equipment must be tested for accuracy at an appropriate schedule determined by the operator. Test equipment must be tagged with the calibration or accuracy check expiration date. The requirements of this section also apply to equipment such as pressure charts, gauges, dead weights or other devices used to test, monitor or check system pressures or set-points.

AMENDATORY SECTION (Amending Order R-375, Docket No. UG-911261, filed 8/5/92, effective 9/5/92)

WAC 480-93-175 Moving and lowering metallic gas pipelines. ((A gas company shall prepare a study, prior to the moving or lowering of every gas pipeline, except service lines and plastic mains, to determine whether the proposed action will cause an unsafe condition. This study will be reviewed and certified by the gas company's senior engineer and retained in the gas company's files for the life of the pipeline. The study shall include, but not be limited to the following criteria:

(1) The required deflection of the pipeline;

(2) The diameter, wall thickness, and grade of the pipe;

(3) The characteristics of the pipeline;

(4) The terrain and class location;

(5) The soil conditions, including the pH;

(6) The current condition of the pipeline;

(7) The safe stress of the pipeline; and

(8) The toughness of the steel.

If the toughness of the pipe is unknown, it shall be considered to be brittle, and the pipeline shall not be moved.) (1) Except those pipelines detailed in subsection (3) of this section, each operator must prepare a study prior to moving or lowering any metallic pipeline to determine whether the proposed action will cause an unsafe condition. This study must be reviewed and approved by the operator's engineering department and retained in the operator's files for the life of

the pipeline. This requirement does not apply to cast iron pipelines, which may not be lowered, or to copper pipelines. The study must include, but is not limited to, the following criteria:

- (a) The required deflection of the pipe;
 - (b) The diameter, wall thickness, and grade of pipe;
 - (c) The characteristics of the pipeline;
 - (d) The terrain and class location;
 - (e) The present condition of the pipeline;
 - (f) The anticipated stresses of the pipeline including the safe allowable stress limits; and
 - (g) The toughness of the steel.
- (2) Pipelines with mechanical or threaded joints must not be moved or lowered.
- (3) Pipelines operating at sixty psig or less which have a nominal diameter of two inches or less may be moved or lowered without the required study, if the operator can certify that no undue stresses will be placed on the pipeline and that it can be moved or lowered in a safe manner. The operator must consider factors such as the type of materials, proximity to fittings, joints, and welds, and any other factors that could place undue stress on the pipeline or create an unsafe condition.
- (4) A leak survey must be conducted within thirty days from the date any pipeline has been moved or lowered under subsection (3) of this section.

NEW SECTION

WAC 480-93-178 Protection of plastic pipe. (1) Every operator must have detailed written procedures for the storage, handling, and installation of plastic pipelines. Except for joining procedures, and unless the operator has more stringent procedures, the storage, handling, and installation of all plastic pipe must be in accordance with the latest applicable manufacturer's recommended practices.

(2) The maximum cumulative ultraviolet light exposure limit for plastic pipe is two years, or the manufacturer's recommended limit. The acceptable time limit must be detailed in the operator's procedures manual.

(3) Plastic pipe that is pulled through the ground by mechanical means must have a weak link installed that will ensure the pipe will not be damaged by excessive tensile forces.

(4) When installing plastic pipelines parallel to other underground utilities, operators must ensure there is a minimum of twelve inches of separation from the other utilities. Where a minimum twelve inches of separation is not possible, operators must take adequate precautions, such as inserting the plastic pipeline in conduit, to minimize any potential hazards resulting from the close proximity to the other utilities.

(5) When installing plastic pipelines perpendicular to other underground utilities, operators must ensure there is a minimum of six inches of separation from the other utilities. Where a minimum six inches of separation is not possible, an operator must take adequate precautions to minimize any potential hazards resulting from the close proximity to the other utilities.

(6) Except for approved steel encased plastic pipe, and except where allowed by (b) of this subsection, the maximum time limit that plastic pipe may be temporarily installed above ground is thirty days.

(a) During temporary installations, operators must monitor and protect above ground plastic pipe from potential damage.

(b) Operators may install above ground plastic pipe for periods longer than thirty days if they have a written monitoring program and notify the commission by telephone prior to exceeding the thirty-day time limit.

(7) Plastic pipe must be bedded in a suitable material as recommended by the pipe manufacturer. Unless otherwise permitted by the manufacturer, plastic pipe must be bedded in an essentially rock-free material.

(8) Plastic pipe may not be squeezed more than one time in the same location.

(9) Plastic pipe must not be squeezed within twelve inches or three pipe diameters, whichever is greater, from any joint or fitting.

AMENDATORY SECTION (Amending Docket No. A-010827, General Order No. R-491, filed 9/28/01, effective 10/29/01)

WAC 480-93-180 Plan of operations and maintenance procedures; emergency policy; reporting requirements. ~~((In compliance with the provisions and general intent of the federal "Natural Gas Pipeline Safety Act," 49 CFR, Part 192 in effect on the date specified in WAC 480-93-999, every gas company shall develop appropriate operating, maintenance, safety, and inspection plans and procedures and an emergency policy. Such plans and procedures, and all subsequent changes and amendments, initiated by the gas company or pursuant to changes in state and federal rules and regulations, shall be promptly filed with the commission, for review and determination as to their adequacy, when properly executed, to achieve an acceptable level of safety. The commission may, after notice and opportunity for hearing, require such plans and procedures to be revised. The plans and procedures required by the commission shall be practicable and designed to meet the needs of safety. In determining the adequacy of such plans and procedures to achieve an acceptable level of safety, the commission shall consider:~~

- ~~(1) Relevant available pipeline safety data;~~
- ~~(2) Whether the plans and procedures are appropriate for the particular type of pipeline operations being performed by the gas company, taking into consideration company size, geographical area of operation, and the public interest;~~
- ~~(3) The reasonableness of the plans and procedures; and~~
- ~~(4) The extent to which the plans and procedures, if properly executed, will contribute to an acceptable level of public safety being achieved by the company.~~

~~Furthermore, every gas company shall be responsible for establishing and maintaining such records, making such reports, and providing such information as the commission may reasonably require to enable it to determine whether the gas company has acted and is acting in compliance with these rules and regulations and the standards established thereunder. Every gas company shall, upon request of the commis-~~

sion and its authorized representatives, permit the commission and its authorized representatives to inspect books, papers, records, and documents relevant to determining whether the gas company and its agents have acted and are acting in compliance with these rules and regulations and the standards established thereunder. Such commission inspections shall be conducted at reasonable times, within reasonable limits, and in a reasonable manner, and each inspection shall be commenced and completed with reasonable promptness.)) (1) Each operator must have a plan and procedure manual for operation, maintenance, inspection, and emergency response activities. The manual must comply with the provisions of the "Pipeline Safety Improvement Act of 2002." The manual must include plans and procedures for all requirements of 49 CFR § 192 and chapter 480-93 WAC, and any plans or procedures used by an operator's associated contractors.

(2) Plans must be filed with the commission as soon as practical for review and determination as to their adequacy, when properly executed, to achieve an acceptable level of safety. The commission may, after notice and opportunity for hearing, require that a manual be revised or amended. Applicable portions of the manual related to a procedure being performed on the pipeline must be retained on-site where the activity is being performed.

AMENDATORY SECTION (Amending Order R-375, Docket No. UG-911261, filed 8/5/92, effective 9/5/92)

WAC 480-93-185 Gas leak investigation. ((Any notification of a leak, explosion, or fire, which may involve gas pipelines or other gas facilities, received from an outside source such as a police or fire department, other utility, contractor, customer, or the general public, shall be investigated promptly by the gas company. Where the investigation reveals a leak, the leak shall be graded pursuant to WAC 480-93-186 and appropriate action shall be taken in accordance with these rules.

When leak indications are found to originate from a foreign source or facility, such as gasoline vapors, sewer or marsh gas, or customer-owned piping, prompt action shall be taken at that time, where appropriate, to protect life and property. Leaks that represent an ongoing, potentially hazardous situation shall be reported promptly to the owner or operator of the source facility and, where appropriate, to the police department, or other appropriate governmental agency. In all cases, the property owner or the adult person occupying the premises shall be notified of the leak conditions. If no methane indication is found, the gas company employee on-site shall so inform the property owner or the adult person occupying the premises, and shall request the adult person occupying the premises sign the gas company work order indicating that a gas leak was not the source of the leak indication. The gas company employee shall provide the adult person occupying the premises an odor sniff card which identifies the odor of natural gas and indicates the name, address, and telephone number of the gas company representative to be contacted if the leak indications are again noticed. If the property owner or an adult person occupying the premises is not available, the gas company shall, within twenty-four

hours of the leak notification, send by first class mail addressed to the person occupying the premises, a letter explaining the results of the investigation. A copy of the letter shall be retained by the gas company and kept with the leak report. A leak investigation report form shall be maintained in the gas company's leak report files for all leaks investigated, indicating gas company employee making the initial leak evaluation.)) (1) Operators must promptly investigate any notification of a leak, explosion, or fire, which may involve gas pipelines or other gas facilities, received from any outside source such as a police or fire department, other utility, contractor, customer, or the general public. Where the investigation reveals a leak, the operator must grade the leak in accordance with WAC 480-93-186, and take appropriate action. The operator must retain the leak investigation record for the life of the pipeline.

(2) In the event of an explosion, fire, death, or injury, the operator must not remove any suspected gas facility until the commission or the lead investigative authority has designated the release of the gas facility. Once the situation is made safe, the operator must keep the facility intact until directed by the lead investigative authority.

(3) When leak indications are found to originate from a foreign source or facility such as gasoline vapors, sewer, marsh gas, or from customer-owned piping, the operator must take appropriate action to protect life and property. Leaks that represent an on-going, potentially hazardous situation must be reported promptly to the owner or operator of the source facility and, where appropriate, to the police department, fire department, or other appropriate governmental agency. If the property owner or an adult person occupying the premises is not available, the operator must, within twenty-four hours of the leak investigation, send by first-class mail, addressed to the person occupying the premises, a letter explaining the results of the investigation. The operator must keep a record of each letter sent for five years.

AMENDATORY SECTION (Amending Order R-103, filed 5/18/77)

WAC 480-93-186 ((Leakage classification and action criteria.)) Leak evaluation. (((1) Gas leak classification and repair:

(a) General. Each gas company shall establish a procedure by which leakage indications of flammable gas will be graded and controlled. When evaluating any leak indication a preliminary step is to determine the perimeter of the leak area. When this perimeter extends to a building wall the investigation shall extend inside the building.

(b) Leak grades. Based on an evaluation of the location and/or magnitude of a leak, one of the following leak grades shall be assigned, thereby establishing the leak repair priority. A gas company may utilize an alphabetical grade classification, i.e. Grade A for Grade 1, Grade B for Grade 2, and Grade C for Grade 3 if it has historically utilized such a grading designation.

Grade 1—Grade 1 means a leak that represents an existing or probable hazard to persons or property and requiring immediate repair or continuous action until conditions are no longer hazardous.

Grade 2—Grade 2 means a leak recognized as being non-hazardous at the time of detection but requiring scheduled repair based on probable future hazard.

Grade 3—Grade 3 means a leak that is nonhazardous at the time of detection and can reasonably be expected to remain nonhazardous.

Leakage classification and control requirements are provided in Table 1. The examples of leakage provided in the table are guidelines and are not exclusive. The judgment of the gas company personnel at the scene is of primary importance in determining the grade assigned to a leak.

(e) Follow-up inspections. The adequacy of leak repairs shall be checked by acceptable methods while the excavation is open. The perimeter of the leak area shall be checked with a CGI. In the case of repair of a Grade 1 leak, where there is residual gas in the ground, a follow-up inspection shall be made as soon as practical but in no case later than one month following the repair. In the case of Grade 2 or Grade 3 leaks which have been repaired, the need for a follow-up inspection shall be determined by qualified personnel employed or retained by the gas company.

(2) Regrading of leaks. Leaks are to be reinspected using the same criteria used to grade leaks when they are first detected and graded.) (1) Based on an evaluation of the location and/or magnitude of a leak, the operator must assign one of the leak grades defined in WAC 480-93-18601 to establish the leak repair priority. An operator may use an alphabetical grade classification, i.e., Grade A for Grade 1, Grade B for Grade 2, and Grade C for Grade 3 if it has historically used such a grading designation. Operators must apply the same criteria used for initial leak grading when reevaluating leaks.

(2) Each operator must establish a procedure for evaluating the concentration and extent of gas leakage. When evaluating any leak, the operator must determine and document the perimeter of the leak area. If the perimeter of the leak extends to a building wall, the operator must extend the investigation inside the building. Where the reading is in an unvented, enclosed space, the operator must consider the rate of dissipation when the space is ventilated and the rate of accumulation when the space is resealed.

(3) The operator must check the perimeter of the leak area with a combustible gas indicator. The operator must perform a follow-up inspection on all leak repairs with residual gas remaining in the ground as soon as practical, but not later than thirty days following the repair.

(4) Grade 1 and 2 leaks can only be downgraded once to a Grade 3 leak without a physical repair. After a leak has been downgraded once, the maximum repair time for that leak is twenty-one months.

AMENDATORY SECTION (Amending Order R-375, Docket No. UG-911261, filed 8/5/92, effective 9/5/92)

WAC 480-93-18601 ((Table 1—))Leak classification and action criteria—Grade—Definition—Priority of leak repair((—Examples)).

((TABLE 1—LEAK CLASSIFICATION AND ACTION CRITERIA

**GRADE 1
DEFINITION**

A leak that represents an existing or probable hazard to persons or property and requires immediate repair or continuous action until the conditions are no longer hazardous.

PRIORITY OF LEAK REPAIR	EXAMPLES
Requires prompt action* to protect life and property and continuous action until the conditions are no longer hazardous. *The prompt action in some instances may require one or more of the following:	Leaks requiring prompt action:
a. Implementation of company emergency plan (192.615).	1. Any leak which, in the judgment of operating personnel at the scene, is regarded as an immediate hazard.
b. Evacuating premises.	2. Escaping gas that has ignited unintentionally.
c. Blocking off an area.	3. Any indication of gas which has migrated into or under a building or tunnel.
d. Rerouting traffic.	4. Any reading at the outside wall of a building or where the gas would likely migrate to the outside wall of a building.
e. Eliminating sources of ignition.	5. Any reading of 80% LEL, or greater in a confined space.
f. Venting the area, or	6. Any reading of 80% LEL, or greater in small substructures not associated with gas likely migrate to the outside wall of a building.
g. Stopping the flow of gas by closing valves or other means.	7. Any leak that can be seen, heard, or felt and which is in a location that may endanger the general public or property.
h. Notifying police and fire departments.	

**GRADE 2
DEFINITION**

A leak that is recognized as being nonhazardous at the time of detection but justifies scheduled repair based on probable future hazard.

PRIORITY OF LEAK REPAIRS	EXAMPLES
Leaks should be repaired or cleared in one year but shall not exceed fifteen months from the date reported. If a Grade 2 leak occurs in a segment of pipeline which is under consideration for replacement, an additional 6 months may be added to the 15-month maximum time for repair noted above. In determining the repair priority, criteria such as the following should be considered:	A. Leaks requiring action ahead of ground freezing or other adverse changes in venting conditions:
	1. Any leak, which under frozen or other adverse soil conditions, would likely migrate to the outside of a building.

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PRIORITY OF LEAK REPAIRS

- a. Amount and migration of gas;
- b. Proximity of gas to buildings and subsurface structures;
- c. Extent of pavement, and
- d. Soil type and conditions, such as frost cap, moisture and natural venting.

Grade 2 leaks shall be re-evaluated at least once every six months until cleared. The frequency of reevaluation should be determined by the location and magnitude of the leakage condition.

It should be recognized that Grade 2 leaks will vary greatly in degree of potential hazard. There will be some Grade 2 leaks, which when evaluated by the above criteria, will justify scheduled repair within the next 5 working days. Others will justify repair within 30 days. These situations shall be brought to the attention of the individual responsible for scheduling leakage repair at the end of the working day.

On the other hand, there will be many Grade 2 leaks, which because of their location and magnitude, can be scheduled for repair on a normal routine basis with periodic reinspection as necessary.

GRADE 3 DEFINITION

A leak that is nonhazardous at the time of detection and can reasonably be expected to remain nonhazardous:

PRIORITY OF LEAK REPAIRS

Grade 3 leaks should be re-evaluated during the next scheduled survey, or within 15 months of the reporting date, whichever occurs first, until the leak is regraded or no longer results in a reading.

EXAMPLES

- B. Leaks requiring action within six months:
 1. Any reading of 40% LEL or greater under a sidewalk in a wall-to-wall paved area that does not qualify as a Grade 1 leak and where gas is likely to migrate to the outside wall of a building.
 2. Any reading of 100% LEL or greater under a street in a wall-to-wall paved area that does not qualify as a Grade 1 leak and where the gas is likely to migrate to the outside wall of a building.
 3. Any reading less than 80% LEL in small substructures not associated with gas facilities where gas would likely migrate creating a probable future hazard.
 4. Any reading between 20% LEL and 80% LEL in a confined space.
 5. Any reading on a pipeline operating at 30% SMYS or greater in Class 3 or 4 locations that does not qualify as a Grade 1 leak.
 6. Any leak which in the judgment of operating personnel at the scene is of sufficient magnitude to justify scheduled repair.

EXAMPLES

- Leaks requiring reevaluation at periodic intervals:
1. Any reading of less than 80% LEL in small gas associated substructures such as small meter boxes or gas valve boxes.
 2. Any reading under a street in areas without wall-to-wall paving where it is unlikely the gas could migrate to the outside wall of a building.
 3. Any reading of less than 20% LEL in a confined space.)

(1) A "Grade 1 leak" is a leak that represents an existing or probable hazard to persons or property and requiring prompt action, immediate repair, or continuous action until the conditions are no longer hazardous.

(a) Prompt action in response to a Grade 1 leak may require one or more of the following:

- (i) Implementation of the operator's emergency plan pursuant 49 CFR § 192.615;
- (ii) Evacuating the premises;
- (iii) Blocking off an area;
- (iv) Rerouting traffic;
- (v) Eliminating sources of ignition;
- (vi) Venting the area;
- (vii) Stopping the flow of gas by closing valves or other means; or
- (viii) Notifying police and fire departments.

(b) Examples. Grade 1 leaks requiring prompt action include, but are not limited to:

- (i) Any leak, which in the judgment of operating personnel at the scene, is regarded as an immediate hazard;
- (ii) Escaping gas that has ignited unintentionally;
- (iii) Any indication of gas that has migrated into or under a building or tunnel;
- (iv) Any reading at the outside wall of a building or where the gas could potentially migrate to the outside wall of a building;
- (v) Any reading of eighty percent LEL or greater in an enclosed space;
- (vi) Any reading of eighty percent LEL, or greater in small substructures not associated with gas facilities where the gas could potentially migrate to the outside wall of a building; or
- (vii) Any leak that can be seen, heard, or felt and which is in a location that may endanger the general public or property.

(2) A "Grade 2 leak" is a leak that is recognized as being not hazardous at the time of detection but justifies scheduled repair based on potential future hazard.

(a) Operators must repair or clear Grade 2 leaks within fifteen months from the date the leak is reported. If a Grade 2 leak occurs in a segment of pipeline that is under consideration for replacement, an additional six months may be added to the fifteen months maximum time for repair provided above. In determining the repair priority, operators should consider the following criteria:

- (i) Amount and migration of gas;
- (ii) Proximity of gas to buildings and subsurface structures;
- (iii) Extent of pavement; and
- (iv) Soil type and conditions, such as frost cap, moisture and natural venting.

(b) Operators must reevaluate Grade 2 leaks at least once every six months until cleared. The frequency of reevaluation should be determined by the location and magnitude of the leakage condition.

(c) Grade 2 leaks vary greatly in degree of potential hazard. Some Grade 2 leaks, when evaluated by the criteria, will require prompt scheduled repair within the next five working days. Other Grade 2 leaks may require repair within thirty days. The operator must bring these situations to the attention of the individual responsible for scheduling leakage repair at the end of the working day. Many Grade 2 leaks, because of their location and magnitude, can be scheduled for

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repair on a normal routine basis with periodic reevaluation as necessary.

(d) When evaluating Grade 2 leaks, operators should consider leaks requiring action ahead of ground freezing or other adverse changes in venting conditions, and any leak that could potentially migrate to the outside wall of a building, under frozen or other adverse soil conditions.

(e) Examples. Grade 2 leaks requiring action within six months include, but are not limited to:

(i) Any reading of forty percent LEL or greater under a sidewalk in a wall-to-wall paved area that does not qualify as a Grade 1 leak and where gas could potentially migrate to the outside wall of a building;

(ii) Any reading of one hundred percent LEL or greater under a street in a wall-to-wall paved area that does not qualify as a Grade 1 leak and where gas could potentially migrate to the outside wall of a building;

(iii) Any reading less than eighty percent LEL in small substructures not associated with gas facilities and where gas could potentially migrate creating a probable future hazard;

(iv) Any reading between twenty percent LEL and eighty percent LEL in an enclosed space;

(v) Any reading on a pipeline operating at thirty percent of the specified minimum yield strength or greater in Class 3 or 4 locations that does not qualify as a Grade 1 leak; or

(vi) Any leak that in the judgment of operating personnel at the scene is of sufficient magnitude to justify scheduled repair.

(3) A "Grade 3 leak" is a leak that is not hazardous at the time of detection and can reasonably be expected to remain not hazardous.

(a) Operators should reevaluate Grade 3 leaks during the next scheduled survey, or within fifteen months of the reporting date, whichever occurs first, until the leak is regraded or no longer results in a reading.

(b) Examples. Grade 3 leaks requiring reevaluation at periodic intervals include, but are not limited to:

(i) Any reading of less than eighty percent LEL in small gas associated substructures, such as small meter boxes or gas valve boxes; or

(ii) Any reading under a street in areas without wall-to-wall paving where it is unlikely the gas could migrate to the outside wall of a building.

AMENDATORY SECTION (Amending Order R-375, Docket No. UG-911261, filed 8/5/92, effective 9/5/92)

WAC 480-93-187 Gas leak records ((and self audit)).
~~((1) Gas leak records. Every gas company shall prepare and maintain permanent gas leak repair records. Sufficient data and information shall be included in leak repair records to permit the commission to assess the adequacy of the company maintenance programs and to provide the data and information needed to complete every required RSPA F-7100.1, F-7100.1-1, F-7100.2, and F-7100.2-1 leak report.~~

~~(2) The following data and information shall be recorded and maintained. Every gas company which by law must report leaks to a regulatory agency charged by law with environmental protection shall file copies of those reports with the commission. Data and information which cannot reason-~~

~~ably be expected to be available under the particular circumstances of a leak situation need not be reported, but at a minimum will include the following:~~

~~(a) Date and time detected, date and time reported, date and time and name of employees dispatched, and the date and time the leak was investigated;~~

~~(b) Date and time the leak was reevaluated before repair, and the name of the employee involved;~~

~~(c) Date and time of repair, when a Grade 1 leak is involved, and the name of the employee in charge of the repair;~~

~~(d) Date and time the leak was rechecked after repair and the employee involved;~~

~~(e) If leak was reportable to an environmental agency, date and time report made to regulatory authority and name of reporting employee;~~

~~(f) Location of leak (sufficiently described to allow ready location by other competent personnel);~~

~~(g) Leak grade;~~

~~(h) Line use (distribution, transmission, etc.);~~

~~(i) Method of leak detection (if reported by outside party, list name and address);~~

~~(j) Part of system where leak occurred (main, service, etc.);~~

~~(k) Part of system which leaked (pipe, valve, fitting, compressor or regulator station, etc.);~~

~~(l) Material which leaked (steel, plastic, cast iron, etc.);~~

~~(m) Origin of leak;~~

~~(n) Pipe description;~~

~~(o) Type repair;~~

~~(p) Leak cause;~~

~~(q) Date pipe installed (if known);~~

~~(r) Whether under cathodic protection; and~~

~~(s) Magnitude of CGI readings at appropriate locations which are a part of the classification procedures contained in Table 1 of WAC 480-93-186 (codified as WAC 480-93-18601).~~

~~The data to be recorded on leaks which have been appropriately classified as "Grade 3" may be at the company's discretion, but must include, at a minimum, information necessary to allow for proper follow up action to be accomplished.~~

~~(3) Self audits. In order that the effectiveness of the leak repair program may be evaluated, the following self audits shall be performed by every gas company:~~

~~(a) Repair scheduling—assure that repairs are made within the time specified;~~

~~(b) Repair effectiveness—assure that leak repairs are effective; and~~

~~(c) Check adequacy of records.)~~ Each operator must prepare and maintain permanent gas leak records. The leak records must contain sufficient data and information to permit the commission to assess the adequacy of the operator's leakage program. Gas leak records must contain, at a minimum, the following information:

(1) Date and time the leak was detected, investigated, reported, and repaired, and the name of the employee(s) conducting the investigation;

(2) Location of the leak (sufficiently described to allow ready location by other qualified personnel);

(3) Leak grade;

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(4) Pipeline classification (e.g., distribution, transmission, service);

(5) If reported by an outside party, the name and address of the reporting party;

(6) Component that leaked (e.g., pipe, tee, flange, valve);

(7) Size and material that leaked (e.g., steel, plastic, cast iron);

(8) Pipe condition;

(9) Type of repair;

(10) Leak cause;

(11) Date pipe installed (if known);

(12) Magnitude and location of CGI readings left; and

(13) Unique identification numbers (such as serial numbers) of leak detection equipment.

AMENDATORY SECTION (Amending Order R-375, Docket No. UG-911261, filed 8/5/92, effective 9/5/92)

WAC 480-93-188 Gas leak surveys. ~~((1) Types of gas leak surveys and test methods. Every gas company shall have a leak control program, which shall be determined by the nature of the gas company's system and by existing physical and operating conditions, and which must meet the following minimum requirements. During a gas leak survey, a gas detection instrument shall be conducted over all mains and services, including the testing of the atmosphere in gas, electric, telephone, sewer, water, and other underground structures; at cracks in paving, and in wall to wall paved areas, the cracks in sidewalks; at building walls; and at other opportune locations for discovering gas leaks.~~

~~(2) Maintenance and calibration of instruments. All instruments used in leak detection and evaluation shall be maintained, calibrated, and operated in accordance with the latest applicable manufacturers' specifications, methods, and procedures unless alternative specifications, methods, and procedures have been approved by an appropriate governmental agency.~~

~~(3) Frequency of surveys in designated areas. Gas leakage surveys shall be conducted according to the following specified frequencies:~~

~~(a) Business areas—at intervals not exceeding fifteen months, but at least once each calendar year;~~

~~(b) Residential areas—as frequently as necessary, but at intervals not exceeding five years;~~

~~(c) Buildings of public assembly—at intervals not exceeding fifteen months, but at least once each calendar year;~~

~~(d) Special surveys—as required; and~~

~~(e) Where the gas system has cast iron, wrought iron, or ductile iron, or noncathodically protected bare steel, galvanized steel, or coated steel pipe—at intervals not exceeding eight months, but at least twice each calendar year.~~

~~(4) Business areas and buildings of public assembly. Leakage surveys of business areas and public buildings shall be conducted on the following basis:~~

~~(a) All business structures and buildings of public assembly within 100 feet of an active pipeline, whether or not served with gas, shall be considered for survey;~~

~~(b) Where gas service lines exist, a survey shall be conducted at the building wall at the point of entrance, using a bar hole if necessary;~~

~~(c) Surveys shall be conducted within all buildings where leakage has been detected at the outside wall at all points where escaping gas could be expected to penetrate into and accumulate inside the building; and~~

~~(d) Service piping, riser piping and meter(s) shall be checked with soap solution or by use of a gas detection instrument.~~

~~(5) Special surveys. Special leakage surveys shall be conducted in the following circumstances:~~

~~(a) Prior to paving or resurfacing, following street alterations or repairs, where gas facilities are under the area to be paved, and where there is a substantial probability that damage could have occurred to the gas facilities, an appropriate gas survey, including manholes and other street openings, shall be made;~~

~~(b) In areas of sewer, water, or other substructure construction adjacent to underground gas facilities, where there is a substantial probability that damage could have occurred to the gas facilities, an appropriate gas detection survey shall be made following the completion of installation but prior to paving;~~

~~(c) Unstable soil areas where active gas lines could be affected;~~

~~(d) Special surveys shall be made annually of places of public congregation when an active gas service line serves the building or where active gas service lines or mains are located with such close proximity as to present a possible hazard should leakage occur, for example, churches; schools; and hospitals;~~

~~(e) Special surveys shall be made of abnormal areas. Special surveys shall be conducted in areas of unusual activity, including, but not limited to, foreign construction, possible ground movement, flooding, earthquake, and explosions.~~

~~(6) Leak survey records. For the most current and immediately preceding survey of an area, the following information shall be maintained:~~

~~(a) Description of system and area surveyed (this could include maps and leak survey logs);~~

~~(b) Survey results;~~

~~(c) Survey method;~~

~~(d) Names of those making survey;~~

~~(e) Survey dates; and~~

~~(f) In addition to the above, the following records shall be kept for pressure drop test:~~

~~(i) The name of the gas company, the name of the gas company employee responsible for making the test, and the name of any test company used;~~

~~(ii) Test medium used;~~

~~(iii) Test pressure;~~

~~(iv) Test duration;~~

~~(v) Pressure recording charts, or other record of pressure readings; and~~

~~(vi) Test results.~~

~~(7) Self audits. In order that the effectiveness of the leak detection and repair program may be evaluated, the following self audits shall be performed as frequently as necessary, but at intervals not exceeding three years:~~

(a) Leak survey schedule—assure that it is commensurate with the Minimum Federal Safety Standards for gas lines, Subpart M Maintenance, and the general condition of the pipeline system as required by other applicable regulations;

(b) Survey effectiveness—evaluate survey results to assure that a consistent evaluation of leaks is being made throughout the system; and

(c) Check adequacy of records: (1) Operators must perform gas leak surveys using a gas detection instrument covering the following areas:

(a) Over all mains, services, and transmission lines including the testing of the atmosphere near other utility (gas, electric, telephone, sewer, or water) boxes or manholes, and other underground structures;

(b) Through cracks in paving and sidewalks;

(c) On all above ground piping (may be checked with either a gas detection instrument or with a soap solution);

(d) Where a gas service line exists, a survey must be conducted at the building wall at the point of entrance, using a bar hole if necessary; and

(e) Within all buildings where gas leakage has been detected at the outside wall, at locations where escaping gas could potentially migrate into and accumulate inside the building.

(2) Gas detection instruments must be maintained, tested for accuracy, calibrated, and operated in accordance with the manufacturer's recommendations. If there are no manufacturer's recommendations, then instruments must be tested for accuracy at least monthly, but not to exceed forty-five days between testing, and include testing at least twelve times per year. Any instrument that fails its applicable tolerances must be calibrated or removed from service.

(3) Gas leak surveys must be conducted according to the following minimum frequencies:

(a) Business districts - at least once annually, but not to exceed fifteen months between surveys. All mains in the right of way adjoining a business district must be included in the survey;

(b) High occupancy structures or areas - at least once annually, but not to exceed fifteen months between surveys;

(c) Mains operating at or above two hundred fifty psig - at least once annually, but not to exceed fifteen months between surveys; and

(d) Where the gas system has cast iron, wrought iron, copper, or noncathodically protected steel - at least twice annually, but not to exceed seven and one-half months between surveys.

(4) Special leak surveys must be conducted under the following circumstances:

(a) Prior to paving or resurfacing, following street alterations or repairs where gas facilities are under the area to be paved, and where damage could have occurred to gas facilities;

(b) In areas where substructure construction occurs adjacent to underground gas facilities, and damage could have occurred to the gas facilities, operators must perform a gas leak survey following the completion of construction, but prior to paving;

(c) Unstable soil areas where active gas lines could be affected;

(d) In areas and at times of unusual activity, such as earthquake, floods, and explosions; and

(e) After third-party excavation damage to services, operators must perform a gas leak survey from the point of damage to the service tie-in.

(5) Survey records must be kept for a minimum of five years. At a minimum, survey records must contain the following information:

(a) Description of the system and area surveyed (including maps and leak survey logs);

(b) Survey results;

(c) Survey method;

(d) Name of the employee who performed the survey;

(e) Survey dates; and

(f) Instrument tracking or identification number.

(6) Each operator must perform self audits of the effectiveness of its leak detection and recordkeeping programs. Operators must maintain records of the self audits for five years. Self audits must be performed as frequently as necessary, but not to exceed three years between audits. At a minimum, self audits should ensure that:

(a) Leak survey schedules meet the minimum federal and state safety requirements for gas pipelines;

(b) Consistent evaluations of leaks are being made throughout the system;

(c) Repairs are made within the time frame allowed;

(d) Repairs are effective; and

(e) Records are accurate and complete.

(7) Operators must fully implement subsection (3)(a) of this section within two years of the adoption of this rule.

AMENDATORY SECTION (Amending Order R-375, Docket No. UG-911261, filed 8/5/92, effective 9/5/92)

WAC 480-93-200 (~~Reports associated with gas company facilities and operations.~~) **Reporting requirements for operators of gas facilities.** ((1) Every gas company shall give prompt telephonic notice to the commission, within six hours of occurrence, of every accident, incident, or hazardous condition, arising out of its operations which:

(a) Results in a fatality or personal injury requiring hospitalization;

(b) Results in damage to the property of the company and others of a combined total exceeding five thousand dollars (automobile collisions and other equipment accidents not involving gas or gas handling equipment need not be reported under this rule);

(c) Is significant, in the judgment of the company, even though it does not meet the criteria of (a) and (b) of this subsection;

(d) Results in the taking of a high pressure supply or transmission pipeline or a major distribution supply pipeline out of service or lowering its pressure fifty percent or more below its normal operating pressure; or

(e) Results in the news media reporting the occurrence, even though it does not meet the criteria of (a) through (d) of this subsection.

(2) Such reports shall be verified in detail in writing if not so reported initially and shall include at least the following:

~~(a) Name(s) and address(es) of any person or persons injured or killed or whose property was damaged;~~

~~(b) The extent of such injuries and damage;~~

~~(c) A description of the accident, incident, or hazardous condition to include date, time, and place;~~

~~(d) A description of the gas facilities implicated in the accident, incident, or hazardous condition and the system operating pressure at that time, and the maximum operating pressure of the facilities implicated;~~

~~(e) The date and time the gas facility was made safe;~~

~~(f) The date, time, and type of any temporary or permanent repair made; and~~

~~(g) A report shall be available to the commission within three months, upon request, of the failure analysis of any accident, incident, or hazardous condition which was due to construction or material failure.~~

Routine or planned maintenance and operational activities of the company which result in company controlled plant and equipment shut downs, reduction in system pressures except as noted above, flaring or venting of gas, and normal leak repairs are not to be considered reportable items under this section.

~~(3) Every gas company shall file a copy of every required RSPA F-7100.1-1 and F-7100.2-1 leak report with the commission. Names and telephone numbers of commission personnel authorized to take telephonic leak reports will be furnished and kept current under a separate letter to every company.~~

~~(4) All gas companies shall file with the commission, and with appropriate officials of all municipalities within which such gas companies have facilities, the names, addresses, and telephone numbers of responsible officials of such gas companies who may be contacted in the event of an emergency. In the event of any changes in gas company personnel, immediate notification thereof shall be given to the commission and municipalities.) (1) Every operator must give notice to the commission by telephone within two hours of discovering an incident or hazardous condition arising out of its operations that:~~

~~(a) Results in a fatality or personal injury requiring hospitalization;~~

~~(b) Results in damage to the property of the operator and others of a combined total exceeding fifty thousand dollars;~~

~~(c) Results in the evacuation of a building, or high occupancy structures or areas;~~

~~(d) Results in the unintentional ignition of gas;~~

~~(e) Results in the unscheduled interruption of service furnished by any operator to twenty or more distribution customers;~~

~~(f) Results in a pipeline or system pressure exceeding the MAOP plus ten percent or the maximum pressure allowed by proximity considerations outlined in WAC 480-93-020;~~

~~(g) Is significant, in the judgment of the operator, even though it does not meet the criteria of (a) through (e) of this subsection; or~~

~~(h) Results in the news media reporting the occurrence, even though it does not meet the criteria of (a) through (e) of this subsection.~~

~~(2) Operators must give notice to the commission by telephone within twenty-four hours of occurrence of every~~

incident or hazardous condition arising out of its operations that results in:

(a) The uncontrolled release of gas for more than two hours;

(b) The taking of a high pressure supply or transmission pipeline or a major distribution supply pipeline out of service;

(c) A pipeline or system operating at low pressure dropping below the safe operating conditions of attached appliances and gas equipment; or

(d) A pipeline or system pressure exceeding the MAOP.

(3) Routine or planned maintenance and operational activities of the operator that result in operator-controlled plant and equipment shut downs, reduction in system pressures, flaring or venting of gas, and normal leak repairs are not reportable items under this section.

(4) Operators must provide to the commission a written report within thirty days of the initial telephonic report required under subsection (1) of this section. At a minimum, written reports must include the following:

(a) Name(s) and address(es) of any person or persons injured or killed, or whose property was damaged;

(b) The extent of such injuries and damage;

(c) A description of the incident or hazardous condition including the date, time, and place;

(d) A description of the gas facilities involved in the incident or hazardous condition, the system operating pressure at that time, and the MAOP of the facilities involved;

(e) The date and time the gas facility was made safe;

(f) The date, time, and type of any temporary or permanent repair made; and

(g) The cost of the incident to the operator.

(5) Operators must provide to the commission a written report within forty-five days of receiving the failure analysis of any incident or hazardous condition that was due to construction defects or material failure.

(6) Operators must file with the commission the following annual reports:

(a) A copy of every Pipeline and Hazardous Materials Safety Administration (PHMSA) F-7100.1-1 and F-7100.2-1 annual report required by U.S. Department of Transportation, Office of Pipeline Safety.

(b) A report titled, "Damage Prevention Statistics," with the corresponding PHMSA fiscal year. The Damage Prevention Statistics report must include in detail the following information:

(i) Number of gas-related one-call locate requests completed in the field;

(ii) Number of third-party damages incurred; and

(iii) Cause of damage, where cause of damage is classified as either:

(A) Inaccurate locate;

(B) Failure to use reasonable care; or

(C) Excavated prior to a locate being conducted.

(c) A report detailing the results from construction defects or material failures.

(7) Operators must file with the commission, and with appropriate officials of all municipalities where operators have facilities, the names, addresses, and telephone numbers of the responsible officials of the operator who may be con-

tacted in the event of an emergency. In the event of any changes in operator personnel, the operator must notify immediately the commission and municipalities.

(8) Operators must send daily reports of construction and repair activities electronically to the commission. Operators may send reports either by facsimile or e-mail to the commission. The reports must be received no later than 10:00 a.m. each day of the scheduled work, and must include both operator and contractor construction and repair activities.

(9) When an operator is required to file a copy of a DOT Drug and Alcohol Testing Management Information System (MIS) Data Collection Form with the U.S. Department of Transportation, Office of Pipeline Safety, the operator must simultaneously submit a copy of the form to the commission.

AMENDATORY SECTION (Amending Order R-433, Docket No. UG-950625, filed 9/15/95, effective 10/16/95)

WAC 480-93-223 Civil penalty for violation of RCW 80.28.210 ((or regulations issued thereunder—Maximum amount)) and commission gas safety rules. ((1) Any gas company which violates any public safety provision of RCW 80.28.210 or regulation issued thereunder is subject to a civil penalty not to exceed twenty five thousand dollars for each violation for each day that the violation persists. The maximum civil penalty under this subsection for a related series of violations is five hundred thousand dollars. This subsection applies to violations of public safety requirements including WAC 480-90-101 and including chapter 480-93 WAC except for WAC 480-93-160 and 480-93-200 (1)(e).

(2) Any gas company violating any other provision of RCW 80.28.210 or regulations promulgated thereunder, including WAC 480-93-160 and 480-93-200 (1)(e), shall be subject to a civil penalty not to exceed one thousand dollars for each violation for each day that the violation persists, but the maximum civil penalty shall not exceed two hundred thousand dollars for a related series of violations.

(3) The commission may compromise any civil penalty pursuant to RCW 80.28.210.) (1) Any gas company that violates any provisions of chapter 480-93 WAC has failed to construct and/or maintain its facilities in a safe and efficient manner in violation of RCW 80.28.210, and is subject to a civil penalty under RCW 80.28.212.

(a) The maximum civil penalty under RCW 80.28.212 for violations by a gas company of any provision of chapter 480-93 WAC (other than WAC 480-93-160 and 480-93-200 (1)(h)) is twenty-five thousand dollars for each violation for each day that the violation persists up to a maximum civil penalty of five hundred thousand dollars for a related series of violations.

(b) The maximum civil penalty under RCW 80.28.212 for violations by a gas company of WAC 480-93-160 or 480-93-200 (1)(h) is one thousand dollars for each violation for each day that the violation persists, up to a maximum civil penalty of two hundred thousand dollars for a related series of violations.

(c) The commission may compromise any civil penalty issued under RCW 80.28.212.

(2) In addition to a civil penalty under RCW 80.28.212, any public service company that violates RCW 80.28.210 or

any rule issued thereunder, may also be subject to civil penalties under RCW 80.04.405 and/or 80.04.380.

(3) Any officer, agent, or employee of any public service company who aids or abets in the violations of RCW 80.24.210 or any rule issued thereunder, is subject to a civil penalty under RCW 80.04.405.

(4) Any officer, agent, or employee of any public service company violating RCW 80.28.210 or who procures or aids and abets such a violation, may be subject to civil penalties under RCW 80.04.385.

(5) Any corporation other than a public service company that is subject to RCW 80.28.210 and that violates any provision of chapter 480-93 WAC, has failed to construct and/or maintain its facilities in a safe and efficient manner in violation of RCW 80.28.210, and is subject to a civil penalty under RCW 80.04.387.

AMENDATORY SECTION (Amending Order R-375, Docket No. UG-911261, filed 8/5/92, effective 9/5/92)

WAC 480-93-230 ((Modification/waivers.)) Exemptions from rules in chapter 480-93 WAC. ((If a gas company determines that an undue hardship or an unsafe condition may result from the application of any rule in this chapter, application may be made to the commission to deviate from the rule. Every request for a deviation shall be accompanied by full and complete justification for such requested deviation. The petitioning company shall describe how it will meet the requirements of this chapter in the absence of the waived rule, which may include proposed amendments to this chapter. Requests for waiver will be written, properly documented, and submitted to the commission. A gas company shall concurrently submit to the commission all petitions for waiver of any gas safety rule filed with the federal government or other governmental authority.)) The commission may grant an exemption from the provisions of any rule in this chapter 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. A-010827, General Order No. R-491, filed 9/28/01, effective 10/29/01)

WAC 480-93-999 Adoption by reference. ((In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

Title 49 Code of Federal Regulations, cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(1) The commission adopts the version in effect on July 1, 2001.

(2) This publication is referenced in WAC 480-93-005, 480-93-010, 480-93-015, 480-93-110, 480-93-124, 480-93-155, 480-93-180 and 480-93-220.

(3) Copies of Title 49 Code of Federal Regulations are available from the Seattle office of the Government Printing Office and from various third-party vendors.)) In this chapter, the commission adopts by reference each of the regulations and/or standards identified below. For each regulation or standard the commission is adopting by reference is listed the publisher, the scope of what the commission is adopting, the effective date of the regulation or standard the commission is adopting, the place within the commission's rules the regulation or standard is referenced, and the availability of the publication in which the regulation or standard is found.

(1) Title 49 Code of Federal Regulations, cited as 49 CFR, Parts 191, 192, 193, and 199 including all appendices and amendments thereto as published by the United States Government Printing Office.

(a) The commission adopts the version of the above regulations that were in effect on October 1, 2004, except the following sections are not adopted by reference: 191.1, 192.1(a), 193.2001(a), 199.1. However, in WAC 480-93-013, the commission includes "new construction" in the definition of "covered task," as defined in 49 CFR § 192.801 (b)(2).

(b) This publication is referenced in WAC 480-93-005, 480-93-080, 480-93-100, 480-93-110, 480-93-124, 480-93-155, 480-93-170, 480-93-180, and 480-93-18601.

(c) The Code of Federal Regulations is published by the federal government. Copies of Title 49 Code of Federal Regulations are available from most Government Printing Offices, including the Seattle office of the Government Printing Office, as well as from various third-party vendors and various libraries, including the branch of the state library located at the commission. It is also available for inspection at the commission.

(2) Section IX of the ASME Boiler and Pressure Vessel Code.

(a) The commission adopts the 2001 edition of Section IX of the ASME Boiler and Pressure Vessel Code.

(b) This publication is referenced in WAC 480-93-080.

(c) Copies of Section IX of the ASME Boiler and Pressure Vessel Code (2001 edition) are available from The American Society of Mechanical Engineers, Park Avenue, New York, New York, and various libraries, including the branch of the state library located at the commission. It is also available for inspection at the commission.

(3) The American Petroleum Institute (API) standard 1104.

(a) The commission adopts the 19th edition of this standard.

(b) This standard is referenced in WAC 480-93-080.

(c) Copies of API standard 1104 (19th edition) are available from the Office of API Publishing Services in Washington DC, and various libraries, including the branch of the state library located at the commission. It is also available for inspection at the commission.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 480-93-002 Application of rules.
- WAC 480-93-010 Compliance with federal standards.
- WAC 480-93-030 Proscribed areas.
- WAC 480-93-082 Qualification of employees.
- WAC 480-93-111 Noncathodically protected gas facilities.
- WAC 480-93-112 Corrosive condition investigation.
- WAC 480-93-120 Exposed pipelines.
- WAC 480-93-150 Station maintenance.
- WAC 480-93-183 Pipeline and system pressure reporting.
- WAC 480-93-184 Gas leak responsibility.
- WAC 480-93-190 Being aware of construction work near gas company facilities.
- WAC 480-93-210 Interruptions to service.
- WAC 480-93-220 Rule of precedence.

WSR 05-11-001

PERMANENT RULES

PUBLIC DISCLOSURE COMMISSION

[Filed May 4, 2005, 2:33 p.m., effective June 4, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To remove the requirement to read stipulations into the record, to apply the ten-day notification requirement to respondents only for actual hearings under the Administrative Procedure Act, to exempt last minute in-kind contributions from the expenditure threshold for mandatory electronic filing, to provide clarification and guidance to candidates and political committees as to when a change in reporting option from mini-reporting to full reporting is allowed and what provisions of chapter 42.17 RCW are not applicable when selecting the reporting option.

Citation of Existing Rules Affected by this Order: Amending 5 [WAC 390-37-090, 390-37-060, 390-19-030, 390-16-125, and 390-16-105].

Statutory Authority for Adoption: RCW 42.17.370.

Adopted under notice filed as WSR 05-06-068 on March 1, 2005.

Changes Other than Editing from Proposed to Adopted Version: In WAC 390-16-125 (1)(c)(iii) after the word "is" the words "the treasurer of" were inserted for consistency and clarification.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal

PERMANENT

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 5, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 5, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: April 26, 2005.

Douglas J. Ellis
Acting Assistant Director

AMENDATORY SECTION (Amending WSR 03-22-065, filed 11/4/03, effective 12/5/03)

WAC 390-37-090 Informal settlement—Cases resolvable by stipulation prior to an enforcement hearing (adjudicative proceeding), or by other alternative dispute mechanisms. (1) RCW 34.05.060 authorizes agencies to establish by rule specific procedures for attempting and executing informal settlement of matters. The following procedures are available for informal dispute resolution prior to an adjudicative proceeding that may make more elaborate proceedings under the Administrative Procedure Act unnecessary.

(a) Any enforcement matter before the commission which has not yet been heard in an adjudicative proceeding may be resolved by settlement. The respondent shall communicate his or her request to the executive director or designee (commission staff), setting forth all pertinent facts and the desired remedy. Settlement negotiations shall be informal and without prejudice to rights of a participant in the negotiations.

(b) When the executive director and respondent agree to terms of any stipulation of facts, violations, and/or penalty, commission staff shall prepare the stipulation for presentation to the commission.

(c) Any proposed stipulation shall be in writing and signed by each party to the stipulation or his or her representative. The executive director shall sign for commission staff. The stipulation shall be ~~((recited on the record))~~ provided at the hearing ~~((, although attached or referenced documents may be stated by reference and incorporated as a result))~~. The commission has the option of accepting, rejecting, or modifying the proposed stipulation or asking for additional facts to be presented. If the commission accepts the stipulation or modifies the stipulation with the agreement of the opposing party, the commission shall enter an order in conformity with the terms of the stipulation. If the commission rejects the stipulation or the opposing party does not agree to the commission's proposed modifications to the stipulation, and if no revised stipulation or staff report is presented to the commission, then an adjudicative proceeding shall be scheduled and held.

(2) Parties are encouraged to be creative in resolving cases without further litigation where appropriate.

(3) Following a stipulation of facts or law, if the commission determines certain sanctions or other steps are required by the respondent as a result of the alternative dispute resolution including stipulations and that it intends to enter an order, and the respondent does not timely raise an objection at the hearing, it shall be presumed that the respondent has waived objections and appeals, and agrees to the entry of the order.

AMENDATORY SECTION (Amending WSR 03-22-065, filed 11/4/03, effective 12/5/03)

WAC 390-37-060 Enforcement procedures—Investigation of complaints—Initiation of hearing (adjudicative proceeding). (1) Upon receipt of a complaint not obviously unfounded or frivolous, the executive director shall direct an investigation be conducted. If after an initial review of the complaint it is determined that a complete and thorough investigation will require the expenditure of substantial resources, the executive director may request review and concurrence by the commission before continuing the investigation.

(2) The executive director shall initiate an adjudicative proceeding or provide a report to the commission whenever an investigation reveals facts that the executive director has reason to believe are a material violation of the sections of chapter 42.17 RCW under the commission's jurisdiction, and do not constitute substantial compliance.

(3) The respondent shall be notified of the date of the adjudicative proceeding ~~((or other consideration by the commission))~~ no later than ten calendar days before that date. The notice shall contain the information required by RCW 34.05.434. The complainant shall also be provided a copy of this notice.

(4) It is the policy of the commission during the course of any investigation that all records generated or collected as a result of that investigation are exempt from public inspection and copying under RCW 42.17.310 (1)(d). If a request is made for any such record that implicates the privacy of an individual, written notice of the records request will be provided to the individual in order that such individual may request a protective order from a court under RCW 42.17-330. Certain documents shall be returned to candidates, campaigns, or political committees as required by RCW 42.17-365 within seven calendar days of the commission's final action upon completion of an audit or field investigation.

AMENDATORY SECTION (Amending WSR 04-01-130, filed 12/18/03, effective 1/18/04)

WAC 390-19-030 Electronic filing—Reporting threshold. (1) The "electronic reporting threshold" that requires electronic filing of all contribution and expenditure reports is met when a candidate or political committee has expended \$10,000 or more in the preceding calendar year or expects to expend \$10,000 or more in the current calendar year.

(2) It is presumed that a filer "expects to expend" \$10,000 or more when any one of the following first occurs:

- (a) A filer spends at least \$10,000;
- (b) A filer is a candidate for the same office last sought, the filer's election is in the current calendar year, and his or her campaign expenditures in the previous election for the same office were \$10,000 or more;
- (c) A filer's expenditures meet or exceed \$2,500 on or before March 31 of the current calendar year;
- (d) A filer's expenditures meet or exceed \$5,000 on or before June 30 of the current calendar year;
- (e) A filer's expenditures meet or exceed \$7,500 on or before September 30 of the current calendar year; or
- (f) A filer otherwise projects that \$10,000 or more will be spent during the current calendar year.
- (3) The following expenditures or transactions are excluded from the electronic reporting threshold calculation:
- (a) Expenditures made to pay outstanding debts carried forward from a previous election; ~~(and)~~
- (b) Surplus funds disposed of in accordance with RCW 42.17.095; and
- (c) The value of in-kind contributions pledged or received within eight days of a special or general election.
- (4) Candidate committees or political committees supporting or opposing ballot propositions that meet, exceed or expect to meet or exceed the electronic reporting threshold shall report electronically for the duration of the campaign.
- (5) A report that is filed with the commission electronically need not also be filed with the county auditor or elections officer pursuant to RCW 42.17.080.

AMENDATORY SECTION (Amending WSR 01-22-051, filed 10/31/01, effective 1/1/02)

WAC 390-16-125 Mini campaign reporting—Exceeding limitations. ~~((Whenever there is reason to believe that any of the limitations specified in WAC 390-16-105 or 390-16-111 will or may be exceeded, the))~~ (1) A candidate or political committee ((may)) shall apply in writing to the commission for authorization to change reporting options(-

(1) If the application is made more than thirty days prior to the date of the election, the application will be considered approved without further action by the commission if the person making application submits)) before the limitations specified in WAC 390-16-105 are exceeded. A complete application shall include all of the following documents:

(a) ~~((A PDC form C-1 or C-1pc indicating the intention of using))~~ An amended registration statement (Form C-1 for candidates, Form C-1pc for political committees) selecting the full reporting ((system)) option as provided ((by)) in RCW ((42.17.040)) 42.17.065 - 42.17.090;

(b) ~~((A))~~ PDC forms C-3 and ((form)) C-4 with ((appropriate)) relevant schedules and attachments disclosing all contributions and expenditures to date reportable under RCW 42.17.090 for the election campaign, or in the case of continuing political committees, for the calendar year((-)); and

(c) ~~((i))~~ If the applicant is a candidate, a statement affirming that all ((known)) candidates registered with the commission for the office being sought have been notified personally in writing of the application ((stating)), and the manner and date of such notification((-In the case of));

((ii)) If the applicant is the treasurer of a political committee supporting or opposing a ballot proposition, ((the)) a statement ((shall affirm)) affirming that ((the committee)) all treasurers of all political committees ((identifiable from the records of the county elections officer or public disclosure)) registered with the commission ((to be opposing or)) as supporting or opposing the proposition have been notified personally in writing of the application ((stating)), and the manner and date of such notification; or

((iii)) If the applicant is the treasurer of a county or legislative district party committee, a statement affirming that the treasurer of that party committee's counterpart in any other major political party has been notified personally in writing of the application, and the manner and date of such notification.

(2) An application that is submitted without the required documents described in subsection (1) of this section is incomplete and will not be processed or approved. If the applicant provides the missing documents, the application will be determined to be complete on the date the documents are postmarked or delivered to the commission.

(3) If ((the)) a complete application is ((made within thirty days of)) postmarked or delivered to the commission on or before thirty business days prior to the date of the election, the application shall be approved ((only)) by ((authorization of)) the ((commission)) executive director.

~~((a) Prior to such approval being granted, the executive director shall determine that the application contains those documents shown in subsection (1)(a), (b) and (c) above.~~

~~((b) The commission staff shall investigate why the applicable requirements were not complied with in the first instance and whether or not the probability of exceeding such limitations was reasonably foreseeable. If the investigation shows that the declaration by the candidate, committee or other person filed under WAC 390-16-115 was made in good faith and that the probability of exceeding such limitations was not reasonably foreseeable, the executive director will approve the reporting option change conditioned upon full future compliance with all applicable requirements of chapter 42.17 RCW.~~

(3)) (4) If a complete application is postmarked or delivered to the commission on or after twenty-nine business days prior to the election, the application shall be approved by the executive director only if one or more of the following factors are present:

(a) The commission staff did not send to the applicant's campaign in a timely and proper manner, either electronically or by other mail delivery service, a notice that the thirtieth business day deadline for unrestricted changes in reporting options is approaching. To be timely and proper, this notice must be sent at least forty business days before the election to the campaign's electronic mail address or postal service mailing address specified on the registration statement;

(b) The applicant is a candidate and, within thirty business days of the election, a write-in opponent has filed for office in accordance with chapter 29A.24 RCW;

(c) Within thirty business days of the election, an independent expenditure as defined in RCW 42.17.020 is made in support of the applicant's opponent or in opposition to the applicant; or

~~(d) When ((one)) a candidate or political committee on ((either)) one side of an election campaign or proposition has been approved to change reporting options under ((subsection (1) above, all other candidates and/or committees may change reporting options by meeting the requirements of subsection (1)(a), (b) and (e).~~

~~(4) Any person who knowingly or negligently causes or permits the limitations specified in these regulations to be exceeded shall be deemed to have violated the applicable provisions of RCW 42.17.040—42.17.090)) this section, each opponent of that candidate or political committee is approved to change options as of the date that opponent postmarks or delivers a complete application to the commission.~~

~~(5) Exceeding the aggregate contributions or aggregate expenditures specified in WAC 390-16-105 without complying with the provisions of this section shall constitute one or more violations of chapter 42.17 RCW or 390-17 WAC.~~

AMENDATORY SECTION (Amending WSR 02-03-018, filed 1/4/02, effective 2/4/02)

WAC 390-16-105 Mini campaign reporting—Eligibility. (1) A candidate or candidate's authorized committee, as those terms are defined in RCW 42.17.020, shall not be required to comply with the provisions of RCW ~~((42.17.060))~~ 42.17.065 through 42.17.090 except as otherwise prescribed in WAC 390-16-038, 390-16-115, and 390-16-125 when neither aggregate contributions nor aggregate expenditures exceed the amount of the candidate's filing fee provided by law plus a sum not to exceed three thousand five hundred dollars and no contribution or contributions from any person other than the candidate within such aggregate exceed three hundred dollars. However, a bona fide political party may pay the candidate's filing fee provided by law without that payment disqualifying that candidate from eligibility under this section.

(2) A political committee, as that term is defined in RCW 42.17.020, shall not be required to comply with the provisions of RCW ~~((42.17.060))~~ 42.17.065 through 42.17.090 except as otherwise prescribed in WAC 390-16-038, 390-16-115, and 390-16-125 when neither aggregate contributions nor aggregate expenditures exceed three thousand five hundred dollars and no contribution or contributions from any person exceed three hundred dollars.

(3) A continuing political committee, as that term is defined in RCW 42.17.020, shall not be required to comply with the provisions of RCW ~~((42.17.060))~~ 42.17.065 through 42.17.090 except as otherwise prescribed in WAC 390-16-038, 390-16-115, and 390-16-125 when neither aggregate contributions nor aggregate expenditures during a calendar year exceed three thousand five hundred dollars and no contribution or contributions from any person exceed three hundred dollars.

(4) Candidates and political committees are required to comply with all applicable provisions of chapter 42.17 RCW including, but not limited to, false political advertising, sponsor identification and public inspection of campaign books of account unless specifically exempted under subsections (1) through (3) of this section.

WSR 05-11-002

PERMANENT RULES

PUBLIC DISCLOSURE COMMISSION

[Filed May 4, 2005, 2:35 p.m., effective June 4, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To include specific reference to an employer of a registered lobbyist in the instruction section of PDC form L-7 and revise the certification language to include the phrase "to the best of my knowledge."

Citation of Existing Rules Affected by this Order: Amending 1 [WAC 390-20-130].

Statutory Authority for Adoption: RCW 42.17.370.

Adopted under notice filed as WSR 05-06-069 on March 1, 2005.

Changes Other than Editing from Proposed to Adopted Version: The effective date of the form was changed from 2/05 to 5/05.

Number of Sections Adopted in Order to Comply with 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: April 26, 2005.

Douglas J. Ellis
Acting Assistant Director

AMENDATORY SECTION (Amending WSR 02-03-018, filed 1/4/02, effective 2/4/02)

WAC 390-20-130 Forms for statement of employment of legislators, state officers, and state employees. The official form for statement of employment of legislators, state officers, and state employees as required by RCW 42.17.210 is designated "L-7" revised ~~((1/02))~~ 5/05. Copies of this form are available at the Commission Office, Room 206, Evergreen Plaza Building, Olympia, Washington 98504-0908. Any paper attachments shall be on 8-1/2" x 11" white paper.

((STRICKEN GRAPHIC



L7
 1/02

TO BE FILED BY
**EMPLOYERS OF STATE LEGISLATORS
 STATE OFFICERS OR
 STATE EMPLOYEES**

EMPLOYER'S NAME AND BUSINESS ADDRESS		THIS SPACE FOR OFFICE USE	
		POSTMARK	DATE RECEIVED

DATE PREPARED: _____	THIS FORM	<input type="checkbox"/> AMENDS	PREVIOUS FILING
		<input type="checkbox"/> REPLACES	PREPARED (DATE) _____

ITEM 1	NAME OF PERSON BEING EMPLOYED
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ITEM 2	NATURE OF EMPLOYMENT BY REPORTING EMPLOYER
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ITEM 3	AMOUNT AND NATURE OF PAY OR CONSIDERATION
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ITEM 4	NATURE OF STATE OFFICE OR EMPLOYMENT
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INSTRUCTIONS		CERTIFICATION: I hereby certify under oath, that the above is a true, complete and correct statement in accordance with RCW 42.17.210.	
<p>WHO SHOULD FILE THIS FORM: Any person registered or required to be registered as a lobbyist under this act, who employs a member of the legislature, and employee of the legislature, a member of a state board or commission, or a full time state employee, if that employee remains partially employed by the state.</p> <p>FILING DEADLINE: Within 15 days after commencement of employment.</p> <p>FORM TO BE SUBMITTED TO: Public Disclosure Commission.</p>		SIGNATURE	
<p>EXCERPT FROM PUBLIC DISCLOSURE LAW RCW 42.17.210 — Employment of legislators, board or commission members, or state employees — Statement, contents and filing. if any person registered or required to be registered as a lobbyist under this chapter employs, or if any employer of any person registered or required to be registered as a lobbyist under this chapter, employs any member of the legislature, or any member of any state board or commission, or any employee of the legislature, or any full-time state employee, if such new employee shall remain in the partial employ of the state or any agency thereof, then the new employer shall file a statement under oath with the commission setting out the nature of the employment, the name of the person to be paid thereunder, and the amount of pay or consideration to be paid thereunder. The statement shall be filed within fifteen days after the commencement of such employment.</p>		TITLE	
		DATE	

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PERMANENT



L7 505	TO BE FILED BY EMPLOYERS OF STATE LEGISLATORS STATE OFFICERS OR STATE EMPLOYEES
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EMPLOYER'S NAME AND BUSINESS ADDRESS	THIS SPACE FOR OFFICE USE	
	POSTMARK	DATE RECEIVED

DATE PREPARED: _____	THIS FORM	<input type="checkbox"/> AMENDS	PREVIOUS FILING	PREPARED (DATE) _____
		<input type="checkbox"/> REPLACES		

ITEM 1	NAME OF PERSON BEING EMPLOYED
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ITEM 2	DESCRIPTION OF WORK BEING PERFORMED
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ITEM 3	AMOUNT OF COMPENSATION
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ITEM 4	DESCRIPTION OF COMPENSATION
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ITEM 5	STATE OFFICE OR POSITION HELD BY PERSON NAMED IN #1 ABOVE (include title and employing agency, board, or commission)
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<p style="text-align: center;">INSTRUCTIONS</p> <p>WHO SHOULD FILE THIS FORM: Any person registered or required to be registered as a lobbyist under this act or any employer of any person registered or required to be registered as a lobbyist under this act, who employs a member of the legislature, an employee of the legislature, a member of a state board or commission, or a full-time state employee, if that employee remains partially employed by the state.</p> <p>FILING DEADLINE: Within 15 days after commencement of employment.</p> <p>FORM TO BE SUBMITTED TO: Public Disclosure Commission.</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 _____</p> <table border="1" style="width: 100%;"> <tr> <td style="width: 50%;">TITLE _____</td> <td style="width: 50%;">DATE _____</td> </tr> </table>	TITLE _____	DATE _____
TITLE _____	DATE _____		

EXCERPT FROM PUBLIC DISCLOSURE LAW
RCW 42.17.210 — Employment of legislators, board or commission members, or state employees — Statement, contents and filing.
 If any person registered or required to be registered as a lobbyist under this chapter employs, or if any employer of any person registered or required to be registered as a lobbyist under this chapter, employs any member of the legislature, or any member of any state board or commission, or any employee of the legislature, or any full-time state employee, if such new employee shall remain in the partial employ of the state or any agency thereof, then the new employer shall file a statement under oath with the commission setting out the nature of the employment, the name of the person to be paid thereunder, and the amount of pay or consideration to be paid thereunder. The statement shall be filed within fifteen days after the commencement of such employment.

PERMANENT

WSR 05-11-008
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Children's Administration)

[Filed May 4, 2005, 4:03 p.m., effective June 4, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The amendments to two sections of chapter 388-145 WAC, Licensing requirements for emergency respite centers (aka: Crisis nurseries) are for the purpose of rule clarity and consistency with licensing rule chapters for other residential facilities licensed by Children's Administration.

Citation of Existing Rules Affected by this Order: Amending WAC 388-145-0100 and 388-145-0230.

Statutory Authority for Adoption: RCW 74.15.030, 74.15.280.

Adopted under notice filed as WSR 05-07-134 on March 22, 2005.

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.

Number of Sections Adopted in Order to Comply with 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: April 28, 2005.

Andy Fernando, Manager
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 03-08-026, filed 3/26/03, effective 4/26/03)

WAC 388-145-0100 What personal characteristics must ~~((#))~~ a person have to provide care to children at a center? If ~~((you are))~~ a person is requesting a license or a position as an employee, volunteer, intern, or contractor in an emergency respite center, ~~((you))~~ he/she must:

(1) Demonstrate an understanding, ability, physical health, emotional stability and personality suited to meet the physical, mental, emotional, and social needs of the children under ~~((your))~~ his/her care.

(2) Be able to furnish the child with a nurturing, respectful, supportive, and responsive environment.

(3) Not have been disqualified by our background check (chapter 388-06 WAC) before having unsupervised access to children.

(4) Not have been found to have committed child abuse or neglect.

(5) Not have had a license denied or revoked from an agency that provides care to children or vulnerable adults, unless the department determines that the denial or revocation was not based on a factor that may pose a risk to the health, safety or welfare of children.

AMENDATORY SECTION (Amending WSR 03-08-026, filed 3/26/03, effective 4/26/03)

WAC 388-145-0230 When is a license denied, suspended or revoked? (1) An emergency respite center license must be denied, suspended or revoked if the department decides that you cannot provide care for children in a way that ensures their safety, health and well-being.

(2) The department must ~~((disqualify you))~~ deny, suspend, or revoke your license for any of the reasons that follow:

(a) Your facility fails to meet the health and safety requirements to receive a certificate of compliance as required by the department of health and/or Washington state patrol fire protection bureau.

(b) You or anyone on the premises have been disqualified by your background check (see chapter 388-06 WAC).

(c) You or anyone on the premises have been found to have committed child abuse or neglect, or you treat, permit or assist in treating children in your care with cruelty, indifference, abuse, neglect, or exploitation, unless the department determines that you do not pose a risk to a child's safety, well-being, and long-term stability.

(d) You or anyone on the premises had a license denied or revoked from an agency that provided care to children or vulnerable adults, unless the department determines that the denial or revocation was not based on a factor that may pose a risk to the health, safety or welfare of children.

(e) You try to get a license deceitfully, such as making false statements or leaving out important information on the application.

(f) You commit, permit or assist in an illegal act on the premises of an emergency respite center providing care to children.

(g) You are using illegal drugs, or excessively using alcohol and/or prescription drugs.

(h) You knowingly allowed employees or volunteers with false statements on their applications to work at your agency.

(i) You repeatedly lack qualified or an adequate number of staff to care for the number and types of children under your care.

(j) You have refused to allow our authorized staff and inspectors to have requested information or access to your facility, child and program files, and/or your staff and clients.

(k) You are unable to manage the property, fiscal responsibilities, or staff in your agency.

(l) You have failed to comply with the federal and state laws for any Native American children that you have under care.

WSR 05-11-015
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed May 9, 2005, 4:19 p.m., effective June 9, 2005]

Effective Date of Rule: Thirty-one days after filing.

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. When effective, these rules replace the emergency rules filed as WSR 05-09-019.

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, 388-825-085, 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, and 71A.14.040.

Other Authority: Title 71A RCW.

Adopted under notice filed as WSR 05-05-084 on February 15, 2005.

Changes Other than Editing from Proposed to Adopted Version: Editing changes only.

A final cost-benefit analysis is available by contacting Steve Brink, P.O. Box 45310, Olympia, WA 98507, phone (360) 725-3416, e-mail brinksc@dshs.wa.gov, fax (360) 407-0954.

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: May 3, 2005.

Andy Fernando, Manager
 Rules and Policies Assistance Unit

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(~~(; and~~

~~(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:

(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)((a)) 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.

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 ser-~~

~~vices, 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-only funded services shall be based on the services and funding available(-:), subject to the following limitations:

(a) Persons must meet the programmatic and financial eligibility requirements for the specific services;

(b) Funding for state-only 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))~~ in the process of determining ~~((authorized))~~ which services will be authorized:

(a) The person; and

(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 remaining in the community or 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. Conditions for making these vacancies available for respite care include:

(a) ~~((Admission of a child or adolescent to an RHC for respite care requires the))~~ Written approval of the division director or designee(-:) for admission if a child or adolescent to an RHC for respite care; and

(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. Additionally, the following conditions apply:

(a) Children twelve years of age and younger shall not be admitted to an RHC((-)); and

(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))~~ and:

(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?

WSR 05-11-016
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Children's Administration)

[Filed May 9, 2005, 4:22 p.m., effective June 9, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The department is adopting a new subchapter in chapter 388-25 WAC that allows Children's Administration to participate in the state supplementary payment (SSP) program. A public hearing occurred on April 5, 2005.

Statutory Authority for Adoption: RCW 74.04.050.

Other Authority: Chapter 371, Laws of 2002 (2001-03 Supplemental Budget - ESSB 6387), RCW 74.04.600 and 74.13.031.

Adopted under notice filed as WSR 05-06-086 on March 1, 2005.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 6, Amended 0, Repealed 0.

PERMANENT

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 6, Amended 0, Repealed 0.

Date Adopted: May 3, 2005.

Andy Fernando, Manager
Rules and Policies Assistance Unit

STATE SUPPLEMENTARY PAYMENT PROGRAM

NEW SECTION

WAC 388-25-1000 What is the state supplementary payment (SSP) that is administered by the children's administration (CA)? The State Supplementary Payment (SSP) is a state-paid cash assistance program for specific eligible foster children with the children's administration.

NEW SECTION

WAC 388-25-1010 What are the eligibility requirements for the CA/SSP program? To be eligible to receive CA/SSP, you must be a child who has entered foster care (Title 45 CFR 1355.20) and is eligible for and receiving Supplemental Security Income (SSI), receiving behavior rehabilitation services (BRS) for out-of-home placement services for all or part of a month, and not be eligible for foster care reimbursement under Title IV-E of the Social Security Act (42 U.S.C. 670).

NEW SECTION

WAC 388-25-1020 When will my eligibility for CA/SSP be determined? The SSP eligibility verification and payment process is usually done two months following the month of your potential eligibility for an SSP payment. You will receive an SSP payment when all of the eligibility criteria (WAC 388-25-1010) have been verified.

NEW SECTION

WAC 388-25-1030 How will I know if I am eligible to receive a CA/SSP payment? Once you have been identified as eligible for a CA/SSP payment, CA will send out written notification to representative payees, legal guardians, and children age eighteen and above.

NEW SECTION

WAC 388-25-1040 Can I apply for the CA/SSP program if I am not identified by CA as eligible for the CA/SSP program? You can apply through children's administration to determine your eligibility for CA/SSP, but eligibility

is limited to those meeting the eligibility requirements in WAC 388-25-1010.

NEW SECTION

WAC 388-25-1050 What are my appeal rights if CA determines that I am not eligible for CA/SSP? You have the right to appeal children's administration's denial, termination, or reduction of eligibility for the CA/SSP under RCW 74.13.045 and chapter 34.05 RCW and chapter 388-02 WAC.

WSR 05-11-021

PERMANENT RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 05-85—Filed May 10, 2005, 2:07 p.m., effective May 15, 2005]

Effective Date of Rule: May 15, 2005.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The earlier effective date is necessary because of imminent peril to the public health, safety, or welfare.

Purpose: Amend WAC 232-28-266 Landowner damage hunts.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-266.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 05-06-108 on March 2, 2005.

Changes Other than Editing from Proposed to Adopted Version: **Changes, if any, from the text of the proposed rule and reasons for difference:**

- In the first paragraph, the sentence regarding damage claims is changed to read: "Landowner agrees not to claim damage payments, except Elk Areas 3721 and 3722, and will allow access to hunters during the general hunting seasons." The change is the addition of Elk Area 3722 to the exception. This change was made at the request of landowners. It helps the department gain the cooperation of landowners and achieve elk population objectives.
- A subheading was added to differentiate the damage permits intended specifically for the elk areas near Hanford from the statewide damage permits. This change clarifies the distinction between statewide and permits specific to certain elk areas.
- Under Elk Area 3721 the quotas and time periods have been adjusted. These changes maintain hunting opportunity adjacent to Hanford, contribute to population control, and help address damage issues.
- A special note has been added which puts conditions on the use of special permits in Elk Area 3721. This change maintains hunting opportunity adjacent to Hanford, contributes to population control, and helps address damage issues.
- Under Elk Area 3721, modify the start date of the bulls only permits to start May 15 instead of June 1

to reduce damage from elk in croplands during the month of May.

- In the special note regarding permits in the Hanford Area modify the last sentence to read: "The director may consider damage claims from landowners in Elk Areas 3721 and 3722 who accept these permits and do not charge for access." This language adds Elk Area 3722 to the consideration of damage claims.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: April 9, 2005.

Susan Yeager
for Ron Ozment, Chair
Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 03-80, filed 4/25/03, effective 5/26/03)

WAC 232-28-266 2003-2004, 2004-2005, 2005-2006 Landowner damage hunts.

LANDOWNER DAMAGE HUNTS

A landowner with deer/elk damage will enter into a Cooperative Agreement with WDFW and establish a boundary for deer/elk hunt, season dates within the framework and number of animals to be removed. Landowner agrees not to claim damage payments, except Elk Areas 3721 and 3722, and will allow access to hunters during the general hunting seasons. Landowner selects hunters. A landowner damage access permit provided by the landowner will authorize the hunter to use an unused general deer/elk tag to hunt and kill a legal animal during the prescribed damage hunt season.

Deer:

Tag Required: Deer hunter must have a current valid, unaltered, unnotched deer tag on his/her person.

Hunting Method: Any legal weapon.

Season Framework:

2003-2004	2004-2005	2005-2006
August 1- March 31	August 1- March 31	August 1- March 31

Location: Statewide

Legal Deer: Antlerless Only

Kill Quota: 600 Statewide

Elk:

Tag Required: Elk hunter must have a current valid, unaltered, unnotched elk tag on his/her person.

Hunting Method: Any legal weapon

Season Framework:

2003-2004	2004-2005	2005-2006
August 1- March 31	August 1- March 31	August 1- March 31

Location: Statewide

Legal Elk: Antlerless Only

Kill Quota: 200 Statewide

Location: Hanford Area

Elk Area 3722

Kill Quota: 30 any elk; 10 spike bull or antlerless; 60 antlerless only

Elk Area 3721

Kill Quota: 50 spike or antlerless during Aug. 1 - March 31, 2006; 30 bulls only during May 15 - July 31, except spike only July 1-31.

Special Note(s): ((A landowner with deer/elk damage will enter into a Cooperative Agreement with WDFW and establish a boundary for deer/elk hunt, season dates within the framework and number of animals to be removed. Landowner agrees not to claim damage payments and will allow access to hunters during the general hunting seasons. Landowner selects hunters. A landowner damage access permit provided by the landowner will authorize the hunter to use an unused general deer/elk tag to hunt and kill a legal animal during the prescribed damage hunt season.)) Access in Elk Area 3721 may not be sold as a condition of use of these permits. The director may consider damage claims from landowners in Elk Areas 3721 and 3722 who accept these permits and do not charge for access.

WSR 05-11-022

PERMANENT RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 05-89—Filed May 10, 2005, 2:10 p.m., effective June 10, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Amend WAC 232-28-341 2003-04, 2004-05, 2005-06 Small game seasons, 232-28-273 2005 Moose, big-horn sheep, and mountain goat seasons and permit quotas, 232-28-282 Big game and wild turkey auction, raffle, and special incentive permits, 232-28-335 Game management units (GMUs) boundary descriptions—Region five, 232-28-

PERMANENT

248 Special closures and firearm restriction areas, and 232-28-351 Deer general seasons and special permits.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-341, 232-28-273, 232-28-282, 232-28-335, 232-28-248, and 232-28-351.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 05-06-106 and 05-06-108 on March 2, 2005.

Changes Other than Editing from Proposed to Adopted Version: *WAC 232-28-341 2003-04, 2004-05, 2005-06 Small game seasons.*

Changes, if any, from the text of the proposed rule and reasons for difference:

- Original Language: Fall Turkey Season: Open to all hunters in GMUs 105-124. September 24 - Sept. 30, 2005.
- Change: Date Change: September 24 - Sept. 30 and October 8 - Oct. 14, 2005

Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	2005 Permits
Umtanum/Selah Butte A	Sept. 15-Oct. ((3)) 2	Sheep Unit 4 and 5	Any Legal Weapon	4
Umtanum/Selah Butte B	Nov. ((8)) 7-30	Sheep Unit 4 and 5	Any Legal Weapon	3
Cleman Mountain A	Sept. 15-Oct. ((3)) 2	Sheep Unit 7	Any Legal Weapon	((4)) 5
Cleman Mountain B	Nov. ((8)) 7-30	Sheep Unit 7	Any Legal Weapon	((3)) 4
Quilomene A	Sept. 15-Oct. ((3)) 2	Sheep Unit 13	Any Legal Weapon	3
Quilomene B	Nov. ((8)) 7-30	Sheep Unit 13	Any Legal Weapon	2
<u>Manson</u>	<u>Nov. 7-30</u>	<u>Sheep Unit 16</u>	<u>Any Legal Weapon</u>	<u>2</u>

- Rationale: This change should accomplish two objectives: 1) Increase the fall season harvest in specific GMUs to address concerns related to high turkey populations; 2) increase fall season hunting opportunities.
- Original Language: Permit Only Fall Turkey Season: Permit Area GMU 124
- Change: Delete GMU 124 from the Permit Area list
- Rationale: GMU 124 is listed in the fall season that is open to all hunters and was mistakenly included in the Permit Area list.

WAC 232-28-273 2005 Moose, bighorn sheep, and mountain goat seasons and permit quotas.

Changes, if any, from the text of the proposed rule and reasons for difference:

- Change the following bighorn sheep permit-season dates to accommodate calendar date adjustments:

PERMANENT

WAC 232-28-248 Special closures and firearm restriction areas.

Changes, if any, from the text of the proposed rule and reasons for difference:

- Remove number 1 pertaining to the Little Pend Oreille National Wildlife Refuge. This change is in response to a request by the Little Pend Oreille Wildlife Refuge. Military training is no longer being conducted on the refuge so the U.S. Fish and Wildlife Service wants to open the entire refuge to hunting when state hunting seasons are open. The change will simplify the current restrictions and increase access to more refuge land for hunting opportunities.

WAC 232-28-351 2003-2005 Deer general seasons and special permits.

Changes, if any, from the text of the proposed rule and reasons for difference:

Early Archery Eastern Washington Mule Deer

- For the Sept. 16-30, remove 328, 334 through 340, 346 through 368. This is redundant with the Sept. 1-30 hunt.
- Change 145, 163, and 178 to 3 pt. minimum or antlerless. Late archery is having little impact on mule deer buck survival. Removing the hunt for bucks is not likely to improve buck ratios in these units.

Early Muzzleloader Eastern Washington Whitetail Deer

- Remove the hunt in Deer Areas 1030 and 1040. This hunt was not going to be effective in reducing the white-tailed deer population enough to accomplish the Washington State University cougar research and needs to be removed.

Early Muzzleloader Eastern Washington Mule Deer

- Remove the hunt in Deer Areas 1030 and 1040. This hunt was not going to be effective in reducing the white-tailed deer population enough to accomplish the Washington State University cougar research and needs to be removed.

Late Muzzleloader Western Washington Blacktail Deer

- Move GMU 407 from the any buck to the any deer section. This change will help with population control along the agricultural and suburban interface and provide some additional opportunity.

Modern Firearm Deer Permit Hunts

- Change number of permits for Kelly Hill from 25-150 to make up for deleting special permit and muzzleloader hunts in Deer Areas 1030 and 1040.
- Change the dates for the Steptoe and the Almeta A hunts to Oct. 15-23 & Nov. 7-19. This change is a calendar date adjustment that was omitted in the filing.

- Change the dates for the Cowiche B hunt from Nov. 8-21 to Nov. 7-19. This change avoids an unintentional overlap between late archery elk and modern firearm deer.
- Change the dates for the Green River A hunt to Oct. 29-Nov. 4. This is a calendar shift adjustment and is consistent with the dates of access agreed upon with the land manager.
- Adjust the calendar dates for East Klickitat A, Lincoln A, Stella A, Mossyrock A, Stormking A, South Rainier A, Packwood A, Winston A, Yale A, Toutle A, Marble A, Lewis River A, Siouxon A, Wind River A, Wind River B, West Klickitat A, West Klickitat B, Grayback A, Grayback B, Pysht, Olympic, Kitsap, Wynoochee A, Wynoochee B, North River A, Minot Peak, Capitol Peak A, Deschutes, and Skookumchuck A. These changes are calendar date adjustments that were omitted in the filing.
- As a result of annual, permit allocation formula adjustments, change the following permit levels to:

Quilomene A	74
Alkali A	74

Muzzleloader Deer Permit Hunts

- Change the permits for Quilomene B from 10 to 11. This change is a result of annual permit allocation formula adjustments.
- Change the permits for Desert D from 20 to 21. This change is a result of annual permit allocation formula adjustments. Adjust the calendar dates for Green Bluff, Mossyrock B, Stormking B, South Rainier B, Packwood B, Winston B, Yale B, Toutle B, Marble B, Lewis River B, Siouxon B, Wind River C, Grayback C, and North River B. These are calendar date adjustments that were omitted from the filing.
- As a result of annual, permit allocation formula adjustments, change the following permit levels to:

Desert C	4
Alkali C	11

Archery Deer Permit Hunts

- As a result of annual, permit allocation formula adjustments, change the following permit levels to:

Quilomene C	76
Alkali E	73

Special Modern Firearm Deer Permits for Hunters 65 or Older

- Adjust the calendar dates for East Klickitat C, Stella B, Mossyrock C, Stormking C, South Rainier C, Packwood C, Winston C, Yale C, Toutle C, Marble C, Lewis River C, Washougal B, Siouxon C, Wind River D, West Klickitat C, Grayback D, Williams Creek, Copalis, and North River C. These changes are calendar date adjustments that were omitted in the filing.

Special Modern Firearm Deer Permits for Disabled Hunters

- Change the dates for the Green River B hunt to Oct. 29-Nov. 4. This is a calendar shift adjustment and is consistent with the dates of access agreed upon with the land manager.

Youth Special Deer Permits

- Adjust the calendar dates for East Klickitat E, Lincoln D, Stella D, Mossyrock E, Stormking E, South Rainier E, Packwood E, Winston E, Yale E, Toutle E, Marble E, Lewis River E, Washougal D, Siouxon E, Wind River F, West Klickitat E, Grayback F, Satsop B, and North River E. These are calendar date adjustments that were omitted from the filing.

Special Deer Permits - Second Deer Tag

- Remove the Ten-Thirty hunt in Deer Areas 1030 and 1040. This hunt was not going to be effective in reducing the white-tailed deer population enough to accomplish the Washington State University cougar research and needs to be removed.
- Under special deer permits - second deer tag, change Huckleberry B permit numbers from 100 to 300 permits. This corrects an omission in the initial filing.

Hunter Education Instructor Incentive Permits

- Added "except GMU 157" to the Region One GMUs. This change was made to correct an error that was omitted from the filing.

Number of Sections Adopted in Order to Comply with 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 6, 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: April 9, 2005.

Susan Yeager
for Ron Ozment, Chair
Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 04-327, filed 1/3/05, effective 2/3/05)

WAC 232-28-248 Special closures and firearm restriction areas.

RESTRICTED AND PROHIBITED HUNTING AREAS.

PERMANENT

These areas are closed by Fish and Wildlife Commission action. Other areas may be closed to hunting by local, state or federal regulations.

IT IS ILLEGAL TO HUNT EXCEPT WHERE PROVIDED IN THE FOLLOWING AREAS:

1. ~~(Little Pend Oreille National Wildlife Refuge: The southern part of the Little Pend Oreille National Wildlife Refuge in Stevens County is closed to hunting and discharge of firearms except during the periods of April 15-May 15 and October 1-December 31. This closure is south of a boundary beginning at the west project boundary in Section 3, Township 34 N, R 40 EWM, then easterly along Road 1.0 (Bear Creek Road) to the intersection with Road 2.0 (Blacktail Mountain Road) in Section 2, then easterly along Road 2.0 to the easterly boundary in Section 8, Township 34 N, R 42 EWM.~~

~~The Little Pend Oreille National Wildlife Refuge north of the preceding boundary is open to all legally established hunting seasons from April 15 to May 15 and September through December.~~

2-) Parker Lake: All lands south of Ruby Creek Road (USFS Road 2489), north of Tacoma Creek Road (USFS Road 2389) and west of Bonneville Power Administration power lines are designated as "CLOSED AREA" to the hunting of wild animals and wild birds year round. Both the Little Pend Oreille (1) and Parker Lake (2) closures were established to provide a protected area for the Air Force Military Survival Training Program.

3-) Columbia River and all the islands in the river, and the Benton County shoreline below the high water mark, and any peninsula originating on the Benton County shoreline, between Vernita Bridge (Highway 24) downstream to the old Hanford townsite powerline crossing (wooden towers) in Section 24, T 13 N, R 27 E, is designated as a "CLOSED AREA" to the hunting of wild animals and wild birds.

4-) Green River (GMU 485): Except for special permit hunters, who may also take a black bear and/or cougar with the appropriate license/tag options, all lands within GMU 485 are designated as a "CLOSED AREA" to the hunting of big game by Department of Fish and Wildlife regulated hunters throughout the year. During the general westside elk season and general and late deer seasons, all lands within GMU 485 are also designated as a "CLOSED AREA" to the hunting of all wild animals (including wild birds). The City of Tacoma enforces trespass within GMU 485 on lands owned or controlled by the City during all times of the year.

5-) McNeil Island: McNeil Island (part of GMU 652) is closed to the hunting of all wild animals (including wild birds) year around.

6-) Loo-wit (GMU 522): Closed to hunting and trapping within GMU 522 (Loo-wit), except for the hunting of elk by special permit holders during established seasons and designated areas.

7-) The Voice of America Dungeness Recreation Area County Park in Clallam County is closed to all hunting except Wednesdays, weekends, and holidays, from the first weekend in October to the end of January.

BIG GAME CLOSURES

1. Clark, Cowlitz, Pacific, and Wahkiakum counties are closed to Columbian Whitetail Deer hunting.
2. Cathlamet: Beginning in the town of Skamokawa; then east along SR 4 to the Risk Road; then south and east along the Risk Road to Foster Road; then south along the Foster Road to the Elochoman River; then upstream along the Elochoman River to the Elochoman Valley Road (old SR 407); then west along the Elochoman Valley Road to SR 4; then east along SR 4 to SR 409; then south along SR 409 to the Cathlamet Channel of the Columbia River; then east along the north shore of the Cathlamet Channel to Cape Horn; then south in the Columbia River to the state line; then west along the state line to a point directly south of the mouth of Skamokawa Creek; then north on Skamokawa Creek to SR 4 and the point of beginning. This area is closed to all deer and elk hunting, to protect the Columbian White-tail Deer.
3. Willapa National Wildlife Refuge: Except for Long Island, Willapa National Wildlife Refuge is closed to all big game hunting.
4. Walla Walla Mill Creek Watershed (GMU 157): All lands in the Mill Creek Watershed are designated as a "CLOSED AREA" to the hunting of all wild animals (including wild birds) except for the hunting of elk by the holders of GMU-157 special elk permits during the established open season. This area is closed to motorized vehicles. Entry is allowed only by Forest Service permit for the duration of the hunt. Any entry into the Mill Creek Watershed at other times is prohibited.
5. Westport: Closed to hunting of all big game animals on that part of Westport Peninsula lying north of State Highway 105 from the west end of the Elk River Bridge and the Schafer Island Road to the ocean beach.

FIREARM RESTRICTION AREAS

The firearm restriction areas listed below have been established by the Fish and Wildlife Commission. Centerfire and rimfire rifles are not legal for hunting in any of these areas.

In firearm restriction areas, hunters may hunt only during the season allowed by their tag. Archery tag holders may hunt during archery seasons with archery equipment. Muzzleloaders may hunt during muzzleloader seasons with muzzleloader equipment ~~((except in the GMU 652 restriction area outlined for King County))~~. Modern firearm tag holders may hunt during modern firearm seasons with bows and arrows, muzzleloaders or revolver-type handguns meeting the equipment restrictions or legal shotguns firing slugs or buckshot.

Additional firearm restrictions may be listed under the area description.

PERMANENT

COUNTY	AREA	COUNTY	AREA
Chelan	That portion of GMU 251 (Mission) beginning at the intersection of the Duncan Road and Highway 2; south on Duncan Road to Mountain Home Road; south along Mountain Home Road to the Icicle Irrigation Ditch; south and west along the Icicle Irrigation Ditch to the Snow Lake Trail; west and north along the Snow Lake Trail and across the Icicle River to Icicle River Road; east and north along Icicle River Road to the Wenatchee River; northwest along the Wenatchee River to Highway 2; north and east on Highway 2 to Duncan Road and the point of beginning.	Island	That portion of GMU 410 (Island) located on Camano and Whidbey islands.
Clallam	That portion of GMU 624 (Coyle) located within Clallam County.	Jefferson	Indian and Marrowstone islands.
Clark	GMU 564 (Battleground)	King	The area west of Highway 203 (Monroe-Fall City, Fall City-Preston Road) to Interstate 90 (I-90), I-90 to Highway 18, Highway 18 to Interstate 5 (I-5), I-5 to the Pierce-King County line; Vashon and Maury islands. <u>This area is restricted to archery only:</u> The following portion of GMU 652 (Puyallup): Beginning at the intersection of State Highway 410 and the southeast Mud Mountain Dam Road near the King/Pierce County line north of Buckley; then east along the southeast Mud Mountain Road to 284th Avenue Southeast; then north along 284th Avenue Southeast to State Highway 410; then west along Highway 410 to the point of the beginning. ((This restriction includes high power rifles and muzzleloaders.))
Cowlitz	That portion of GMU 554 in Clark County. GMU 554 (Yale) GMU 504 (Stella) That portion of GMU 564 (Battleground) in Cowlitz County.	Kitsap	East of State Highway 16 originating at the Tacoma Narrows Bridge to Gorst, and east of Highway 3 to Newbury Hill Road, north of Newbury Hill Road and the Bremerton-Sea-beck Highway to Big Beef Creek Bridge; all of Bainbridge Island, and Bangor Military Reservation.
Grays Harbor	That portion of GMU 658 (North River) beginning at Bay City; then west along Highway 105 to Twin Harbors State Park; then south along Highway 105 to Grayland Grocery; then east on Cranberry Road to Turkey Road; then east and north on Turkey Road to Bayview Logging Road; then north and east along Bayview Logging Road to Mallard Slough; then east and south along the Bayview Road to Andrews Creek; then north along main channel of Andrews Creek to Grays Harbor; then north and west along the main navigation channel to Bay City and point of beginning. The Chehalis Valley restriction applies only during elk seasons: That portion of GMU 660 (Minot Peak) described as follows: Beginning at Highway 12 and Highway 107 junction near Montesano; east and south on Highway 12 to Oakville; south on the Oakville-Brooklyn Road to a point one mile west of South Bank Road; northwest along a line one mile southwest of the South Bank Road to Delzene Road; north along Delzene Road to South Bank Road; northwest along South Bank Road to Wakefield Road; north on Wakefield Road to the Chehalis River; west along the Chehalis River to Highway 107 bridge; north on Highway 107 to Highway 12 to the point of beginning.	Kittitas	GMU 334 (Ellensburg) Closed to high power rifles during deer and elk seasons.
		Mason	GMU 633 (Mason Lake) south of Hammersley Inlet; and all of Harstene Island.
		Pacific	GMU 684 (Long Beach) west of Sand Ridge Road. The portion of GMU 658 (North River) south and west of State Highway 105 and Airport Road between Raymond and North River Bridge. GMU 681 between U.S. Highway 101, Chinook Valley Road and the Columbia River from Astoria-Megler bridge to the Walacut River.
		Pierce	GMU 652 (Anderson and Ketron islands) limited to archery, shotgun, and muzzle-loader. McNeil Island closed to hunting. See GMU 652 restriction area outlined for King County. GMU 627 (Kitsap) south of Highway 302 on the Longbranch Peninsula is a firearm restriction area.
		Snohomish	West of Highway 9.
		Skagit	Guemes Island and March Point north of State Highway 20.
		Skamania	That portion of GMU 564 (Battle Ground) in Skamania County.

PERMANENT

COUNTY	AREA
Thurston	GMU 666 (Deschutes) north of U.S. Highway 101 and Interstate 5 between Oyster Bay and the mouth of the Nisqually River.
Whatcom	Area west of I-5 and north of Bellingham city limits including Lummi Island and Point Roberts.

((2004)) 2005 Moose Permit Hunts

Who May Apply: Anyone may apply; EXCEPT those who harvested a moose previously in Washington state. An individual may only harvest one moose during their lifetime (except waived for antlerless only hunts and raffle and auction hunts).

Bag Limit: One moose of either sex, EXCEPT antlerless only for the 49 Degrees North B persons with disabilities hunt, Hangman B Hunt, Mt. Spokane B Hunt and the Mt. Spokane Youth Hunt.

Weapon Restrictions: Permit holders may use any legal weapon.

AMENDATORY SECTION (Amending Order 04-98, filed 5/12/04, effective 6/12/04)

WAC 232-28-273 ((2004)) 2005 Moose, bighorn sheep, and mountain goat seasons and permit quotas.

PERMANENT

Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	((2004)) 2005 Permits
Kettle Range	Oct. 1-Nov. 30	GMU 101, 105	Any Moose	1
Selkirk Mtns.	Oct. 1-Nov. 30	GMU 113	Any Moose	20
Mt. Spokane A	Oct. 1-Nov. 30	GMU 124, east of Hwy 395	Any Moose	10
Mt. Spokane B	Oct. 1-Nov. 30	GMU 124, east of Hwy 395	Antlerless Only	12
Mt. Spokane Youth Only ^a	Oct. 1-Nov. 30	GMU 124, east of Hwy 395	Antlerless Only	8
49 Degrees North	Oct. 1-Nov. 30	GMU 117	Any Moose	22
49 Degrees North B ^b	Oct. 1-Nov. 30	GMU 117	Antlerless Only	3
Three Forks	Oct. 1-Nov. 30	GMUs 108, 111	Any Moose	6
Hangman A	Oct. 1-Nov. 30	GMU 127, 130	Any Moose	5
Hangman B	Oct. 1-Nov. 30	GMU 127, 130	Antlerless Only	3
Huckleberry Range	Oct. 1-Nov. 30	GMU 121, 124 west of Hwy 395	Any Moose	((4)) 6

^aApplicants must be eligible to purchase a youth moose permit application. Youth hunters must be accompanied by an adult during the hunt.

^bApplicants must possess a Disabled Hunter Permit.

((2004)) 2005 Mountain Sheep (Bighorn) Permit Hunts

Who May Apply: Anyone may apply; EXCEPT those who harvested a bighorn sheep previously in Washington state. An individual may only harvest one bighorn sheep during their lifetime. (Except waived for raffle and auction hunts.)

Bag Limit: One bighorn ram.

Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	((2004)) 2005 Permits
<u>Vulcan Mountain</u>	<u>Sept. 15-Oct. 10</u>	<u>Sheep Unit 2</u>	<u>Any Legal Weapon</u>	<u>1</u>
Umtanum/Selah Butte A	Sept. 15-Oct. ((3)) 2	Sheep Unit 4 and 5	Any Legal Weapon	4
Umtanum/Selah Butte B	Nov. ((8)) 7-30	Sheep Unit 4 and 5	Any Legal Weapon	3
Cleman Mountain A	Sept. 15-Oct. ((3)) 2	Sheep Unit 7	Any Legal Weapon	((4)) 5
Cleman Mountain B	Nov. ((8)) 7-30	Sheep Unit 7	Any Legal Weapon	((3)) 4
Mt. Hull	Sept. 15-Oct. 10	Sheep Unit 10	Any Legal Weapon	1
Lincoln Cliffs	Sept. 15-Oct. 10	Sheep Unit 12	Any Legal Weapon	1
Quilomene A	Sept. 15-Oct. ((3)) 2	Sheep Unit 13	Any Legal Weapon	3
Quilomene B	Nov. ((8)) 7-30	Sheep Unit 13	Any Legal Weapon	2
Swakane	Sept. 15-Oct. 10	Sheep Unit 14	Any Legal Weapon	1
Tieton	Sept. 15-Oct. 10	Sheep Unit 15	Any Legal Weapon	2
<u>Manson</u>	<u>Nov. 7-30</u>	<u>Sheep Unit 16</u>	<u>Any Legal Weapon</u>	<u>2</u>

Mountain (Bighorn) Sheep Units:

Sheep Unit 2 Vulcan Mountain: Permit Area: Ferry County north of the Kettle River near Curlew.

Sheep Unit 4 Selah Butte: Permit Area: That part of Yakima and Kittitas counties between Ellensburg and Yakima east of the Yakima River and north of Selah Creek, west of Interstate 82 and south of Interstate 90.

Sheep Unit 5 Umtanum: Permit Area: Those portions of Yakima and Kittitas counties west of the Yakima River, north of Wenas Creek, and east of USFS Road 1701 to Manastash Lake and its drainage; south and east along the South Fork Manastash Creek to Manastash Creek and the Yakima River.

Sheep Unit 7 Cleman Mountain: Permit Area: That part of Yakima County south of Wenas Creek and east of USFS Road 1701, north of Highway 410 and Highway 12 and west of the Yakima River.

Sheep Unit 10 Mt. Hull: Permit Area: That part of Okanogan County within the following described boundary: Beginning at Oroville; then south along U.S. Highway 97 to the Swanson's Mill Road (old Mt. Hull Road) near Lake Andrews; then east to the Dry Gulch Road; then north to the

Oroville-Toroda Creek Road (Molson Grade Road); then west to Oroville and the point of beginning.

Sheep Unit 12 Lincoln Cliffs: Permit Area: That part of Lincoln County north of Highway 2.

Sheep Unit 13 Quilomene: Permit Area: GMU 329.

Sheep Unit 14 Swakane: Permit Area: GMU 250.

Sheep Unit 15 Tieton: Permit Area: GMU 360.

Sheep Unit 16 Manson: Permit Area: GMU 243.

((2004)) 2005 Mountain Goat Permit Hunts

Who May Apply: Anyone may apply; except those who harvested a mountain goat in Washington state after 1998. An individual may only harvest one mountain goat during their lifetime, except for those who harvested a goat prior to 1999. (Except waived for raffle and auction hunts.)

Bag Limit: One (1) adult goat of either sex with horns four (4) inches or longer. WDFW urges hunters to refrain from shooting nannies with kids. Permit hunters may start hunting Sept. 1 with archery equipment.

Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	((2003)) 2005 Permits
Chelan North	Sept. 15-Oct. 31	Goat Unit 2-1	Any Legal Weapon	1
Methow	Sept. 15-Oct. 31	Goat Unit 2-2	Any Legal Weapon	2
Naches Pass/Corral Pass	Sept. 15-Oct. 31	Goat Unit 3-6, 4-38	Any Legal Weapon	2
Bumping River	Sept. 15-Oct. 31	Goat Unit 3-7	Any Legal Weapon	2
Blazed Ridge	Sept. 15-Oct. 31	Goat Unit 3-10	Any Legal Weapon	2
Kachess Ridge	Sept. 15-Oct. 31	Goat Unit 3-11	Any Legal Weapon	0
Jack Mountain	Sept. 15-Oct. 31	Goat Unit 4-9	Any Legal Weapon	0
Tatoosh	Sept. 15-Oct. 31	Goat Unit 5-2	Any Legal Weapon	((3)) 1
Smith Creek	Sept. 15-Oct. 31	Goat Unit 5-3	Any Legal Weapon	1
Goat Rocks/Tieton River	Sept. 15-Oct. 31	Goat Units 3-9, 5-4	Any Legal Weapon	6

Mountain Goat Units:

Goat Unit 2-1 Chelan N. (Chelan County): Permit Area: Beginning at the mouth of Fish Creek on Lake Chelan (Moore Point); then northeast up Fish Creek and USFS trail 1259 to the Sawtooth crest near Deephole Spring; then southeast along the Sawtooth crest, which separates Chelan and Okanogan County, to Horsethief Basin and the headwaters of Safety Harbor Creek; then south along Safety Harbor Creek to Lake Chelan, then northwest along the north shore of Lake Chelan to the mouth of Fish Creek at Moore Point and the point of beginning.

Goat Unit 2-2 Methow Area: Permit Area: Okanogan County within the following described boundary: Beginning at the Town of Twisp, westerly along the Twisp River Road (County Road 4440) to Roads End; west up the Twisp Pass Trail 432 to Twisp Pass and the Okanogan County line; northerly along the Okanogan County line through Washington Pass to Harts Pass; southeast down Harts Pass (Road 5400) to Lost River; then along the Lost River-Mazama Road

to Mazama; then southwest to State Highway 20; then south-easterly along State Highway 20 to Twisp and the point of beginning.

Goat Unit 3-6 Naches Pass: Permit Area: Yakima and Kittitas counties within the following described boundary: Beginning at Chinook Pass; then north along the Pacific Crest Trail to Naches Pass; then east to USFS Road 19 and continuing to State Highway 410; then west along State Highway 410 to Chinook Pass and point of beginning.

Goat Unit 3-7 Bumping River: Permit Area: GMU 356; EXCEPT Timberwolf Mountain, which is closed.

Goat Unit 3-9 Tieton River: Permit Area: Yakima County within the following described boundary: Beginning at White Pass and Pacific Crest Trail; then south to the Yakama Indian Reservation Boundary; then east to USFS Jeep Trail 1137; then west to USFS Road 1070-578 Spur; then west to Road 1000; then north to USFS Road 12; then north to State Highway 12; then west on State Highway 12 to point of beginning.

PERMANENT

Goat Unit 3-10 Blazed Ridge: Permit Area: Kittitas and Yakima counties within the following described boundary: Beginning at the mouth of Cabin Creek on the Yakima River; then west along Cabin Creek to the headwaters near Snowshoe Butte; then south along the Cascade Crest separating the Green and Yakima river drainage to Pyramid Peak; then southeast along the North Fork, Little Naches, and Naches River to the Yakima River; then north along the Yakima River to the mouth of Cabin Creek and point of beginning.

Goat Unit 3-11 Kachess Ridge: Permit Area: Kittitas County within the following described boundary: Beginning at the mouth of the Kachess River on the Yakima River; then north along the Kachess River and Kachess Lake to USFS Road 4600; then east on USFS Road 4600 to the Cle Elum River; then south along the Cle Elum River and Lake Cle Elum to the Yakima River; then northwest along the Yakima River to the mouth of the Kachess River and point of beginning.

Goat Unit 4-9 Jack Mountain: Permit Area: Whatcom County within the following described boundary: Beginning at the confluence of Ruby Creek and Crater Creek; then north up Crater Creek to the ridge line between Jerry Lakes and a pinnacle of Jack Mountain (7,292 ft. elevation); continue due north to Devil's Creek; then west down Devil's Creek to Ross Lake; then south along the east shoreline of Ross Lake to Ruby Arm; then easterly up Ruby Arm and Ruby Creek to the confluence of Crater Creek and the point of beginning.

Goat Unit 4-38 Corral Pass: Permit Area: Pierce County within the following described boundary: Beginning where Goat Creek intersects the Corral Pass Road; then southeast up Goat Creek to the Cascade Crest; then north along the Crest to USFS Trail 1188; then northwest along said trail to USFS Trail 1176; then north along said trail to Corral Pass; then west along Corral Pass Road to its intersection with Goat Creek and the point of beginning.

Goat Unit 5-2 Tatoosh: Permit Area: Lewis County within the following described boundary: Beginning at the junction of the southern Mount Rainier National Park Boundary and State Highway 123; then south along State Highway 123 to U.S. Highway 12; then southwest along said highway to Skate Creek Road (USFS Road 52); then northwest along said road to the junction of Morse Creek Road (old road to Longmire Campground); then north along said road to the Mount Rainier National Park Boundary; then east along the southern park boundary to the point of beginning.

Goat Unit 5-3 Smith Creek: Permit area: Lewis County within the following described boundary: Beginning at the Town of Randle; then east along U.S. Highway 12 to USFS Road 21; then southeast along USFS Road 21 to USFS Road 22; then northeast and northwest along USFS Road 22 to USFS Road 23; then east and northwest on USFS Road 23 to USFS Road 25; then north along USFS Road 25 to Randle and point of beginning.

Goat Unit 5-4 Goat Rocks: Permit Area: Lewis County south of the White Pass Highway (U.S. Highway 12) and east of the Johnson Creek Road (USFS Road 1302).

AMENDATORY SECTION (Amending Order 04-98, filed 5/12/04, effective 6/12/04)

WAC 232-28-282 Big game and wild turkey auction, raffle, and special incentive permits.

BIG GAME AUCTION PERMITS

The director will select a conservation organization(s) to conduct annual auction(s). Selection of the conservation organizations will be based on criteria adopted by the Washington department of fish and wildlife. Big game and wild turkey auctions shall be conducted consistent with WAC 232-28-292.

SPECIES - ONE DEER PERMIT

Hunting season dates: September 1 - December 31, 2004
Hunt Area: Statewide EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMU 485, and those GMUs closed to deer hunting by the fish and wildlife commission.
Weapon: Any legal weapon.

Bag limit: One additional any buck deer

SPECIES - ONE WESTSIDE DEER PERMIT

Hunting season dates: 2005 and thereafter, September 1 - December 31

Hunt Area: Western Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMU 485, and those GMUs closed to deer hunting by the fish and wildlife commission.

Weapon: Any legal weapon.

Bag limit: One additional any buck deer

SPECIES - ONE EASTSIDE DEER PERMIT

Hunting season dates: 2005 and thereafter, September 1 - December 31

Hunt Area: Eastern Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs) and those GMUs closed to deer hunting by the fish and wildlife commission.

Weapon: Any legal weapon.

Bag limit: One additional any buck deer

SPECIES - ONE WESTSIDE ELK PERMIT

Hunting season dates: September 1 - December 31, 2005

Hunt Area: Western Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), those GMUs closed to elk hunting, and those GMUs not opened to branch antlered bull elk hunting by the fish and wildlife commission.

Weapon: Any legal weapon.

Bag limit: One additional any bull elk

Hunting season dates: September 1 - December 31, 2006 and thereafter

Hunt Area: Western Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMU 485, those GMUs closed to elk hunting, and those GMUs not opened to branch antlered bull elk hunting by the fish and wildlife commission.

Weapon: Any legal weapon.

Bag limit: One additional any bull elk

SPECIES - ONE EASTSIDE ELK PERMIT

Hunting season dates: September 1 - December 31

Hunt Area: Eastern Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMU 157, those GMUs closed to elk hunting, and those GMUs not opened to branch antlered bull elk hunting by the fish and wildlife commission.

Weapon: Any legal weapon.

Bag limit: One additional any bull elk

SPECIES - ONE BIGHORN SHEEP PERMIT

Hunting season dates: September 1 - October 31, 2005

Hunt Area: Sheep Unit 4 (Selah Butte), Sheep Unit 5 (Umtanum), Sheep Unit 7 (Cleman Mountain), Sheep Unit 12 (Lincoln Cliffs), or Sheep Unit 13 (Quilomene).

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

Bag limit: One bighorn ram

Hunting season dates: September 1 - October 31, 2006 and thereafter

Hunt Area: Sheep Unit 4 (Selah Butte), Sheep Unit 5 (Umtanum), Sheep Unit 7 (Cleman Mountain), or Sheep Unit 13 (Quilomene).

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

Bag limit: One bighorn ram

SPECIES - ONE MOOSE PERMIT

Hunting season dates: October 1 - November 30

Hunt Area: Any open moose unit.

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

Bag limit: One moose of either sex

SPECIES - ONE MOUNTAIN GOAT PERMIT

Hunting season dates: September 15 - October 31

Hunt Area: Goat Unit 3-6 (Naches Pass), Goat Unit 3-9 (Tieton River), Goat Unit 3-10 (Blazed Ridge), or Goat Unit 5-4 (Goat Rocks).

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

Bag limit: One mountain goat of either sex

RAFFLE PERMITS

Raffle permits will be issued to individuals selected through a Washington department of fish and wildlife drawing or the director may select a conservation organization(s) to conduct annual raffles. Selection of a conservation organization will be based on criteria adopted by the Washington department of fish and wildlife. Big game and wild turkey raffles shall be conducted consistent with WAC 232-28-290.

RAFFLE PERMIT HUNT(S)

DEER RAFFLE PERMIT HUNT

Bag limit: One additional any buck deer

Open area: Statewide EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMU 485, and those GMUs closed to deer hunting by the fish and wildlife commission.

Open season: September 1 - December 31, 2004.

Weapon: Any legal weapon.

Number of permits: 1

Raffle ticket cost: \$5.00 including a 50-cent vendor fee.

WESTSIDE DEER RAFFLE PERMIT HUNT

Bag limit: One additional any buck deer

Open area: Western Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMU 485, and those GMUs closed to deer hunting by the fish and wildlife commission.

Open season: 2005 and thereafter, September 1 - December 31

Weapon: Any legal weapon.

Number of permits: 1

Raffle ticket cost: \$5.00 including a 50-cent vendor fee.

EASTSIDE DEER RAFFLE PERMIT HUNT

Bag limit: One additional any buck deer

Open area: Eastern Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs) and those GMUs closed to deer hunting by the fish and wildlife commission.

Open season: 2005 and thereafter, September 1 - December 31

Weapon: Any legal weapon.

Number of permits: 1

Raffle ticket cost: \$5.00 including a 50-cent vendor fee.

WESTSIDE ELK RAFFLE PERMIT HUNT

Bag limit: One additional any bull elk

Open area: Western Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), those GMUs closed to elk hunting, and those GMUs not open to branch antlered bull elk hunting by the fish and wildlife commission.

Open season: September 1 - December 31, 2005.

Weapon: Any legal weapon.

Number of permits: 1

Raffle ticket cost: \$5.00 including a 50-cent vendor fee.

Bag limit: One additional any bull elk

Open area: Western Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMU 485, those GMUs closed to elk hunting, and those GMUs not open to branch antlered bull elk hunting by the fish and wildlife commission.

Open season: September 1 - December 31, 2006 and thereafter.

Weapon: Any legal weapon.

Number of permits: 1

Raffle ticket cost: \$5.00 including a 50-cent vendor fee.

EASTSIDE ELK RAFFLE PERMIT HUNT

Bag limit: One additional any bull elk

Open area: Eastern Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMU 157, those GMUs closed to elk hunting, and those GMUs not opened to branch antlered bull elk hunting by the fish and wildlife commission.

Open season: September 1 - December 31.

Weapon: Any legal weapon.

Number of permits: 1

Raffle ticket cost: \$5.00 including a 50-cent vendor fee.

BIGHORN SHEEP RAFFLE PERMIT HUNT

Bag limit: One bighorn ram

Open area: Sheep Unit 4 (Selah Butte), Sheep Unit 5 (Umtanum), Sheep Unit 7 (Cleman Mountain), Sheep Unit 12 (Lincoln Cliffs), or Sheep Unit 13 (Quilomene).

Open season: September 1 - October 31, 2005.

Weapon: Hunter may use any legal weapon.

Number of permits: 1

Raffle ticket cost: \$10.00 including a 50-cent vendor fee.

Bag limit: One bighorn ram

Open area: Sheep Unit 4 (Selah Butte), Sheep Unit 5 (Umtanum), Sheep Unit 7 (Cleman Mountain) or Sheep Unit 13 (Quilomene).

Open season: September 1 - October 31, 2006 and thereafter.

Weapon: Hunter may use any legal weapon.

Number of permits: 1

Raffle ticket cost: \$10.00 including a 50-cent vendor fee.

MOOSE RAFFLE PERMIT HUNT

Bag limit: One moose of either sex

Open area: Any open moose unit.

Open season: October 1 - November 30.

Weapon: Hunter may use any legal weapon.

Number of permits: 1

Raffle ticket cost: \$5.00 including a 50-cent vendor fee.

MOUNTAIN GOAT RAFFLE PERMIT HUNT

Bag limit: One mountain goat of either sex

Open area: Goat Unit 3-6 (Naches Pass), Goat Unit 3-9 (Tieton River), Goat Unit 3-10 (Blazed Ridge), or Goat Unit 5-4 (Goat Rocks).

Open season: September 15 - October 31.

Weapon: Hunter may use any legal weapon.

Number of permits: 1

Raffle tickets cost: \$5.00 including a 50-cent vendor fee.

TURKEY RAFFLE PERMIT HUNTS

Bag limit: Three (3) additional wild turkeys, but not to exceed more than one turkey in Western Washington or two turkeys in Eastern Washington.

Open area: Statewide.

Open season: April 1 - May 31.

Weapon: Archery or shotgun only.

Number of permits: 2

Raffle ticket cost: \$5.00 including a 50-cent vendor fee.

DIRECTOR AUTHORIZED BIG GAME AUCTION OR RAFFLE PERMITS

The director shall determine which method of permit opportunity, auction or raffle, taking into consideration impacts to the wildlife resource, opportunity to the hunting community, other resource management issues, and expected revenue. The director may select a conservation organization(s) to conduct annual auction(s) or raffle(s). Selection of the conservation organization will be based on criteria adopted by the Washington department of fish and wildlife. Big game auctions and raffles shall be conducted consistent with WAC 232-28-292.

ROCKY MOUNTAIN BIGHORN SHEEP AUCTION OR RAFFLE PERMIT

Hunting season dates: 2005 and thereafter, September 1 - October 31

Hunt Area: GMUs 166, 169, 181, 186.

Weapon: Hunter may use any legal weapon.

Bag limit: One bighorn ram

SPECIAL INCENTIVE PERMITS

Hunters will be entered into a drawing for special deer and elk incentive permits for prompt reporting of hunting activity in compliance with WAC 232-28-299.

(a) There will be two (2) any elk special incentive permits for Western Washington.

Open area: Western Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMUs 418, 485, 522, and those GMUs closed to elk hunting or closed to branch antlered bull elk hunting by the fish and wildlife commission.

Open season: September 1 - December 31.

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

Bag limit: One additional elk.

There will be two (2) any elk special incentive permits for Eastern Washington.

Open area: Eastern Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMU 157 and those GMUs closed to elk hunting or closed to branch antlered bull elk hunting by the fish and wildlife commission.

Open season: September 1 - December 31.

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

Bag limit: One additional elk.

(b) There will be five (5) statewide any deer special incentive permits, for use in any area open to general or permit hunting seasons EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMUs 157, 418, 485, 522, and those GMUs closed to deer hunting by the fish and wildlife commission.

Open season: September 1 - December 31.

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment

during muzzleloader seasons and any legal weapon at other times if there are no firearm restrictions.

Bag limit: One additional any deer.

Auction, raffle, and special incentive hunt permittee rules

(1) Permittee shall contact the appropriate regional office of the department of fish and wildlife when entering the designated hunt area or entering the region to hunt outside the general season.

(2) The permittee may be accompanied by others; however, only the permittee is allowed to carry a legal weapon or harvest an animal.

(3) Any attempt by members of the permittee's party to herd or drive wildlife is prohibited.

(4) If requested by the department, the permittee is required to direct department officials to the site of the kill.

(5) The permit is valid during the hunting season dates for the year issued.

(6) The permittee will present the head and carcass of the bighorn sheep killed to any department office within 72 hours of date of kill.

(7) The permittee must abide by all local, state, and federal regulations including firearm restriction areas and area closures.

(8) Hunters awarded the special incentive permit will be required to send the appropriate license fee to the department of fish and wildlife headquarters in Olympia. The department will issue the license and transport tag and send it to the special incentive permit winner.

AMENDATORY SECTION (Amending Order 04-98, filed 5/12/04, effective 6/12/04)

WAC 232-28-335 Game management units (GMUs) boundary descriptions—Region five.

GMU 501-LINCOLN (Lewis, Thurston, Pacific, and Grays Harbor counties):

Beginning at the intersection of I-5 and SR 6; west on SR 6 to Stevens Rd; NW on Stevens Rd to Elk Creek Rd at the town of Doty; W on Elk Creek Rd to Weyerhaeuser 7000 line; W and N on Weyerhaeuser 7000 line to Weyerhaeuser 7400 line; N on Weyerhaeuser 7400 line to Weyerhaeuser 7050 line; NE on Weyerhaeuser 7050 line to Weyerhaeuser 7000 line; NW and N on Weyerhaeuser 7000 line to the Weyerhaeuser 7800 line; N on Weyerhaeuser 7800 line to Weyerhaeuser 7800 F line; NE on Weyerhaeuser 7800 F line to Weyerhaeuser 720 line; E on Weyerhaeuser 720 line to Weyerhaeuser 723 line; NW on Weyerhaeuser 723 line to the Weyerhaeuser C line; NE on Weyerhaeuser C line to Garrard Creek Rd; NE on Garrard Creek Rd to South Bank Rd; E on South Bank Rd to North State St; N on North State St to US Hwy 12 at the town of Oakville; E on US Hwy 12 to I-5; S on I-5 to SR 6 and point of beginning.

GMU 503-RANDLE (Lewis County):

Beginning at the intersection of US Hwy 12 and the Rainier Timber 100 Mainline (Kosmos Rd, Old Champion Haul Rd); E on US Hwy 12 to SR 131; S on SR 131 to US Forest Service Rd 25; S on the US Forest Service Rd 25 to the Cispus River; W on the Cispus River to Rainier Timber 271 line; S on the Rainier Timber 271 line to the Rainier Timber 300

line; W on the Rainier Timber 300 line to the Rainier Timber 100 line; N on the Rainier Timber 100 line (Kosmos Rd) to US Hwy 12 and the point of beginning.

GMU 504-STELLA (Cowlitz County):

Beginning at the mouth of the Cowlitz River on the Columbia River; W down the Columbia River to the mouth of Germany Creek (including all islands in the Columbia River which are both north of the Washington-Oregon state line and between the Cowlitz River and Germany Creek); N up Germany Creek to SR 4; E on SR 4 to Germany Creek Rd; N on Germany Creek Rd to International Paper 1000 line; N on International Paper 1000 line to International Paper 1050 line; E on International Paper 1050 line to International Paper 2200 line; E and S on International Paper 2200 to Woodside Dr; NE on Woodside Dr to Delameter Rd; E on Delameter Rd to the three power lines; N along the three power lines to Weyerhaeuser 9312 line; E on Weyerhaeuser 9312 line to Growlers Gulch Rd; E on Growlers Gulch Rd to Public Highway 10 Rd; E along the Public Highway 10 Rd to the A Street bridge over the Cowlitz River at the town of Castle Rock; S down the Cowlitz River to the Columbia River and point of beginning.

GMU 505-MOSSYROCK (Lewis County):

Beginning on I-5 and the Cowlitz River; NE up the Cowlitz River to the Mayfield Dam; NE along the south shore of Mayfield Lake to the US Hwy 12 bridge; NE on US Hwy 12 to Winston Creek Rd; SE on Winston Creek Rd to Longbell Rd; E on Longbell Rd to Perkins Rd; NE on Perkins Rd to Green Mountain Rd; E on Green Mountain Rd to the outlet of Swofford Pond; E along the Swofford Pond outlet to Riffe Lake; E along the south shore of Riffe Lake to the Cowlitz River; up the Cowlitz River to the Rainier Timber 100 Mainline; N on the Rainier Timber 100 Mainline to US Hwy 12; W on US Hwy 12 to SR 7 at the town of Morton; N on SR 7 to SR 508; W on Highway 508 to Centralia-Alpha Rd; W and N on Centralia-Alpha Rd to Salzer Valley Rd; W on Salzer Valley Rd to Summa St at the town of Centralia; W on Summa St to Kresky Rd; N on Kresky Rd to Tower St; N on Tower St to SR 507; W on SR 507 (Cherry St, Alder St, and Mellen St) to I-5; S on I-5 to the Cowlitz River and point of beginning.

GMU 506-WILLAPA HILLS (Wahkiakum, Pacific and Lewis counties):

Beginning at SR 6 and 3rd St South at the town of Pe Ell; S on 3rd St South to Muller Rd; S on Muller Rd to Weyerhaeuser 1000 line; S on Weyerhaeuser 1000 line to Weyerhaeuser 1800 line; S on Weyerhaeuser 1800 line to Weyerhaeuser 500 line; SE on Weyerhaeuser 500 line to SR 407 (Elochoman Valley Rd) at Camp 2; S on SR 407 (Elochoman Valley Rd) to the Elochoman River; down the Elochoman River to Foster Rd; N on Foster Rd to Risk Rd; W and N along Risk Rd to SR 4; W on SR 4 to Skamokawa Creek; SW down Skamokawa Creek to the Columbia River; W along Columbia River to the mouth of the Deep River (including all islands in the Columbia River which are both north of the Washington state line and between Skamokawa Creek and Deep River); N along the Deep River to SR 4; NW on SR 4 to the Salmon Creek Rd; NE on Salmon Creek Rd to Weyerhaeuser 5000 line; N on Weyerhaeuser 5000 line to Weyerhaeuser 5800 line; NE on Weyerhaeuser 5800 line to power

transmission line; N on the power transmission line to SR 6; E on SR 6 to the town of Pe Ell and the point of beginning.

GMU 510-STORMKING (Lewis County):

Beginning on US Hwy 12 at the Silver Creek bridge; N up Silver Creek to Silverbrook Rd; E on Silverbrook Rd to US Forest Service Rd 47; N on US Forest Service Rd 47 to US Forest Service Rd 85; W and N on US Forest Service Rd 85 to US Forest Service Rd 52; N on US Forest Service Rd 52 to the Nisqually River; W down the Nisqually River to SR 7; S on Hwy 7 to US Hwy 12 at the town of Morton; E on US Hwy 12 to the Silver Creek bridge and point of beginning.

GMU 513-SOUTH RAINIER (Lewis County):

Beginning on US Hwy 12 at the Silver Creek bridge; N up Silver Creek to Silverbrook Rd; E on Silverdale Rd to US Forest Service Rd 47; N on US Forest Service Rd 47 to US Forest Service Rd 85; W and N on US Forest Service Rd 85 to US Forest Service Rd 52; W and N on US Forest Service Rd 52 to the Nisqually River; E up the Nisqually River to the southern boundary of Mount Rainier National Park; E along the south park boundary to the Pacific Crest Trail (US Forest Service Trail 2000); S along the Pacific Crest Trail (US Forest Service Trail 2000) to US Hwy 12; W on US Hwy 12 to the Silver Creek bridge and point of beginning.

GMU 516-PACKWOOD (Lewis and Skamania counties):

Beginning at US Hwy 12 and Pacific Crest Trail at White Pass; S on Pacific Crest Trail (US Forest Service Trail 2000) to US Forest Service Trail 98 at Sheep Lake; W on US Forest Service Trail 98 to US Forest Service Rd 2160 at Walupt Lake; W on US Forest Service Rd 2160 to US Forest Service Rd 21; S and W on US Forest Service Rd 21 to US Forest Service Rd 23; S on US Forest Service Rd 23 to US Forest Service Trail 263; S and W on US Forest Service Trail 263 to US Forest Service Trail 261; S on US Forest Service Trail 261 to US Forest Service Trail 1; W on US Forest Service Trail 1 to US Forest Service Rd 99; W on US Forest Service Rd 99 to US Forest Service Rd 26; N on US Forest Service Rd 26 to US Forest Service Rd 2612; W on US Forest Service Rd 2612 to US Forest Service Trail 217; N and W on US Forest Service Trail 217 to Weyerhaeuser 2600 line; Weyerhaeuser 2600 line to Weyerhaeuser 2658 line; N on Weyerhaeuser 2658 line to Rainier Timber (Campbell Group) 430 line; N on Rainier Timber 430 line to the Rainier Timber Mainline 400 line; N and E on Rainier Timber Mainline 400 line to Rainier Timber 300 line; E on Rainier Timber 300 line to Rainier Timber 271 line; N on Rainier Timber 271 line to the Cispus River; E on the Cispus River to US Forest Service Rd 25; N on US Forest Service Rd 25 to SR 131; N on SR 131 to US Hwy 12; E on US Hwy 12 to the Pacific Crest Trail (US Forest Service Trail 2000) at White Pass and beginning.

GMU 520-WINSTON (Cowlitz, Lewis and Skamania counties):

Beginning at the bridge at intersection of I-5 and the Cowlitz River; S down the Cowlitz River to the Toutle River; E up the Toutle River to the South Fork Toutle River; SE up South Fork Toutle River to Johnson Creek; NE up Johnson Creek to Weyerhaeuser 4400 line; N along Weyerhaeuser 4400 line to Weyerhaeuser 2421 line; N along Weyerhaeuser 2421 line to Weyerhaeuser 2400 line; NW along Weyerhaeuser 2400 line

to Alder Creek; NW down Alder Creek to North Fork Toutle River; W down the North Fork Toutle River to the Green River; E up the Green River to US Forest Service Rd 2612; E on US Forest Service Rd 2612 to US Forest Service Trail 217; N and W on US Forest Service Trail 217 to Weyerhaeuser 2600 line; W on Weyerhaeuser 2600 line to Weyerhaeuser 2658 line; N on Weyerhaeuser 2658 line to Rainier Timber (Campbell Group) 430 line; N on Rainier Timber 430 line to Rainier Timber 400 Mainline; N and E on Rainier Timber 400 Mainline to Rainier Timber 100 Mainline; N on Rainier Timber 100 Mainline to Cowlitz River; W down the Cowlitz River to Riffe Lake; W along the south shore to the Swofford Pond outlet; W along the Swofford Pond outlet to Green Mountain Rd; W on Green Mountain Rd to Perkins Rd; SW on Perkins Rd to Longbell Rd; W on Longbell Rd to Winston Creek Rd; NW on Winston Creek Rd to US Hwy 12; SW on US Hwy 12 to the Mayfield Lake bridge at Mayfield Lake; SW down the south shore of Mayfield Lake to the Cowlitz River at Mayfield Dam; SW down the Cowlitz River to I-5 bridge crossing the Cowlitz River and point of beginning.

GMU 522-LOO-WIT (Cowlitz and Skamania counties):

Beginning on the North Fork Toutle River at the mouth of Hoffstadt Creek; SE up the North Fork Toutle River to Deer Creek; SE up Deer Creek to Weyerhaeuser 3020 line; NW along Weyerhaeuser 3020 line to Weyerhaeuser 3000 line; E along Weyerhaeuser 3000 line to US Forest Service Trail 216G; SE along US Forest Service Trail 216G to the intersection of US Forest Service Trail 238 and US Forest Service Trail 216; S on US Forest Service Trail 238 to South Fork of the Toutle River; E along South Fork Toutle River to its headwaters and Mount St. Helens crater's edge; E along the Mount St. Helens crater's southern edge to the headwaters of Ape Canyon Creek; NE down Ape Canyon Creek to US Forest Service Trail 225 (Smith Creek Trail); N and NW on US Forest Service Trail 225 (Smith Creek Trail) to US Forest Service Rd 99; NE along US Forest Service Rd 99 to US Forest Service Rd 26; N on US Forest Service Rd 26 to US Forest Service Trail 1; W on US Forest Service Trail 1 to US Forest Service Trail 214; NW on US Forest Service Trail 214 to US Forest Service Trail 211; W on US Forest Service Trail 211 to Coldwater Creek; W down Coldwater Creek to Coldwater Lake; SW along the northwest shore of Coldwater Lake to the outlet of Coldwater Lake; SW down the outlet stream from Coldwater Lake to SR 504 bridge at mile post 45; W on SR 504 to Hoffstadt Creek Bridge on Hoffstadt Creek; S and W down Hoffstadt Creek to the North Fork Toutle River and point of beginning.

GMU 524-MARGARET (Cowlitz, Skamania and Lewis counties):

Beginning on the North Fork Toutle River at the mouth of the Green River; SE up the North Fork Toutle River to the mouth of Hoffstadt Creek; N and E up Hoffstadt Creek to the SR 504 bridge over Hoffstadt Creek; E on SR 504 to the bridge over the outlet to Coldwater Lake at mile post 45; NE up the outlet stream of Coldwater Lake to Coldwater Lake; NE along the northwest shoreline of Coldwater Lake to Coldwater Creek inlet; E up Coldwater Creek to US Forest Service Trail 211; NE on US Forest Service Trail 211 to US Forest Service Trail 214; SE on US Forest Service Trail 214 to US Forest Service

Trail 1; E on US Forest Service Trail 1 to US Forest Service Rd 26; N on the US Forest Service Rd 26 (Ryan Lake Rd) to US Forest Service Rd 2612; W on US Forest Service Rd 2612 to the Green River; W down the Green River to its mouth on the North Fork of the Toutle River and point of beginning.

GMU 530-RYDERWOOD (Cowlitz, Lewis and Wahkiakum counties):

Beginning at Stevens Rd and SR 6, south of the town of Doty; E on SR 6 to I-5 at the town of Chehalis; S on I-5 to the Cowlitz River; S along the Cowlitz River to Public Hwy 10 on the A Street bridge at the town of Castle Rock; W on the Public Hwy 10 to Growler's Gulch Rd; W on Growler's Gulch Rd to Weyerhaeuser 9312 line; W on Weyerhaeuser 9312 line to three power lines; S on the three power lines to Delameter Rd; SW on Delameter Rd to Woodside Dr; SW on Woodside Dr to International Paper Rd 2200; N and W on International Paper Rd 2200 to International Paper Rd 1050; W on International Paper Rd 1050 to International Paper Rd 1000; S on International Paper Rd 1000 to the Germany Creek Rd; S on the Germany Creek Rd to SR 4; W on SR 4 to Germany Creek; S along Germany Creek to its mouth at the Columbia River; W along the Columbia River to Skamokawa Creek (including all islands in the Columbia River which are both north of the Washington state line and between Skamokawa Creek and Germany Creek); NE up Skamokawa Creek to SR 4; E on SR 4 to Risk Rd; SE on Risk Rd to Foster Rd; S on Foster Rd to the Elochoman River; SE up the Elochoman River to SR 407 (Elochoman Valley Rd); NE on SR 407 (Elochoman Valley Rd) to Weyerhaeuser 500 line at Camp 2; NW on Weyerhaeuser 500 line to Weyerhaeuser 1800 line; N on Weyerhaeuser 1800 line to Weyerhaeuser 1000 line; N on Weyerhaeuser 1000 line to Muller Rd; N on Muller Rd to 3rd St South in the town of Pe Ell; N on 3rd St South to SR 6 at the town of Pe Ell; N on SR 6 to Stevens Rd, south of the town of Doty, and the point of beginning.

GMU 550-COWEEMAN (Cowlitz County):

Beginning at the mouth of the Toutle River on the Cowlitz River; E along the Toutle River to the South Fork Toutle River; up the South Fork Toutle River to Weyerhaeuser 4100 line; E on Weyerhaeuser 4100 line to Weyerhaeuser 4950 line; S and E on Weyerhaeuser 4950 line to Weyerhaeuser 235 line; SE on Weyerhaeuser 235 line to Weyerhaeuser 200 line; W on Weyerhaeuser 200 line to Weyerhaeuser 240 line; SE on Weyerhaeuser 240 line to Weyerhaeuser 243 line; E on Weyerhaeuser 243 line to Weyerhaeuser 135A line; S on Weyerhaeuser 135A line to Weyerhaeuser 135 line; E on Weyerhaeuser 135 line to Weyerhaeuser 134 line; SW on Weyerhaeuser 134 line to Weyerhaeuser 133 line; SW on Weyerhaeuser 133 line to Weyerhaeuser 130 line; SW on Weyerhaeuser 130 line to Weyerhaeuser 1680 line; W on Weyerhaeuser 1680 line to Weyerhaeuser 1600 line; SE on Weyerhaeuser 1600 line to Weyerhaeuser 1400 line; W on Weyerhaeuser 1400 line to Weyerhaeuser 1420 line which is the Kalama/Coweeman Summit; SE on Weyerhaeuser 1420 line to Weyerhaeuser 1426 line; W on Weyerhaeuser 1426 line to Weyerhaeuser 1428 line; SW on Weyerhaeuser 1428 line to Weyerhaeuser 1429 line which turns into Weyerhaeuser 6400 line; SW down Weyerhaeuser 6400 line to Weyerhaeuser 6000 line; E on Weyerhaeuser 6000 line to Weyer-

haeuser 6450 line; SE for approximately one mile on Weyerhaeuser 6450 line (crossing the Kalama River) to Weyerhaeuser 6452 line; SE on Weyerhaeuser 6452 line to Dubois Rd; SE on Dubois Rd to SR 503; W on SR 503 to Cape Horn Creek; SE down Cape Horn Creek to Merwin Reservoir; SW along the north shore of Merwin Reservoir to the Lewis River; SW down the Lewis River to the power transmission lines in Section 4, T5N, R2E; NW along the power transmission lines to Northwest Natural Gas Pipeline located east of the town of Kalama, approximately 1/2 mile east of China Gardens Rd; N up the Natural Gas Pipeline right of way to Ostrander Creek; W down Ostrander Creek to the Cowlitz River; N on the Cowlitz River to the Toutle River and point of beginning.

GMU 554-YALE (Cowlitz and Clark counties):

Beginning on SR 503 at its crossing of Cape Horn Creek; E on SR 503 to Weyerhaeuser 6600 line (Rock Creek Rd); NE on Weyerhaeuser 6600 line (Rock Creek Rd) to Weyerhaeuser 6690 Rd; N and E on Weyerhaeuser 6690 line to Weyerhaeuser 6696 line; N on Weyerhaeuser 6696 line to West Fork Speelyai Creek; SE down West Fork Speelyai Creek to the main stem of the Speelyai Creek; SW and SE down Speelyai Creek to SR 503; NE on SR 503 to Dog Creek; S down Dog Creek to Yale Reservoir; S and W along western shore of Reservoir to Yale Dam and the North Fork Lewis River; W along the northern shore of the North Fork Lewis River to State Route 503 bridge crossing; S and W along SR 503 to N.E. 221st Ave; N about 1/4 mile on N.E. 221st Ave to N.E. Cedar Creek Rd; W along N.E. Cedar Creek Rd to N.E. Pup Creek Rd; N on N.E. Pup Creek Rd to N.E. Buncome Hollow Rd; N about 1/4 mile on N.E. Buncome Hollow Rd to electrical transmission line; S and W on the electrical transmission line to the north shore of the North Fork Lewis River; NE along the north shore of the North Fork Lewis River to Merwin Reservoir at the Merwin Dam; NE along the north shore of Merwin Reservoir to Cape Horn Creek; NW up Cape Horn Creek to SR 503 and the point of beginning.

GMU 556-TOUTLE (Cowlitz County):

Beginning on the intersection of SR 503 (Lewis River Rd) and US Forest Service Rd 81 (Merrill Lake Rd); N on US Forest Service Rd 81 to Weyerhaeuser 7200 line; NW on Weyerhaeuser 7200 line to Weyerhaeuser 7400 line; N on Weyerhaeuser 7400 line to Weyerhaeuser 5500 line; E and N on Weyerhaeuser 5500 line to Weyerhaeuser 5670 line; N and E on Weyerhaeuser 5670 line to Weyerhaeuser 5660 line; N on Weyerhaeuser 5660 line about a 1/4 mile to the South Fork Toutle River; E on the South Fork Toutle River to US Forest Service Trail 238; N on US Forest Service Trail 238 to the intersection of US Forest Service Trail 216 and US Forest Service Trail 216G; NW on US Forest Service Trail 216G to Weyerhaeuser 3000 line; W on Weyerhaeuser 3000 line to Weyerhaeuser 3020 line; SE on Weyerhaeuser 3020 line to Deer Creek; NW down Deer Creek to the North Fork Toutle River; down the North Fork Toutle River to Alder Creek; up Alder Creek to Weyerhaeuser 2400 line; S on Weyerhaeuser 2400 line to Weyerhaeuser 2421 line; S on Weyerhaeuser 2421 line to Weyerhaeuser 4400 line; S and W along Weyerhaeuser 4400 line to Johnson Creek; S along Johnson Creek to the South Fork Toutle River; SE up the South Fork Toutle

River to Weyerhaeuser 4100 line; E on Weyerhaeuser 4100 line to the Weyerhaeuser 4950 line; S and E on Weyerhaeuser 4950 line to Weyerhaeuser 235 line; SE on Weyerhaeuser 235 line to Weyerhaeuser 200 line; W on Weyerhaeuser 200 line to Weyerhaeuser 240 line; SE on Weyerhaeuser 240 line to Weyerhaeuser ((234)) 243 line; E on Weyerhaeuser ((234)) 243 line to Weyerhaeuser 135A line; S on Weyerhaeuser 135A line to Weyerhaeuser 135 line; E on Weyerhaeuser 135 line to Weyerhaeuser 134 line; SW on Weyerhaeuser 134 line to Weyerhaeuser 133 line; SW on Weyerhaeuser 133 line to Weyerhaeuser 130 line; SW on Weyerhaeuser 130 line to Weyerhaeuser 1680 line; W on Weyerhaeuser 1680 line to Weyerhaeuser 1600 line; SE on Weyerhaeuser 1600 line to Weyerhaeuser 1400 line; W on Weyerhaeuser 1400 line to Weyerhaeuser 1420 line which is the Kalama/Coweeman Summit; SE on Weyerhaeuser 1420 line to Weyerhaeuser 1426 line; W on Weyerhaeuser 1426 line to Weyerhaeuser 1428 line; SW on Weyerhaeuser 1428 line to Weyerhaeuser 1429 line; SW on Weyerhaeuser 1429 line to Weyerhaeuser 6400 line; SW on Weyerhaeuser 6400 line to Weyerhaeuser 6000 line; E on Weyerhaeuser 6000 line to Weyerhaeuser 6450 line; SE for approximately one mile on Weyerhaeuser 6450 line (crossing the Kalama River) to Weyerhaeuser 6452 line; SE on Weyerhaeuser 6452 line to Dubois Rd; SE on Dubois Rd to SR 503; E on SR 503 to Weyerhaeuser 6600 line (Rock Creek Rd); NE on Weyerhaeuser 6600 line (Rock Creek Rd) to Weyerhaeuser 6690 Rd; N and E on Weyerhaeuser 6690 line to Weyerhaeuser 6696 line; N on Weyerhaeuser 6696 line to West Fork Speelyai Creek; SE down West Fork Speelyai Creek to the main stem of Speelyai Creek; SW and SE down Speelyai Creek to SR 503; NE on SR 503 to US Forest Service Rd 81 and point of beginning.

GMU 558-MARBLE (Cowlitz and Skamania counties):

Beginning on SR 503 (Lewis River Rd) and the US Forest Service Rd 81 intersection; N on US Forest Service Rd 81 to Weyerhaeuser 7200 line; NE on Weyerhaeuser 7200 line to Weyerhaeuser 7400 line; NW on Weyerhaeuser 7400 line to Weyerhaeuser 5500 line; E and N on Weyerhaeuser 5500 line to Weyerhaeuser 5670 line; N and E on Weyerhaeuser 5670 line to Weyerhaeuser 5660 line; N on Weyerhaeuser 5660 line about 1/4 mile to the South Fork Toutle River; E along South Fork Toutle River to its headwaters and Mount St. Helens crater's edge; E along the Mount St. Helens crater's southern edge to the headwaters of Ape Canyon Creek; NE down Ape Canyon Creek to the US Forest Service Trail 225 (Smith Creek Trail); N and NW on US Forest Service Trail 225 (Smith Creek Trail) to US Forest Service Rd 99; NE on US Forest Service Rd 99 to US Forest Service Trail 1; S and E on US Forest Service Trail 1 to US Forest Service Rd 25; S on US Forest Service Rd 25 to the Muddy River; S down the Muddy River to the North Fork Lewis River; W down the North Fork Lewis River to the Swift Reservoir; W along the north shore of the Swift Reservoir to Swift Dam and the Lewis River; W down the Lewis River to Yale Reservoir; W along the north shore of the Yale Reservoir to the mouth of Dog Creek; N up Dog Creek to SR 503; SW on SR 503 to US Forest Service Rd 81 and point of beginning.

GMU 560-LEWIS RIVER (Skamania, Klickitat, Yakima and Lewis counties):

Beginning on SR 141 and Mount Adams Recreational Area Rd at the town of Trout Lake; N on the Mount Adams Recreational Area Rd to US Forest Service Rd 80 (Mount Adams Recreational Area Rd); N on US Forest Service Rd 80 (Mount Adams Recreational Area Rd) to US Forest Service Rd 82 (Mount Adams Recreational Area Rd); N on US Forest Service Road 82 to Yakama Indian Reservation boundary (Section 16, T7N, R11E); N along the Yakama Indian reservation boundary (Cascade Mountain Range Crest) to US Forest Service Trail 2000 (Pacific Crest Trail) in Section 3, T11N, R11E; S on US Forest Service Trail 2000 (Pacific Crest Trail) to US Forest Service Trail 98 at Sheep Lake; W on US Forest Service Trail 98 to US Forest Service Rd 2160 at Walupt Lake; W on US Forest Service Rd 2160 to US Forest Service Rd 21; S and W on US Forest Service Rd 21 to US Forest Service Rd 23; S on US Forest Service Rd 23 to US Forest Service Trail 263; S and W on US Forest Service Trail 263 to US Forest Service Trail 261; S on US Forest Service Trail 261 to US Forest Service Trail 1; W on US Forest Service Trail 1 to US Forest Service Rd 25; S on US Forest Service Rd 25 to the Muddy River; S down the Muddy River to the North Fork Lewis River; W down the North Fork Lewis River to US Forest Service Rd 90 bridge (Eagle Cliff); E on US Forest Service Rd 90 to US Forest Service Rd 51 (Curly Creek Rd); SE on US Forest Service Rd 51 (Curly Creek Rd) to US Forest Service Rd 30; NE on US Forest Service Rd 30 to US Forest Service Rd 24; SE on US Forest Service Rd 24 to SR 141; NE on SR 141 to Mount Adams Recreational Area Rd, at the town of Trout Lake and point of beginning.

GMU 564-BATTLE GROUND (Clark, Skamania, and Cowlitz counties):

Beginning at the mouth of Ostrander Creek on the Cowlitz River; E up Ostrander Creek approximately 1 1/2 miles to the second Northwest Natural Gas Pipeline right of way crossing Ostrander Creek, east of the railroad crossing; S along the Northwest Natural Gas Pipeline right of way to the power transmission lines right of way located east of the town of Kalama, approximately 1/2 mile east of China Garden Rd; SE along the power transmission lines right of way across the north fork of the Lewis River in the northeast corner of Section 4, T5N, R2E to N.E. Buncome Hollow Rd; S on N.E. Buncome Hollow Rd to N.E. Pup Creek Rd; S on N.E. Pup Creek Rd to N.E. Cedar Creek Rd; E on N.E. Cedar Creek Rd to 221st Ave; S along 221st Ave about 1/4 mile to SR 503; SE along SR 503 to N.E. Amboy Rd; S on N.E. Amboy Rd to N.E. Yacolt Rd; E on Yacolt Rd to Railroad Ave; SE on Railroad Ave to Lucia Falls Rd; W on Lucia Falls Rd to Hantwick Rd; SE on Hantwick Rd to Basket Flats Rd; W on Basket Flats Rd to N.E. 197th Ave; S on N.E. 197th Ave to N.E. 279th St; W on N.E. 279th St to N.E. 182nd Ave; S on N.E. 182nd Ave to N.E. 259th St; E on N.E. 259th St to N.E. 220th Ave; S on N.E. 220th Ave to N.E. Cresap Rd; SE on N.E. Cresap Rd to N.E. 222nd Ave; S on N.E. 222nd Ave to N.E. Allworth Rd; E on N.E. Allworth Rd to NE 232nd Ave; S on N.E. 232nd Ave to N.E. 237th St; E on N.E. 237th St to N.E. 240th Ave; S on N.E. 240th Ave to N.E. Berry Rd; NE on N.E. Berry Rd to the DNR L-1410 Rd; SE on L-1410 Rd to the DNR L-1400 Rd; W on L-1400 Rd to N.E. Rawson Rd;

W on N.E. Rawson Rd to N.E. Powell Rd; SW on N.E. Powell Rd to N.E. 212th Ave; S on N.E. 212th Ave to N.E. 109th St; E on N.E. 109th St to N.E. 222nd Ave; S on N.E. 222nd Ave to N.E. 83rd St; W on N.E. 83rd St to N.E. 217th Ave; S on N.E. 217th Ave to N.E. 68th St; E on N.E. 68th St to N.E. 232nd Ave; S on N.E. 232nd Ave to SR 500; SE on SR 500 to N.E. 53rd St; E on N.E. 53rd St to N.E. 292nd Ave; S on N.E. 292nd Ave to N.E. Ireland Rd; E on N.E. Ireland Rd to N.E. Stauffer Rd; SW on N.E. Stauffer Rd to N.E. 292nd Ave; S on N.E. 292nd Ave to N.E. Reilly Rd; SW on N.E. Reilly Rd to N.E. Blair Rd; SE on N.E. Blair Rd to N.E. Zeek Rd; E on N.E. Zeek Rd to N.E. 10th St; E on N.E. 10th St to N.E. 312th Ave; S on N.E. 312th Ave to N.E. 9th St; E on N.E. 9th St to N.E. 322nd Ave; N on N.E. 322nd Ave to N.E. Ammeter Rd; NE on N.E. Ammeter Rd approximately 1/8th mile to the power transmission lines; E along the northern margin of the power transmission lines to N.E. Hughes Rd; N on N.E. Hughes Rd to N.E. 392nd Ave; N on N.E. 392nd Ave to N.E. 28th St; E on N.E. 28th St to N.E. Miller Rd; NE on N.E. Miller Rd to N.E. 39th St; E on N.E. 39th St to Skye Rd; SE on Skye Rd to Washougal River Rd; S on Washougal River Rd to SR 140; SE on SR 140 to Cape Horn Rd; S on Cape Horn Rd to Columbia River; W down the Columbia River to the Cowlitz River (including all islands in the Columbia River which are both on the Washington side of the state line and between Cape Horn Rd and the Cowlitz River); N along Cowlitz River to Ostrander Creek and point of beginning.

GMU 568-WASHOUGAL (Clark and Skamania counties):

Beginning on the Lewis River at SR 503; E on Lewis River (Cowlitz-Clark County line) to Canyon Creek; SE along Canyon Creek to N.E. Healy Rd; E on N.E. Healy Rd to US Forest Service Rd 54; E on US Forest Service Rd 54 to US Forest Service Rd 37; NW on US Forest Service Rd 37 to US Forest Service Rd 53; S on US Forest Service Rd 53 to US Forest Service Rd 4205 (Gumboat Rd); S on US Forest Service Rd 4205 to US Forest Service Rd 42 (Green Fork Rd); SW on US Forest Service Rd 42 to US Forest Service Rd 41 at Sunset Falls; E on US Forest Service Rd 41 to US Forest Service Rd 406 at Little Lookout Mountain; SE on US Forest Service Rd 406 to the boundary of the Gifford Pinchot National Forest; due E on the national forest boundary to Rock Creek; SE along Rock Creek to the Columbia River at the town of Stevenson; W down the Columbia River to the Cape Horn Rd (including all islands in the Columbia River which are both on the Washington side of the state line and between Cape Horn Rd and Rock Creek); N on Cape Horn Rd to SR 140; W on SR 140 to Washougal River Rd; E on Washougal River Rd to Skye Rd; NW on Skye Rd to N.E. 39th St; W on N.E. 39th St to N.E. Miller Rd; SW on N.E. Miller Rd to N.E. 28th St; W on N.E. 28th St to N.E. 392nd Ave; S on N.E. 392nd Ave to N.E. Hughes Rd; S on N.E. Hughes Rd approximately 1/8th mile to the power transmission lines; W along the northern margin of the power transmission lines to N.E. Ammeter Rd; SW on N.E. Ammeter Rd to N.E. 322nd Ave; S on N.E. 322nd Ave to N.E. 9th St; W on N.E. 9th St to N.E. 312th Ave; N on N.E. 312th Ave to N.E. 10th St; W on N.E. 10th St to N.E. Zeek Rd; W on N.E. Zeek Rd to N.E. Blair Rd; NW on N.E. Blair Rd to N.E. Reilly Rd; NE on N.E.

Reilly Rd to N.E. 292nd Ave; NE on N.E. 292nd Ave to N.E. Stauffer Rd; NE on N.E. Stauffer Rd to N.E. Ireland Rd; W on N.E. Ireland Rd to N.E. 292nd Ave; N on N.E. 292nd Ave to N.E. 53rd St; W on N.E. 53rd St to SR 500; NW on SR 500 to N.E. 232nd Ave; N on N.E. 232nd Ave to N.E. 68th St; W on N.E. 68th St to N.E. 217th Ave; N on N.E. 217th Ave to N.E. 83rd St; E on N.E. 83rd St to N.E. 222nd Ave; N on N.E. 222nd Ave to NE 109th St; W on N.E. 109th St to N.E. 212th Ave; N on N.E. 212th Ave to N.E. Powell Rd; NE on N.E. Powell Rd to N.E. Rawson Rd; E on Rawson Rd to DNR L-1400 Rd; E on DNR L-1400 Rd to DNR L-1410 Rd; NW on DNR L-1410 Rd to N.E. Berry Rd; SW on N.E. Berry Rd to N.E. 240th Ave; N on N.E. 240th Ave to N.E. 237th St; W on N.E. 237th St to N.E. 232nd Ave; N on N.E. 232nd Ave to N.E. Allworth Rd; W on N.E. Allworth Rd to N.E. 222nd Ave; N on N.E. 222nd Ave to N.E. Cresap Rd; NW on N.E. Cresap Rd to N.E. 220th Ave; N on N.E. 220th Ave to N.E. 259th St; W on N.E. 259th St to N.E. 182nd Ave; N on N.E. 182nd Ave to N.E. 279th St; E on N.E. 279th St to N.E. 197th Ave; N on N.E. 197th Ave to N.E. Basket Flats Rd; E on N.E. Basket Flats Rd to N.E. Hantwick Rd; NW on N.E. Hantwick Rd to Lucia Falls Rd; E on Lucia Falls Rd to Railroad Ave; NW on Railroad Ave to N.E. Yacolt Rd; W on N.E. Yacolt Rd to N.E. Amboy Rd; N on N.E. Amboy Rd to N.E. 221st Ave; N on 221st Ave to SR 503; NE along SR 503 to the Lewis River and point of beginning.

GMU 572-SIOUXON (Skamania and Clark counties):

Beginning at the Yale Dam at Yale Lake; N then E along the shore of Yale Lake to the Lewis River; NE along the Lewis River to Swift Reservoir; E along the north shore Swift Reservoir to US Forest Service Rd 90 at the Eagle Cliff bridge; E on US Forest Service Rd 90 to US Forest Service Rd 51 (Curly Creek Rd); SE on US Forest Service Rd 51 to US Forest Service Rd 30 (Wind River Rd); N on US Forest Service Rd 30 to US Forest Service Rd 24 (Twin Butte Rd); S on US Forest Service Rd 24 to US Forest Service Rd 60 (Carson Guler Rd); SW on US Forest Service Rd 60 to US Forest Service Rd 65; SW on US Forest Service Rd 65 to the Wind River Rd; NW on the Wind River Rd to Hemlock Rd at the town of Stabler; W on Hemlock Rd to US Forest Service Rd 41 (Sunset-Hemlock Rd); W on the US Forest Service Rd 41 to US Forest Service Road 42 (Green Fork Rd) at Sunset Falls; NE on US Forest Service Rd 42 to US Forest Service Rd 4205 (Gumboat Rd); N on US Forest Service Rd 4205 to US Forest Service Rd 53; NW on US Forest Service Rd 53 to US Forest Service Rd 54 (N.E. Healy Rd); W on US Forest Service Rd 54 to Canyon Creek; N down Canyon Creek to the Lewis River; NE up the Lewis River to the Yale Dam and the point of beginning.

GMU 574-WIND RIVER (Skamania and Klickitat counties):

Beginning at SR 141 and US Forest Rd 86, SW of the town of Trout Lake; S on US Forest Service Rd 86 to US Forest Service Rd 1840; S on US Forest Service Rd 1840 to US Forest Service Rd 18 (Oklahoma Rd); S on US Forest Service Rd 18 to Willard Rd, at the town of Willard; E on Willard Rd to the Little White Salmon River; S down the Little White Salmon River to the Columbia River; W down the Columbia River to the mouth of Rock Creek (including all islands in the Colum-

bia River that are both north of the Washington state line and between the Little White Salmon River and Rock Creek); NW along Rock Creek through the town of Stevenson to the southern boundary of the Gifford Pinchot National Forest; W along the southern boundary of the Gifford Pinchot National Forest to US Forest Service Rd 4100-406; NW on US Forest Service Rd 4100-406 to the US Forest Service Rd 41 (Sunset-Mowich Rd) at Little Lookout Mountain; E on US Forest Service Rd 41 to Hemlock Rd; E on Hemlock Rd to Wind River Rd at the town of Stabler; SE on Wind River Rd to Old State Rd; E on Old State Rd to US Forest Service Rd 65 (Panther Creek Rd); N on US Forest Service Rd 65 to US Forest Service Road 60 (Carson-Guler); NE on US Forest Service 60 to US Forest Service 24 (also called Carson-Guler); E on US Forest Service Rd 24 to SR 141; NE, E and SE on SR 141 to US Forest Service Rd 86, SW of the town of Trout Lake, and the point of beginning.

GMU 578-WEST KLICKITAT (Klickitat, Yakima, and Skamania counties):

Beginning at the mouth of the Little White Salmon River on the Columbia River; N up the Little White Salmon River to Willard Road bridge, E of Willard; W on Willard Rd to US Forest Service Rd 18 (Oklahoma Rd); N on US Forest Service Rd 18 to US Forest Service 1840; N on US Forest Service Rd 1840 to US Forest Service Rd 86; N on US Forest Service Road 86 to SR 141; NE on SR 141 to Mount Adams Recreation Area Road, at the town of Trout Lake; N on the Mount Adams Recreational Area Rd to US Forest Service Rd 80 (Mount Adams Recreational Area Rd); N on US Forest Service Rd 80 (Mount Adams Recreational Area Rd) to US Forest Service Rd 82 (Mount Adams Recreational Area Rd); N on US Forest Service Road 82 to Yakama Indian Reservation boundary (Section 16, T7N, R11E); S along the Yakama Indian Reservation boundary to the Reservation's SW corner at King Mountain (Section 27, T7N, R11E); E along the Yakama Indian Reservation boundary to the end of King Mountain Rd, about 1 mile; N along the Yakama Indian Reservation boundary to its corner in Section 2, T7N, R11E; E along the Yakama Indian Reservation boundary to the NE corner of Section 4, T7N, R12E; SE along the Yakama Indian Reservation boundary to Summit Creek Rd; SW on Summit Creek Rd to Glenwood-Goldendale Hwy; NW on Glenwood-Goldendale Hwy to Lakeside Rd; S on Lakeside Rd to Fisher Hill Rd (P-2000); S on Fisher Hill Rd to the Fisher Hill bridge crossing the Klickitat River; S and SW down the Klickitat River to the Columbia River; W down the Columbia River to the mouth of the Little White Salmon River and the point of beginning (including all islands in the Columbia River which are both north of the Washington state line and between the Klickitat River and the Little White Salmon River).

GMU 588-GRAYBACK (Klickitat County):

Beginning at the US Hwy 97 bridge crossing the Columbia River; W down the Columbia River to the mouth of the Klickitat River at the town of Lyle (including all islands in the Columbia River which are both north of the Washington state line and between the US Hwy 97 bridge and the Klickitat River); N up the Klickitat River to the Fisher Hill Rd (P-2000) at the Fisher Hill bridge; N along Fisher Hill Rd to Lakeside Rd; S on Lakeside Rd to Glenwood-Goldendale

Hwy; E and SE on Glenwood-Goldendale Hwy to Summit Creek Rd; NE on Summit Creek Rd to the Yakama Indian Reservation; E along the southern boundary of the Yakama Indian Reservation to US Hwy 97 (Satus Pass Hwy); S on US Hwy 97 to US Hwy 97 bridge crossing the Columbia River and point of beginning.

AMENDATORY SECTION (Amending Order 04-284, filed 10/14/04, effective 11/14/04)

WAC 232-28-341 2003-04, 2004-05, 2005-06 Small game seasons.

HOUND HUNTING DURING DEER AND ELK HUNTING SEASONS

It is unlawful to hunt any wildlife at night or wild animals with dogs (hounds) during the months of September, October, or November in any area open to a center-fire rifle deer or elk season. The use of hounds to hunt black bear, cougar (EXCEPT by public safety cougar removal permit (WAC 232-12-243) or a commission authorized hound permit (WAC 232-28-285)), and bobcat is prohibited year around.

BOBCAT

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide

Sept. 2, 2003 - Mar. 15, 2004; Sept. 7, 2004 - Mar. 15, 2005; Sept. 6, 2005 - Mar. 15, 2006.

RACCOON

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide, except CLOSED on Long Island within Willapa National Wildlife Refuge.

Sept. 2, 2003 - Mar. 15, 2004; Sept. 7, 2004 - Mar. 15, 2005; Sept. 6, 2005 - Mar. 15, 2006.

FOX

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide, except CLOSED within the exterior boundaries of the Mount Baker-Snoqualmie, Okanogan, Wenatchee, and Gifford Pinchot National Forests and GMUs 407 and 410.

Sept. 2, 2003 - Mar. 15, 2004; Sept. 7, 2004 - Mar. 15, 2005; Sept. 6, 2005 - Mar. 15, 2006.

COYOTE

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide, year around except CLOSED from September 15 to November 30 in the Pasayten Wilderness, GMUs 426 and 450, and those portions of GMUs 218, 245, and 448 within the external boundaries of the Mount Baker-Snoqualmie, Okanogan, and Wenatchee National Forests. However, coyote may only be killed and/or pursued with hounds during the following period: Sept. 2, 2003 - Mar. 15, 2004; Sept. 7, 2004 - Mar. 15, 2005; Sept. 6, 2005 - Mar. 15, 2006; except coyote may be hunted year around with hounds in Grant, Adams, Benton, and Franklin counties.

FOREST GROUSE (BLUE, RUFFED, AND SPRUCE)

Bag and Possession Limits: Three (3) grouse per day, with a total of nine (9) grouse in possession at any time; straight or mixed bag.

Statewide: Sept. 1 - Dec. 31, 2003; Sept. 1 - Dec. 31, 2004; Sept. 1 - Dec. 31, 2005.

PTARMIGAN, SAGE, AND SHARP-TAILED GROUSE

Season closed statewide.

EASTERN WASHINGTON**RING-NECKED PHEASANT**

Bag and Possession Limits: Three (3) cock pheasants per day, with a total of fifteen (15) cock pheasants in possession at any time.

Youth Season: Sept. 20 and 21, 2003; Sept. 18 and 19, 2004; Sept. 17 and 18, 2005. Open only to youth hunters accompanied by an adult at least 18 years old.

Regular Season: Oct. 18 - Dec. 31, 2003; Oct. 23 - Dec. 31, 2004; (~~Oct. 22 - Dec. 31, 2005~~) Oct. 22, 2005 - Jan. 16, 2006.

CHUKAR

Bag and Possession Limits: Six (6) chukar per day, with a total of eighteen (18) chukar in possession at any time.

Youth Season: Sept. 20 and 21, 2003; Sept. 18 and 19, 2004; Sept. 17 and 18, 2005. Open only to youth hunters accompanied by an adult at least 18 years old.

Regular Season: Oct. 4, 2003 - Jan. 19, 2004; Oct. 2, 2004 - Jan. 17, 2005; Oct. 1, 2005 - Jan. 16, 2006

GRAY (HUNGARIAN) PARTRIDGE

Bag and Possession Limits: Six (6) gray partridges per day, with a total of eighteen (18) gray partridges in possession at any time.

Youth Season: Sept. 20 and 21, 2003; Sept. 18 and 19, 2004; Sept. 17 and 18, 2005. Open only to youth hunters accompanied by an adult at least 18 years old.

Regular Season: Oct. 4, 2003 - Jan. 19, 2004; Oct. 2, 2004 - Jan. 17, 2005; Oct. 1, 2005 - Jan. 16, 2006.

MOUNTAIN QUAIL

Season closed throughout Eastern Washington.

CALIFORNIA (VALLEY) QUAIL AND NORTHERN BOBWHITE

Bag and Possession Limits: Ten (10) quail per day, with a total of thirty (30) quail in possession at any time, straight or mixed bag.

Youth Season: Sept. 20 and 21, 2003; Sept. 18 and 19, 2004; Sept. 17 and 18, 2005. Open only to youth hunters accompanied by an adult at least 18 years old.

Regular Season: Oct. 4, 2003 - Jan. 19, 2004; Oct. 2, 2004 - Jan. 17, 2005; Oct. 1, 2005 - Jan. 16, 2006.

Yakama Indian Reservation: The 2003-04, 2004-05, 2005-06 Upland bird seasons within the Yakama Indian Reservation shall be the same as the season established by the Yakama Indian Nation.

Colville Indian Reservation: The 2003-04, 2004-05, 2005-06 upland bird seasons within the Colville Indian Reservation shall be the same as the season established by the Colville Indian Tribe.

WESTERN WASHINGTON**RING-NECKED PHEASANT**

Bag and Possession Limits: Two (2) pheasants of either sex per day, with a total of fifteen (15) pheasants in possession at any time.

Youth Season: Sept. 20 and 21, 2003; Sept. 18 and 19, 2004; Sept. 17 and 18, 2005. Open only to youth hunters accompanied by an adult at least 18 years old.

Hunters 65 years of age or older: Sept. 22-26, 2003; Sept. 20-24, 2004; Sept. 19-23, 2005

Regular Season: Sept. 27 - Nov. 30, 2003; Sept. 25 - Nov. 30, 2004; Sept. 24 - Nov. 30, 2005. 8 a.m. to 4 p.m.; except Dungeness Recreation Area Site (Clallam County) starting Oct. 4, 2003; Oct. 2, 2004; Oct. 1, 2005.

Extended Season: Dec. 1 - Dec. 15, 2003; Dec. 1 - Dec. 15, 2004; Dec. 1 - 15, 2005. 8 a.m. to 4 p.m. only on the following release sites: Belfair, Fort Lewis, Kosmos, Lincoln Creek, Scatter Creek, and Skookumchuck. Pheasants will not be released during the extended season.

A Western Washington Pheasant Permit is required to hunt pheasant in Western Washington, in addition to a current small game hunting license. Pheasant kills must be recorded. Upon taking a pheasant, the holder of a Western Washington Pheasant Permit must immediately enter on the corresponding space the date and location of kill.

There are three options available:

- (1) Full Season Option: Allows the harvest of eight (8) pheasants.
- (2) Youth Option: Allows the harvest of eight (8) pheasants by youth hunters.
- (3) 3-Day Option: Allows the harvest of four (4) pheasants harvested over three consecutive days.

Every person possessing a Western Washington Pheasant Permit must by December 31, return the permit to the department of fish and wildlife. The number of permits purchased per year is not limited.

A hunter shall select one valid option at the time they purchase their Western Washington Pheasant Permit. It is unlawful to purchase an additional permit until the pheasants allowed on the current permit are taken.

Special Restriction: Western Washington pheasant hunters must choose to hunt on either odd-numbered or even-numbered weekend days from 8:00 - 10:00 a.m. at all units of Lake Terrell, Tennant Lake, Snoqualmie, Skagit, Skookumchuck, and Scatter Creek Wildlife Areas, all hunting sites on

Whidbey Island, and at the Dungeness Recreation Area, and must indicate their choice on the Western Washington Pheasant Permit by choosing "odd" or "even." Hunters who select the three day option, hunters 65 years of age or older, and youth hunters may hunt during either weekend day morning. Youth hunters must be accompanied by an adult at least 18 years old who must have an appropriately marked pheasant permit if hunting.

MOUNTAIN QUAIL

Bag and Possession Limits: Two (2) mountain quail per day, with a total of four (4) mountain quail in possession at any time.

Season: Oct. 4 - Nov. 30, 2003; Oct. 2 - Nov. 30, 2004; Oct. 1 - Nov. 30, 2005.

CALIFORNIA (VALLEY) QUAIL AND NORTHERN BOBWHITE

Bag and Possession Limits: Ten (10) California (valley) quail or northern bobwhite per day, with a total of thirty (30) California (valley) quail or northern bobwhite in possession at any time, straight or mixed bag.

Season: Oct. 4 - Nov. 30, 2003; Oct. 2 - Nov. 30, 2004; Oct. 1 - Nov. 30, 2005.

WILD TURKEY

Youth Season:

Gobblers and turkeys with visible beards only.

Statewide: April 10-11, 2004; April 9-10, 2005; April 8-9, 2006 ((in the following GMUs only: ~~101, 113, 117, 130, 133, 139, 145-154, 166, 175, 186, 204, 215, 218, 242, 245, 249-251, 269, 328, 329, 346, 352, 360-368, 382, 506, 554, 556, 568, 574, 588, 633, 651, 660-666~~)).

Spring Season:

Gobblers and turkeys with visible beards only.

Statewide: April 15 - May 15, 2004; April 15 - May 15, 2005; April 15 - May 15, 2006.

Fall Season:

Either sex.

Open to all hunters with a valid turkey tag: GMUs 105-124. Sept. 25 - Oct. 1, 2004; Sept. 24 - Sept. 30 and Oct. 8 - Oct. 14, 2005.

Permit Only: GMUs 101, 133, 145-186, 382, 568-588. Sept. 27 - Oct. 3, 2003; Sept. 25 - Oct. 1, 2004; Sept. 24 - Sept. 30, 2005.

Permit Area	Number of Permits
GMU 101	250
((GMU 124	100))
GMU 133	150
GMUs 145-186	50
GMUs 382, 568-588	75

Hunter Education Instructor Incentive Permits

- = Special turkey permits will be allocated through a random drawing to those hunter education instructors that qualify.
- = Qualifying hunter education instructors must be certified and have been in active status for a minimum of three consecutive years, inclusive of the year prior to the permit drawing.
- = Instructors who are drawn, accept a permit, and are able to participate in the hunt, will not be eligible for these incentive permits for a period of ten years thereafter.

Area	Dates	Restrictions	GMUs	Permits
Statewide	April 1 - May 31	Gobblers and turkeys with visible beards only	All GMUs statewide	2

OFFICIAL HUNTING HOURS/BAG LIMITS FOR WILD TURKEY:

Bag and Possession Limit: Only two (2) turkeys may be killed in Eastern Washington per year, except only one (1) may be killed in Chelan, Kittitas, or Yakima counties; and one (1) per year in Western Washington, except two (2) may be killed in Klickitat County. The season limit is three (3) birds per year.

Fall Season Bag and Possession Limit: One (1) turkey during the fall hunting season.

Hunting Hours: One-half hour before sunrise to sunset during spring and fall seasons.

SPECIAL REGULATIONS FOR WILD TURKEY:

1. Turkey season is open for shotgun and bow-and-arrow hunting only.
2. A turkey tag is required for hunting turkey.
3. It is unlawful to use dogs to hunt turkeys.
4. It is unlawful to bait game birds.

BIRD DOG TRAINING SEASON

Wild upland game birds may be pursued during the dog-training season, but may not be killed except during established hunting seasons. A small game license is required to train dogs on wild game birds. A small game license and a Western Washington Pheasant Permit is required to train dogs on pheasants in Western Washington. Captive raised game birds may be released and killed during dog training if proof of lawful acquisition (invoices) are in possession and the birds are appropriately marked (WAC 232-12-271) (WAC 232-12-044).

Aug. 1, 2003 - Mar. 31, 2004; Aug. 1, 2004 - Mar. 31, 2005; Aug. 1, 2005 - Mar. 31, 2006. Only youth and seniors may train dogs during their respective seasons on designated Western Washington pheasant release sites.

Bird dog training may be conducted year around on areas posted for bird dog training on portions of: Region One -

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Espanola (T24N, R40E, E 1/2 of section 16); Region Three - South L.T. Murray Wildlife Area; Region Four - Skagit Wildlife Area, Lake Terrell Wildlife Area, and Snoqualmie Wildlife Area; Region Five - Shillapoo/Vancouver Lake Wildlife Area; Region Six - Scatter Creek Wildlife Area, Fort Lewis Military Base.

HIP REQUIREMENTS:

All hunters age 16 and over of migratory game birds (duck, goose, coot, snipe, mourning dove) are required to complete a Harvest Information Program (HIP) survey at a license dealer, and possess a Washington Migratory Bird validation as evidence of compliance with this requirement when hunting migratory game birds. Youth hunters are required to complete a HIP survey, and possess a free Washington Youth Migratory Bird validation as evidence of compliance with this requirement when hunting migratory game birds.

CANADA GOOSE SEPTEMBER SEASON

Bag and Possession Limits: Western Washington, except Cowlitz and Wahkiakum counties and that part of Clark County north of the Washougal River: Five (5) Canada geese per day with a total of ten (10) in possession at any time. Remainder of the state: Three (3) Canada geese per day with a total of six (6) in possession at any time.

Western Washington: Sept. 6-11, 2003; Sept. 11-15, 2004; Sept. 10-15, 2005. EXCEPT Pacific and Grays Harbor counties: Sept. 1-15, 2003, 2004, and 2005.

Eastern Washington: Sept. 6-7, 2003; Sept. 11-12, 2004; Sept. 10-11, 2005.

BAND-TAILED PIGEON

Sept. 15-23, 2003, 2004, 2005.

Daily Bag Limit: 2 band-tailed pigeons.

Possession Limit: 4 band-tailed pigeons.

WRITTEN AUTHORIZATION REQUIRED TO HUNT BAND-TAILED PIGEONS.

All persons hunting band-tailed pigeons in this season are required to obtain a written authorization and harvest report from the Washington department of fish and wildlife. Application forms must be delivered to a department office no later than August 25 or postmarked on or before August 25 in order for applicants to be mailed an authorization before the season starts. Immediately after taking a band-tailed pigeon into possession, hunters must record in ink the information required on the harvest report. By September 30, hunters must return the harvest report to the Washington department of fish and wildlife, or report harvest information on the department's internet reporting system. Hunters failing to comply with reporting requirements will be ineligible to participate in the following band-tailed pigeon season.

MOURNING DOVE

Bag and Possession Limits: Ten (10) mourning doves per day with a total of twenty (20) mourning doves in possession at any time.

Statewide: Sept. 1-15, 2003, 2004, and 2005.

COTTONTAIL AND SNOWSHOE HARE (OR WASHINGTON HARE)

Bag and Possession Limits: Five (5) cottontails or snowshoe hares per day, with a total of fifteen (15) in possession at any time, straight or mixed bag.

Statewide: Sept. 1, 2003 - Mar. 15, 2004; Sept. 1, 2004 - Mar. 15, 2005; Sept. 1, 2005 - Mar. 15, 2006.

JACKRABBIT

Closed season statewide.

CROWS

Bag and Possession Limits: No Limit

Statewide: Oct. 1, 2003 - Jan. 31, 2004; Oct. 1, 2004 - Jan. 31, 2005; Oct. 1, 2005 - Jan. 31, 2006.

FALCONRY SEASONS

UPLAND GAME BIRD AND FOREST GROUSE - FALCONRY

Daily Bag Limit: Two (2) pheasants (either sex), six (6) partridge, five (5) California (valley) quail or northern bobwhite, two (2) mountain quail (in Western Washington only), and three (3) forest grouse (blue, ruffed, spruce) per day.

Possession limit is twice the daily bag limit.

Statewide: Aug. 1, 2003 - Mar. 15, 2004; Aug. 1, 2004 - Mar. 15, 2005; Aug. 1, 2005 - Mar. 15, 2006.

MOURNING DOVE - FALCONRY

Daily Bag Limit: Three (3) mourning doves per day straight bag or mixed bag with snipe, coots, ducks, and geese during established seasons.

Possession limit is twice the daily limit.

Statewide: Sept. 1-15 and Oct. 1 - Dec. 31, 2003; Sept. 1-15 and Oct. 1 - Dec. 31, 2004; Sept. 1-15 and Oct. 1 - Dec. 31, 2005.

COTTONTAIL AND SNOWSHOE HARE - FALCONRY

Daily Bag Limit: Five (5) cottontails or snowshoe hares per day, straight or mixed bag.

Possession limit is twice the daily bag limit.

Statewide: Aug. 1, 2003 - Mar. 15, 2004; Aug. 1, 2004 - Mar. 15, 2005; Aug. 1, 2005 - Mar. 15, 2006.

AMENDATORY SECTION (Amending Order 04-98, filed 5/12/04, effective 6/12/04)

WAC 232-28-351 2003-2005 Deer general seasons and special permits.

Bag Limit: One (1) deer per hunter during the license year except where otherwise permitted by Fish and Wildlife Commission rule.

Hunting Method: Hunters must select one of the hunting methods (modern firearm, archery, muzzleloader).

Any Buck Deer Seasons: Open only to the taking of deer with visible antlers (buck fawns illegal).

Branched Antler Restrictions: APPLIES TO ALL HUNTERS DURING ANY GENERAL SEASON! Buck deer taken in these GMUs must meet minimum antler point requirements. Minimum antler point requirements are antler points on one side only. Antler points include eye guards but all antler points must be at least one inch long. The following GMUs have 2 or 3 point minimum requirements on buck deer taken.

2 Point minimum GMUs: 437, 558, 574, 578, 588, 636, 654, and 681.

3 Point minimum GMUs: All mule deer in 100, 200, and 300 series GMUs; whitetail deer in GMUs 127, 130, 133, 136, 139, 142, 145, 149, 154, 162, 163, 166, 169, 172, 175, 178, 181, and 186.

Permit Only Units: The following GMUs are closed during general seasons: 290 (Desert), 329 (Quilomene), 371 (Alkali), and 485 (Green River).

Private Lands Wildlife Management Areas (PLWMAs): Buckrun (PLWMA 201), Kapowsin (PLWMA 401), and Merrill and Ring (PLWMA 600) are closed to hunting, except by permit and/or written permission from the landowner.

GMUs Closed to Deer Hunting: 157 (Mill Creek Watershed), 490 (Cedar River), and 522 (Loo-wit).

Blacktail Deer: Any member of blacktail/mule deer (species *Odocoileus hemionus*) found west of a line drawn from the Canadian border south on the Pacific Crest Trail and along the Yakama Indian Reservation boundary in Yakima County to Klickitat County and in Klickitat County west of Highway 97.

Mule Deer: Any member of blacktail/mule deer (species *Odocoileus hemionus*) found east of a line drawn from the Canadian border south on the Pacific Crest Trail and along the Yakama Indian Reservation boundary in Yakima County to Klickitat County and in Klickitat County east of Highway 97.

Whitetail Deer: Means any whitetail deer (member of the species *Odocoileus virginianus*) except the Columbian whitetail deer (species *Odocoileus virginianus leucurus*).

MODERN FIREARM DEER SEASONS

License Required: A valid big game hunting license, which includes a deer species option.

Tag Required: Valid modern firearm deer tag on his/her person for the area hunted.

Hunting Method: Modern firearm deer tag hunters may use rifle, handgun, shotgun, bow or muzzleloader, but only during modern firearm seasons.

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Hunt Season	2003 Dates	2004 Dates	2005 Dates	Game Management Units (GMUs)	Legal Deer
HIGH BUCK HUNTS					
	Sept. 15-25	Sept. 15-25	Sept. 15-25	Alpine Lakes, Glacier Peak, Pasayten and Olympic Peninsula Wilderness Areas and Lake Chelan Recreation Area and that part of the Henry Jackson Wilderness Area west of the Pacific Crest Trail	3 pt. min.
GENERAL SEASON HUNTS					
Western Washington Blacktail Deer	Oct. 11-31	Oct. 16-31	Oct. 15-31	407, 418, 426, 448 through 466, 501 through 520, 524 through 556, 560, 568, 572, 601 through 633, 638 through 673, 684	Any buck
				410, 564	Any deer
				437, 558, 574, 578, 588, 636, 654, 681	2 pt. min.
Eastern Washington Whitetail Deer	Oct. 11-24	Oct. 16-29	Oct. 15-28	101 through 124	Any whitetail buck
				203 through 247, and 249 through 251	Any whitetail buck
	Oct. 11-19	Oct. 16-24	Oct. 15-23	127 through 154, 162 through 186	Whitetail, 3 pt. min.
				248, 254 through 381 except closed in GMUs 290, 329, 371	Any whitetail buck
Eastern Washington Mule Deer	Oct. 11-19	Oct. 16-24	Oct. 15-23	All 100 and 300 series GMUs, 248, and 254 through 284, except closed in GMUs 157, 329, and 371	3 pt. min.
				Deer Area 3081	Any white-tailed deer
	Oct. 11-24	Oct. 16-29	Oct. 15-28	203 through 247 and 249 through 251	Mule deer, 3 pt. min.
LATE BUCK HUNTS					
Western Washington Blacktail Deer	Nov. 13-16	Nov. 18-21	Nov. 17-20	((All 400,)) 407, 410, 454, 466, and 500, and 600 series GMUs except closed in GMUs ((418, 426, 437, 448, 450, 460,)) 522, 574, 578, and 588	Any buck except 2 pt. min. in GMUs 558, 636, 654, 681 and any deer in GMUs 410 and 564
Eastern Washington Whitetail Deer	Nov. 3-19	Nov. 8-19	Nov. 7-19	105 through 124	Any whitetail buck
				127-142	Whitetail, 3 pt. min.

Hunt Season	2003 Dates	2004 Dates	2005 Dates	Game Management Units (GMUs)	Legal Deer
YOUTH & DISABLED HUNTERS					
Eastern Washington Whitetail Deer	Oct. 25- Nov. 2	Oct. 30- Nov. 7	Oct. 29- Nov. 6	105 through 124	Whitetail, antlerless only
HUNTERS 65 AND OVER, DISABLED, OR YOUTH SEASONS					
Eastern Washington Whitetail Deer	Oct. 11-24	Oct. 16-29	Oct. 15-28	101 through 124	Any whitetail deer
	Oct. 11-19	Oct. 16-24	Oct. 15-23	127 through 142, 145 through 154, 162, 163, and 172 through 181	Whitetail, 3 pt. min. or antlerless
Eastern Washington Mule Deer	Oct. 11-19	Oct. 16-24	Oct. 15-23	142	Mule deer, 3 pt. min. or antlerless
ADVANCED HUNTER EDUCATION (AHE) MASTER HUNTER SEASON					
Eastern Washington Whitetail Deer	Dec. 9-15	Dec. 9-15	Dec. 9-15	GMUs 130-142	Whitetail, antlerless only
Eastern Washington Mule Deer	Dec. 9-15	Dec. 9-15	Dec. 9-15	GMU 142	Mule deer, antlerless only

ARCHERY DEER SEASONS

License Required: A valid big game hunting license, which includes a deer species option.

Tag Required: Valid archery deer tag on his/her person for the area hunted.

Special Notes: Archery tag holders can only hunt during archery seasons with archery equipment (WAC 232-12-054).

Hunt Area	2003 Dates	2004 Dates	2005 Dates	Game Management Units (GMUs)	Legal Deer
Early Archery Deer Seasons					
Western Washington Blacktail Deer	Sept. 1-30	Sept. 1-30	Sept. 1-30	407 through 426, 448 through 466, 501 through 520, 524 through 556, 560, 564, 568, 572, 601 through 633, 638 through 653, 658 through 673, 684 and 699	Any Deer, except buck only in GMUs 460, 503, 506, 530, 550, 568, 673
				437, 558, 574, 578, 588, 636, 654, 681	2 pt. min. or antlerless
				Alpine Lakes, Glacier Peak, and Olympic Peninsula Wilderness areas	3 pt. min. or antlerless
Eastern Washington Mule Deer	Sept. 1-30	Sept. 1-30	Sept. 1-30	105 through 127, 243 ((through)), 244, 246, 247, 249, 250, 260, 262	3 pt. min.
				142 through 154, and 162 through 186, 245, 251, 328, 334 through 340, 346 through 368, 372	3 pt. min. or antlerless
				381	Any mule deer
	Sept. 1-15	Sept. 1-15	Sept. 1-15	101, 130 through 139, 204 through 242, 248, 254, 266, 269, 272, 278, 284, ((328, 334 through 340, 346 through 368,)) 382	3 pt. min.
Sept. 16-30	Sept. 16-30	Sept. 16-30	101, 130 through 139, 204 through 242, 248, 254, 266, 269, 272, 278, 284, ((328, 334 through 340, 346 through 368,)) 382	3 pt. min. or antlerless	
Eastern Washington Whitetail Deer	Sept. 1-30	Sept. 1-30	Sept. 1-30	101 through 124, 204 through 284, 381	Any whitetail deer
				127 through 154, 162 through 186	Whitetail, 3 pt. min. or antlerless
Late Archery Deer Seasons					
Western Washington Blacktail Deer	Nov. 19 - Dec. 8	Nov. 24 - Dec. 8	Nov. 23 - Dec. 8	437, 588, 654	2 pt. min. or antlerless
	Nov. 19 - Dec. 15	Nov. 24 - Dec. 15	Nov. 23 - Dec. 15	636, 681	2 pt. min. or antlerless
				558	2 pt. min.
	460, 466, 506 through 520, 524, 530, 556, 560, 572, 601, 607 through 618, 638, 648, and 699	Any deer, except buck only in GMUs 460, 506, 530			
Nov. 19 - Dec. 31	Nov. 24 - Dec. 31	Nov. 23 - Dec. 31	407, 410, 454, 505, 603, 624, 627, 642, 652, 660 through 672	Any deer	
Eastern Washington Mule Deer	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	209, 215, 233, 243, 250	3 pt. min.
				145, 163, 178	3 pt. min. or antlerless
				272, 278, 346, 352, 364, 368	3 pt. min. or antlerless

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Hunt Area	2003 Dates	2004 Dates	2005 Dates	Game Management Units (GMUs)	Legal Deer
Eastern Washington Whitetail Deer	Nov. 10 - Dec. 15	Nov. 10 - Dec. 15	Nov. 10 - Dec. 15	101	Any whitetail deer
	Nov. 20 - Dec. 15	Nov. 20 - Dec. 15	Nov. 20 - Dec. 15	105, 117, 121, 124	Any whitetail deer
				127	3 pt. min. or antlerless whitetail
	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	145, 163, 178	3 pt. min. or antlerless whitetail
204, 209, 215, 233, 243, 250, 272, 278				Any whitetail deer	

MUZZLELOADER DEER SEASONS

License Required: A valid big game hunting license, which includes a deer species option.

Tag Required: Valid muzzleloader deer tag on his/her person for the area hunted.

Hunting Method: Muzzleloader only.

Special Notes: Muzzleloader tag holders can only hunt during muzzleloader seasons and must hunt with muzzleloader equipment.

Hunt Area	2003 Dates	2004 Dates	2005 Dates	Game Management Units (GMUs)	Legal Deer
High Buck Hunts	Sept. 15-25	Sept. 15-25	Sept. 15-25	Alpine Lakes, Glacier Peak, Pasayten and Olympic Peninsula Wilderness areas, Lake Chelan Recreation Area and that part of the Henry Jackson Wilderness Area west of the Pacific Crest Trail	3 pt. min.

Early Muzzleloader Deer Seasons

Western Washington Blacktail Deer	Oct. 4-10	Oct. 2-8	Oct. 1-7	407, 418, 426, 448, 450, 501, 504, 505, 513, 520, 530, 554, 568, 603, 612, 624, 627, 638, 642, 660, 663, 672, 673, 684	Any buck
				410, 454, 564, 652, 666	Any deer
				437, 578	2 pt. min.
Eastern Washington Whitetail Deer	Oct. 4-10	Oct. 2-8	Oct. 1-7	204, 209, 233, 239, 242, 243, 244, 245, 246, 250, 251, 278, 284	Whitetail, any buck
				133, 142, 145, 149, 181, 381	Whitetail, 3 pt. min. or antlerless
				101, 108, 111, 117, 121, 124	Whitetail, any deer
Eastern Washington Mule Deer	Oct. 4-10	Oct. 2-8	Oct. 1-7	101, 108, 111, 117, 121, 124, 133, 204, 209, 233, 239, 242, 243, 244, 245, 246, 250, 251, 278, 284, 328, 330 through 342, 352 through 360, 368, 382	Mule deer, 3 pt. min.
				142, 145, 149, 181, 381	Mule deer, 3 pt. min. or antlerless

Late Muzzleloader Deer Seasons

Western Washington Blacktail Deer	Nov. 19 - Dec. 15	Nov. 24 - Dec. 15	Nov. 23 - Dec. 15	407, 410, 501, 504, 564, 633, 651, 666, 673, 684, and Deer Area 4926	Any deer
				654	2 pt. min.
	((407;)) 460, 550, 602	Any buck			
Eastern Washington Whitetail Deer	Nov. 19 - Dec. 8	Nov. 24 - Dec. 8	Nov. 23 - Dec. 8	578	2 pt. min.
	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	113	Whitetail, any deer
Eastern Washington Mule Deer	Nov. 20-30	Nov. 20-30	Nov. 20-30	130, 139, 172, 181	Whitetail, 3 pt. min. or antlerless
				381, 382	3 pt. min.
Eastern Washington Mule Deer	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	130, Deer Area 3081	3 pt. min. or antlerless

FIREARM RESTRICTED DEER HUNTS OPEN TO ALL DEER HUNTERS

License Required: Hunting license.

Tag Required: Valid modern firearm, archery or muzzleloader deer tag on his/her person for the area hunted.

Hunting Method: Must use weapon in compliance with tag. Firearm restrictions apply in some GMUs. In firearm restriction areas, modern firearm hunters may hunt with a muzzleloader equipped with a scope.

Firearm Restricted Hunts Open To All Deer Hunters					
Hunting license and deer tag required. Must use hunting method in compliance with tag. Check firearm restrictions. Archery, shotgun, muzzleloader or revolver type handgun only. Hunter orange required.					
Hunt Area	2003 Dates	2004 Dates	2005 Dates	Game Management Units (GMUs)	Legal Deer
Western Washington Blacktail Deer	Oct. 11-31	Oct. 16-31	Oct. 15-31	410, Vashon and Maury Islands	Any deer
	Nov. 19 - Dec. 31	Nov. 24 - Dec. 13	Nov. 23 - Dec. 31	564	Any deer

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SPECIAL DEER PERMIT HUNTING SEASONS

(Open to Permit Holders Only)

Hunters must purchase a deer hunting license prior to purchase of a permit application.

Hunt Name	(2004) 2005 Permit Season	Special Restrictions	Boundary Description	(2004) 2005 Permits
Modern Firearm Deer Permit Hunts (Only modern firearm deer tag holders may apply.)				
Hunters may hunt only with weapon in compliance with tag.				
Sherman	Oct. ((16-29)) 15-28	Whitetail, antlerless	GMU 101	((100)) 75
Kelly Hill	Oct. ((16-29)) 15-28 & Nov. ((8-19)) 7-19	Whitetail, antlerless	GMU 105	((50)) 150
Douglas	Oct. ((16-29)) 15-28 & Nov. ((8-19)) 7-19	Whitetail, antlerless	GMU 108	300
Aladdin	Oct. ((16-29)) 15-28 & Nov. ((8-19)) 7-19	Whitetail, antlerless	GMU 111	75
Selkirk	Oct. ((16-29)) 15-28 & Nov. ((8-19)) 7-19	Whitetail, antlerless	GMU 113	50
49 Degrees North	Oct. ((16-29)) 15-28 & Nov. ((8-19)) 7-19	Whitetail, antlerless	GMU 117	250
Huckleberry A	Oct. ((16-29)) 15-28 & Nov. ((8-19)) 7-19	Whitetail, antlerless	GMU 121	600
Mt. Spokane A	Oct. ((16-29)) 15-28 & Nov. ((8-19)) 7-19	Whitetail, antlerless	GMU 124	400
Mica Peak A	Oct. ((16-24)) 15-23	Whitetail, antlerless	GMU 127	200
Cheney A	Oct. ((16-24)) 15-23	Antlerless	GMU 130	200
Roosevelt	Oct. ((16-24)) 15-23	Antlerless	GMU 133	400
Harrington	Oct. ((16-24)) 15-23	Antlerless	GMU 136	125
Step toe	Oct. ((16-24)) 15-23 & Nov. ((11-19)) 7-19	Antlerless	GMU 139	300
Almota A	Oct. ((16-24)) 15-23 & Nov. ((11-19)) 7-19	Antlerless	GMU 142	((200)) 100
((Mayview A	Oct. 16-24	Antlerless	GMU 145	200))
Mayview ((B))	Nov. 1-14	Antlerless	GMU 145	((200)) 100
Prescott A	Nov. 1-14	Antlerless	GMU 149	((275)) 50
Prescott B	Nov. 1-14	Antlerless	Deer Area 1020	((150)) 50
Blue Creek	Nov. ((8-19)) 7-19	Whitetail, antlerless	GMU 154	((225)) 150
Dayton A	Nov. ((8-19)) 7-19	Whitetail, antlerless	GMU 162	((350)) 250
Dayton B	Nov. ((8-19)) 7-19	Antlerless	Deer Area 1010	75
Marengo A	Nov. 1-14	Whitetail, antlerless	GMU 163	((250)) 150
Marengo B	Nov. 1-14	Antlerless	GMU 163	((75)) 40
Peola	Nov. 1-14	Antlerless	GMU 178	((75)) 50
Blue Mtns. Foothills A	Nov. ((8-19)) 7-19	Whitetail, 3 pt. min. or antlerless	GMUs 149, 154, 162-166	100
Blue Mtns. Foothills B	Nov. ((8-19)) 7-19	Whitetail, 3 pt. min. or antlerless	GMUs 145, 172-181	50
Couse	Nov. 1-14	Antlerless	GMU 181	((100)) 50
East Okanogan A	Nov. 1-18	Any whitetail	GMU 204	100
West Okanogan	Nov. 1-18	Any whitetail	GMUs 218-242	100
Sinlahekin A	Nov. 1-18	Any whitetail	GMU 215	50
Sinlahekin B	Nov. 1-18	Whitetail, antlerless	GMU 215	50
Chewuch A	Nov. 1-18	Any ((buck)) deer	GMU 218	5
Pearygin A	Nov. 1-18	Any ((buck)) deer	GMU 224	10
Gardner A	Nov. 1-18	Any ((buck)) deer	GMU 231	5
Pogue A	Nov. 1-18	Any ((buck)) deer	GMU 233	5
Chiliwist A	Nov. 1-18	Any ((buck)) deer	GMU 239	5
Alta A	Nov. 1-18	Any ((buck)) deer	GMU 242	5
Manson	Nov. 1-18	Any ((buck)) deer	GMU 243	5
Chiwawa A	Nov. 1-18	Any ((buck)) deer	GMU 245	((40)) 30
Slide Ridge A	Nov. 1-18	Any ((buck)) deer	GMU 246	15

PERMANENT

Hunt Name	((2004)) 2005 Permit Season	Special Restrictions	Boundary Description	((2004)) 2005 Permits
Entiat A	Nov. 1-18	Any ((buck)) deer	GMU 247	((50)) 40
Big Bend A	Nov. 1-18	Antlerless	GMU 248	50
Swakane A	Nov. 1-18	Any ((buck)) deer	GMU 250	((45)) 35
Mission A	Nov. 1-18	Any ((buck)) deer	GMU 251	((30)) 20
Mission B	Oct. ((16-29)) 15-28	Antlerless	GMU 251	125
St. Andrews	Oct. ((16-24)) 15-23	Antlerless	GMU 254	75
Foster Creek A	Oct. ((16-24)) 15-23	Antlerless	GMU 260	75
Foster Creek B	Nov. 1-18	Antlerless	GMU 260	75
Withrow A	Oct. ((16-24)) 15-23	Antlerless	GMU 262	50
Badger	Nov. 1-18	Antlerless	GMU 266	50
Ritzville A	Nov. 1-18	3 pt. min. or antlerless	GMU 284	((30)) 20
Desert A	Nov. 1-15	Any deer	GMU 290	15
Desert B	Dec. 1-7	Antlerless	GMU 290	50
Naneum	Oct. ((16-24)) 15-23	Antlerless	GMU 328	((30)) 200
Quilomene A	Nov. ((8-21)) 7-20	Any buck	GMU 329	((75)) 74
Teaway A	Oct. ((16-24)) 15-23	Antlerless	GMU 335	((30)) 200
Taneum	Oct. ((16-24)) 15-23	Antlerless	GMU 336	((20)) 150
Nile A	Oct. ((16-24)) 15-23	Antlerless	GMU 352	20
Bethel A	Nov. ((8-21)) 7-20	Any buck	GMU 360	10
Cowiche A	Oct. ((16-24)) 15-23	Antlerless	GMU 368	((30)) 50
Cowiche B	Nov. ((8-21)) 7-19	Any buck	GMU 368	15
Alkali A	Nov. ((20-28)) 19-27	Any buck	GMU 371	((75)) 74
Alkali B	Nov. ((20-28)) 19-27	Antlerless	GMU 371	80
Whitcomb A	Sept. 18-24	Antlerless	Deer Area 3071	5
Paterson A	Sept. 18-24	Antlerless	Deer Area 3072	5
East Klickitat A	Oct. ((16-24)) 15-23	3 pt. min. or antlerless	GMU 382	40
Sauk	Nov. 13-16	2 pt. min.	GMU 437	25
Stillaguamish	Nov. 13-16	2 pt. min.	GMU 448	10
Snoqualmie	Nov. 13-16	Any buck	GMU 460	25
Green River A	((Oct. 30 - Nov. 5)) Oct. 29 - Nov. 4	Any buck	GMU 485	10
Lincoln A	Oct. ((16-31)) 15-31	Any deer	GMU 501	40
Stella A	Oct. ((16-31)) 15-31	Any deer	GMU 504	35
Mossyrock A	Oct. ((16-31)) 15-31	Any deer	GMU 505	85
Stormking A	Oct. ((16-31)) 15-31	Any deer	GMU 510	30
South Rainier A	Oct. ((16-31)) 15-31	Any deer	GMU 513	30
Packwood A	Oct. ((16-31)) 15-31	Any deer	GMU 516	50
Winston A	Oct. ((16-31)) 15-31	Any deer	GMU 520	50
Yale A	Oct. ((16-31)) 15-31	Any deer	GMU 554	15
Toutle A	Oct. ((16-31)) 15-31	Any deer	GMU 556	25
Marble A	Oct. ((16-31)) 15-31	2 pt. min. or antlerless	GMU 558	20
Lewis River A	Oct. ((16-31)) 15-31	Any deer	GMU 560	35
Siouxon A	Oct. ((16-31)) 15-31	Any deer	GMU 572	35
Wind River A	Oct. ((16-31)) 15-31	2 pt. min. or antlerless	GMU 574	10
Wind River B	Nov. ((18-21)) 17-20	2 pt. min.	GMU 574	35
West Klickitat A	Oct. ((16-31)) 15-31	2 pt. min. or antlerless	GMU 578	30
West Klickitat B	Nov. ((18-21)) 17-20	2 pt. min.	GMU 578	45
Grayback A	Oct. ((16-31)) 15-31	2 pt. min. or antlerless	GMU 588	55
Grayback B	Nov. ((18-21)) 17-20	2 pt. min.	GMU 588	65
Pysht	Oct. ((16-31)) 15-31	Any deer	GMU 603	15
Olympic	Oct. ((16-31)) 15-31	Any deer	GMU 621	35
Kitsap	Oct. ((16-31)) 15-31	Any deer	GMU 627	20
Wynoochee A	Oct. ((16-31)) 15-31	Any deer	GMU 648	110
Wynoochee B	Nov. 1-11	Any buck	GMU 648	10
Satsop A	Nov. 1-11	Any buck	GMU 651	10
North River A	Oct. ((16-31)) 15-31	Any deer	GMU 658	70

Hunt Name	((2004)) 2005 Permit Season	Special Restrictions	Boundary Description	((2004)) 2005 Permits
Minot Peak	Oct. ((16-31)) 15-31	Any deer	GMU 660	70
Capitol Peak A	Oct. ((16-31)) 15-31	Any deer	GMU 663	30
Capitol Peak B	Nov. 1-11	Any buck	GMU 663	10
Deschutes	Oct. ((16-31)) 15-31	Any deer	GMU 666	80
Skookumchuck A	Oct. ((16-31)) 15-31	Any deer	GMU 667	160
Skookumchuck B	Nov. 1-11	Any buck	GMU 667	10
Muzzleloader Only Deer Permit Hunts (Only muzzleloader tag holders may apply.)				
((Choney B	Nov. 20 - Dec. 8	Mule deer, 3 pt. min. or antlerless	GMU 130	(75))
Blue Mtns. Foothills C	Nov. 20 - Dec. 8	Whitetail, 3 pt. min. or antlerless	GMUs 149, 154, 162, 166	60
Green Bluff	Dec. ((9-31)) 10-31	Whitetail, antlerless	That portion of GMU 124 east of Hwy 2	90
Wannacut A	Nov. 1-18	Antlerless	GMU 209	50
Chiwawa B	Nov. ((20-28)) 19-27	Any ((buck)) deer	GMU 245	15
Foster Creek C	Dec. 1-31	Antlerless	GMU 260	100
Moses Coulee A	Nov. 1-18	Any ((buck)) deer	GMU 269	20
Moses Coulee B	Dec. 1-31	Antlerless	GMU 269	100
Ritzville B	Nov. 19-30	Mule deer, 3 pt. min. or antlerless; any white-tailed deer	GMU 284	((30)) 20
Benge A	Dec. ((1-31)) 1-15	Antlerless	Deer Area 2010	((50)) 20
Lakeview ((B)) A	Nov. 1-18	Antlerless	Deer Area 2011	10
Desert C	Oct. 25-31	Any deer	GMU 290	((5)) 4
Quilomene B	Oct. ((2-8)) 1-7	Any buck	GMU 329	((40)) 11
Teaway B	Oct. ((2-8)) 1-7	Antlerless	GMU 335	((25)) 100
Manastash	Oct. ((2-8)) 1-7	Antlerless	GMU 340	((25)) 90
Cowiche C	Oct. ((2-8)) 1-7	Antlerless	GMU 368	((40)) 50
Alkali C	Dec. ((4-11)) 3-10	Any buck	GMU 371	((12)) 11
Alkali D	Dec. ((4-11)) 3-10	Antlerless	GMU 371	15
Esquatzel A	Nov. 20 - Dec. 8	Any deer	GMU 381	100
East Klickitat B	Nov. 22-30	3 pt. min or antlerless	GMU 382	5
West Klickitat B	Nov. 24 - Dec. 8	2 pt. min. or antlerless	GMU 578	30
Mossyrock B	Oct. ((2-8)) 1-7	Any deer	GMU 505	10
Stormking B	Oct. ((2-8)) 1-7	Any deer	GMU 510	5
South Rainier B	Oct. ((2-8)) 1-7	Any deer	GMU 513	5
Packwood B	Oct. ((2-8)) 1-7	Any deer	GMU 516	5
Winston B	Oct. ((2-8)) 1-7	Any deer	GMU 520	5
Yale B	Oct. ((2-8)) 1-7	Any deer	GMU 554	2
Toutle B	Oct. ((2-8)) 1-7	Any deer	GMU 556	3
Marble B	Oct. ((2-8)) 1-7	2 pt. min. or antlerless	GMU 558	2
Lewis River B	Oct. ((2-8)) 1-7	Any deer	GMU 560	5
Siouxon B	Oct. ((2-8)) 1-7	Any deer	GMU 572	5
Wind River C	Oct. ((2-8)) 1-7	2 pt. min. or antlerless	GMU 574	1
Grayback C	Oct. ((2-8)) 1-7	2 pt. min. or antlerless	GMU 588	15
North River B	Oct. ((4-10)) 1-7	Any deer	GMU 658	5
Archery Only Deer Permit Hunts (Only archery deer tag holders may apply.)				
Chiwawa C	Dec. 1-12	Any ((buck)) deer	GMU 245	10
Entiat B	Nov. 20-29	Any ((buck)) deer	GMU 247	((160)) 145
Entiat C	Nov. 30 - Dec. 8	Any ((buck)) deer	GMU 247	((150)) 135
Big Bend B	Nov. 20 - Dec. 8	Any deer	GMU 248	10
Desert D	Nov. 16-30	Any deer	GMU 290	((20)) 21
Quilomene C	((Nov. 22 - Dec. 5)) Nov. 21 - Dec. 4	Any deer	GMU 329	((73)) 76
Alkali E	Dec. ((12-26)) 11-25	Any deer	GMU 371	((79)) 73
Washougal A	Sept. 16-30	Any deer	GMU 568	30

PERMANENT

Hunt Name	((2004)) 2005 Permit Season	Special Restrictions	Boundary Description	((2004)) 2005 Permits
Special Modern Firearm Deer Permit Hunts for Hunters 65 or older				
Blue Mtns. Foothills ((B)) D	Oct. ((16-24)) 15-23	((3 pt. min. or)) Antlerless	GMUs 145, 149	((150)) 75
East Okanogan B	Oct. ((16-29)) 15-28	((Any deer)) Antlerless	GMU 204	((5)) 15
Wannacut B	Oct. ((16-29)) 15-28	((Any deer)) Antlerless	GMU 209	5
Sinlahekin C	Oct. ((16-29)) 15-28	((Any deer)) Antlerless	GMU 215	5
Chewuch B	Oct. ((16-29)) 15-28	((Any deer)) Antlerless	GMU 218	5
Pearrygin B	Oct. ((16-29)) 15-28	((Any deer)) Antlerless	GMU 224	((5)) 15
Gardner B	Oct. ((16-29)) 15-28	((Any deer)) Antlerless	GMU 231	((5)) 15
Pogue B	Oct. ((16-29)) 15-28	((Any deer)) Antlerless	GMU 233	((5)) 15
Chiliwist B	Oct. ((16-29)) 15-28	((Any deer)) Antlerless	GMU 239	5
Alta B	Oct. ((16-29)) 15-28	((Any deer)) Antlerless	GMU 242	5
Mission C	Oct. ((16-29)) 15-28	Any deer	GMU 251	5
Bridgeport A	Oct. ((16-24)) 15-23	((Any deer)) Antlerless	GMUs 248, 260	10
Palisades A	Oct. ((16-24)) 15-23	((Any deer)) Antlerless	GMUs 266, 269	10
Quilomene D	Nov. ((8-21)) 7-20	Antlerless	GMU 329	20
Manastash	Oct. 15-23	Antlerless	GMU 340	50
Umtanum A	Nov. ((8-21)) 7-20	Antlerless	GMU 342	20
Bethel B	Oct. ((16-24)) 15-23	Antlerless	GMU 360	10
Kiona A	Oct. ((16-24)) 15-23	Antlerless	GMU 372	15
Esquatzel B	Oct. ((16-24)) 15-23	Antlerless	GMU 381	10
East Klickitat C	Oct. ((16-24)) 15-23	3 pt. min. or antlerless	GMU 382	15
Lincoln B	Oct. ((16-31)) 15-31	Any deer	GMU 501	5
Stella B	Oct. ((16-31)) 15-31	Any deer	GMU 504	5
Mossyrock C	Oct. ((16-31)) 15-31	Any deer	GMU 505	15
Stormking C	Oct. ((16-31)) 15-31	Any deer	GMU 510	5
South Rainier C	Oct. ((16-31)) 15-31	Any deer	GMU 513	5
Packwood C	Oct. ((16-31)) 15-31	Any deer	GMU 516	5
Winston C	Oct. ((16-31)) 15-31	Any deer	GMU 520	5
Yale C	Oct. ((16-31)) 15-31	Any deer	GMU 554	5
Toutle C	Oct. ((16-31)) 15-31	Any deer	GMU 556	10
Marble C	Oct. ((16-31)) 15-31	2 pt. min. or antlerless	GMU 558	5
Lewis River C	Oct. ((16-31)) 15-31	Any deer	GMU 560	5
Washougal B	Oct. ((16-31)) 15-31	Any deer	GMU 568	10
Siouxon C	Oct. ((16-31)) 15-31	Any deer	GMU 572	5
Wind River D	Oct. ((16-31)) 15-31	2 pt. min. or antlerless	GMU 574	2
West Klickitat C	Oct. ((16-31)) 15-31	2 pt. min. or antlerless	GMU 578	5
Grayback D	Oct. ((16-31)) 15-31	2 pt. min. or antlerless	GMU 588	10
Williams Creek	Oct. ((16-31)) 15-31	Any deer	GMU 673	20
Copalis	Oct. ((16-31)) 15-31	Any deer	GMU 642	20
North River C	Oct. ((16-31)) 15-31	Any deer	GMU 658	10
Disabled Hunter Deer Permits				
East Okanogan C	Restricted to general, early season by tag choice	((Any deer)) Antlerless	GMU 204	5
Wannacut C		((Any deer)) Antlerless	GMU 209	5
Sinlahekin D		((Any deer)) Antlerless	GMU 215	((5)) 15
Chewuch C		((Any deer)) Antlerless	GMU 218	((5)) 15
Pearrygin C		((Any deer)) Antlerless	GMU 224	5
Gardner C		((Any deer)) Antlerless	GMU 231	5
Pogue C		((Any deer)) Antlerless	GMU 233	5
Chiliwist C		((Any deer)) Antlerless	GMU 239	((5)) 15
Alta C		((Any deer)) Antlerless	GMU 242	((5)) 15
Mission D		((Oct. 16-29)) 15-28	Any deer	GMU 251
Bridge Port B	Restricted to general, early season by tag choice	Any deer	GMUs 248, 260	5
Palisades B		Any deer	GMUs 266, 269	5
Quilomene E	Nov. ((8-21)) 7-20	Antlerless	GMU 329	10
Manastash C	Oct. 15-23	Antlerless	GMU 340	20

PERMANENT

Hunt Name	((2004)) 2005 Permit Season	Special Restrictions	Boundary Description	((2004)) 2005 Permits
Umtanum B	Nov. 8-21	Antlerless	GMU 342	10
Nile B	Restricted to general, early season by tag choice	Antlerless	GMU 352	5
Kiona B		Antlerless	GMU 372	10
Esquatzel C		Antlerless	GMU 381	5
East Klickitat D		3 pt. min. or antlerless	GMU 382	5
Green River B		((Oct. 30 - Nov. 5)) Oct. 29 - Nov. 4	Any deer	GMU 485
Lincoln C	Restricted to general, early season by tag choice	Any deer	GMU 501	3
Stella C		Any deer	GMU 504	3
Mossyrock D		Any deer	GMU 505	5
Stormking D		Any deer	GMU 510	3
South Rainier D		Any deer	GMU 513	3
Packwood D		Any deer	GMU 516	3
Winston D		Any deer	GMU 520	3
Yale D		Any deer	GMU 554	3
Toutle D		Any deer	GMU 556	5
Marble D		2 pt. min. or antlerless	GMU 558	2
Lewis River D		Any deer	GMU 560	2
Washougal C		Any deer	GMU 568	2
Siouxon D		Any deer	GMU 572	3
Wind River E		2 pt. min. or antlerless	GMU 574	1
West Klickitat D		2 pt. min. or antlerless	GMU 578	3
Grayback E		2 pt. min. or antlerless	GMU 588	10
Capitol Peak C		Any deer	GMU 663	30
Skookumchuck C	Any deer	GMU 667	30	
North River D	Any deer	GMU 658	5	
Youth Special Deer Permit Hunts (Must be eligible for the youth hunting license and accompanied by an adult during the hunt.)				
Modern Firearm				
Blue Mtns. Foothills E	Oct. ((16-24)) 15-23	((3-pt. min. or)) Antlerless	GMUs 149, 154, 162-163	((100)) 75
Blue Mtns. Foothills F	Oct. ((16-24)) 15-23	((3-pt. min. or)) Antlerless	GMUs 145, 172-181	75
East Okanogan D	Oct. ((16-29)) 15-28	((Any deer)) Antlerless	GMU 204	((40)) 70
Wannacut D	Oct. ((16-29)) 15-28	((Any deer)) Antlerless	GMU 209	((20)) 35
Sinlahekin E	Oct. ((16-29)) 15-28	((Any deer)) Antlerless	GMU 215	((45)) 75
Chewuch D	Oct. ((16-29)) 15-28	((Any deer)) Antlerless	GMU 218	((75)) 120
Pearrygin D	Oct. ((16-29)) 15-28	((Any deer)) Antlerless	GMU 224	((65)) 115
Gardner D	Oct. ((16-29)) 15-28	((Any deer)) Antlerless	GMU 231	((25)) 45
Pogue D	Oct. ((16-29)) 15-28	((Any deer)) Antlerless	GMU 233	((20)) 35
Chiliwist D	Oct. ((16-29)) 15-28	((Any deer)) Antlerless	GMU 239	((40)) 70
Alta D	Oct. ((16-29)) 15-28	((Any deer)) Antlerless	GMU 242	((45)) 80
Mission E	Oct. ((16-29)) 15-28	((Any deer)) Antlerless	GMU 251	100
Bridge Port C	Oct. ((16-24)) 15-23	Any deer	GMUs 248, 260	100
Palisades C	Oct. ((16-24)) 15-23	Any deer	GMUs 266, 269	100
Lakeview C	Oct. ((16-24)) 15-23	Any deer	Deer Area 2011	10
Wahluke A	Oct. ((16-24)) 15-23	Any deer	GMU 278	50
Benge B	Oct. 15-23	Antlerless	Deer Area 2010	20
Quilomene F	Nov. ((8-21)) 7-20	Antlerless	GMU 329	75
Manastash D	Oct. 15-23	Antlerless	GMU 340	75
Umtanum C	Nov. ((8-21)) 7-20	Antlerless	GMU 342	75
Cowiche D	Oct. ((16-24)) 15-23	Antlerless	GMU 368	((15)) 50
Esquatzel D	Oct. ((16-24)) 15-23	Antlerless	GMU 381	10
Whitcomb B	Sept. 11-17	Antlerless	Deer Area 3071	5
Paterson B	Sept. 11-17	Antlerless	Deer Area 3072	5
East Klickitat E	Oct. ((16-24)) 15-31	Any deer	GMU 382	20
Lincoln D	Oct. ((16-31)) 15-31	Any deer	GMU 501	10
Stella D	Oct. ((16-31)) 15-31	Any deer	GMU 504	10

PERMANENT

PERMANENT

Hunt Name	((2004)) 2005 Permit Season	Special Restrictions	Boundary Description	((2004)) 2005 Permits
Mossyrock E	Oct. ((16-31)) 15-31	Any deer	GMU 505	10
Stormking E	Oct. ((16-31)) 15-31	Any deer	GMU 510	10
South Rainier E	Oct. ((16-31)) 15-31	Any deer	GMU 513	10
Packwood E	Oct. ((16-31)) 15-31	Any deer	GMU 516	10
Winston E	Oct. ((16-31)) 15-31	Any deer	GMU 520	10
Yale E	Oct. ((16-31)) 15-31	Any deer	GMU 554	10
Toutle E	Oct. ((16-31)) 15-31	Any deer	GMU 556	60
Marble E	Oct. ((16-31)) 15-31	Any deer	GMU 558	10
Lewis River E	Oct. ((16-31)) 15-31	Any deer	GMU 560	10
Washougal D	Oct. ((16-31)) 15-31	Any deer	GMU 568	10
Siouxon E	Oct. ((16-31)) 15-31	Any deer	GMU 572	10
Wind River F	Oct. ((16-31)) 15-31	Any deer	GMU 574	15
West Klickitat E	Oct. ((16-31)) 15-31	Any deer	GMU 578	15
Grayback F	Oct. ((16-31)) 15-31	Any deer	GMU 588	20
Satsop B	Oct. ((16-31)) 15-31	Any deer	GMU 651	10
Skookumchuck D	Oct. 9-31	Any deer	GMU 667	60
North River E	Oct. ((16-31)) 15-31	Any deer	GMU 658	10

Youth Special Deer Permit Hunts (Must be eligible for the youth hunting license and accompanied by an adult during the hunt.)

Muzzleloader				
Hunt Name	Second Tag Season	Special Restrictions	Boundary Description	Permits
East Okanogan ((E)) E	Oct ((2-8)) 1-7	((Any-deer)) Antlerless	GMU 204	5
Wannacut E	Oct ((2-8)) 1-7	((Any-deer)) Antlerless	GMU 209	5
Pogue E	Oct ((2-8)) 1-7	((Any-deer)) Antlerless	GMU 233	5
Chiliwist E	Oct ((2-8)) 1-7	((Any-deer)) Antlerless	GMU 239	5
Mission F	Oct ((2-8)) 1-7	Any deer	GMU 251	20
Wahluke B	Oct ((2-8)) 1-7	Any deer	GMU 278	50
Ritzville C	Oct ((2-8)) 1-7	((Any-deer)) Antlerless	GMU 284	50

Special Deer Permits - Second Deer Tag
 (((Open to all tag types during specified season. Successful applicants may purchase an appropriate second hunting license and tag for an antlerless animal only, within fifteen days of notification by the department. Failure to purchase within fifteen days forfeits the opportunity for a second license.))) **These permits are only valid when a second license and tag is purchased.**

Hunt Name	Second Tag Season	Special Restrictions	Boundary Description	Permits
((The Wedge	Restricted to general (early and late) seasons by tag choice; and Dec. 16-31 for all tag holders	Whitetail, antlerless	Deer Areas 1030 and 1040	400))
Huckleberry B	Restricted to general, early season by tag choice	Whitetail, antlerless	GMU 121	((100)) 300
Mt. Spokane B		Whitetail, antlerless	GMU 124	400
Almota B		Antlerless	GMU 142	200
Columbia		Whitetail, antlerless	Deer Area 1010, GMU 163	150
Islands		Antlerless	GMU 410	100
South Sound		Antlerless	Vashon, Maury, and Anderson islands	125
<u>Benge C</u>	<u>Dec. 16-31</u>	<u>Antlerless</u>	<u>Deer Area 2010</u>	<u>20</u>
Lakeview C	Jan. 1-31	Antlerless	Deer Area 2011	20

(((Open to modern firearm and archery tag types only. Successful applicants may purchase an appropriate second hunting license and tag for an antlerless animal only, within fifteen days of the published notification deadline by the department. Failure to purchase within fifteen days forfeits the opportunity for a second license.))) **These permits are only valid when a second license and tag is purchased.**

Mica Peak B	Restricted to general, early season by tag choice	Whitetail, antlerless	GMU 127	100
Advanced Hunter Education (AHE) Master Hunter Special Deer Permit Hunts: Only AHE master hunters may apply; antlerless only hunts will not affect accumulated points; any weapon may be used.				
Lakeview D	Dec. 9-31	Antlerless	Deer Area 2011	20

- Hunter Education Instructor Incentive Permits**
- = Special deer permits will be allocated through a random drawing to those hunter education instructors that qualify.
 - = Permit hunters must use archery equipment during archery seasons, muzzleloader equipment during muzzleloader seasons, and any legal weapon during modern firearm seasons.
 - = Qualifying hunter education instructors must be certified and have been in active status for a minimum of three consecutive years, inclusive of the year prior to the permit drawing.

Hunter Education Instructor Incentive Permits				
= <u>Instructors who are drawn, accept a permit, and are able to participate in the hunt, will not be eligible for these incentive permits for a period of ten years thereafter.</u> = <u>Permittees may purchase a second license for use with the permit hunt only.</u>				
Area	Dates	Restrictions	GMUs	Permits
<u>Region 1</u>	<u>All general season and permit seasons established for GMUs included with the permit</u>	<u>Any white-tailed deer</u>	<u>Any 100 series GMU except GMU 157</u>	<u>2</u>
<u>Region 2</u>		<u>Any deer</u>	<u>GMUs 215 - 251</u>	<u>1</u>
<u>Region 2</u>		<u>Any deer</u>	<u>GMU 290</u>	<u>1</u>
<u>Region 3</u>		<u>Any deer</u>	<u>GMUs 335 - 368</u>	<u>1</u>
<u>Region 4</u>		<u>Any deer</u>	<u>Any 400 series GMU except GMU 485</u>	<u>2</u>
<u>Region 5</u>		<u>Legal buck for 500 series GMU of choice or antlerless</u>	<u>Any 500 series GMU open for a general deer hunting season or a special deer permit hunting season</u>	<u>2</u>
<u>Region 6</u>		<u>Legal buck for GMU of choice</u>	<u>GMUs 654, 660, 672, 673, 681</u>	<u>1</u>

**WSR 05-11-023
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 05-84—Filed May 10, 2005, 2:11 p.m., effective May 15, 2005]

Effective Date of Rule: May 15, 2005.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The earlier effective date is necessary because of imminent peril to the public health, safety, or welfare.

Purpose: Amend WAC 232-28-337 Deer and elk area descriptions.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-337.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 05-06-108 on March 2, 2005.

Changes Other than Editing from Proposed to Adopted Version: **Changes, if any, from the text of the proposed rule and reasons for difference:**

- For consistency with other elk area descriptions "That part of GMU 368" was deleted. The elk area description starts with "Beginning."
 - *Elk Area No. 3068 Klickitat Meadows (Yakima County):* ~~That part of GMU 368 b~~Beginning at...
- *Elk Area 3721 Corral Canyon*
Add boundary language to description for Elk Area 6069. This change clarifies the boundary language and makes it easier for hunters to discern the boundaries.
- *Elk Area 6069 Hanaford*
Add boundary language to description for Elk Area 6069. This change clarifies the boundary language and makes it easier for hunters to discern the boundaries.
- *Elk Area 6071 Dungeness*
Add boundary language to description for Elk Area 6071. This change clarifies the boundary language and makes it easier for hunters to discern the boundaries.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: April 12, 2005.

Susan Yeager
for Ron Ozment, Chair
Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 04-98, filed 5/12/04, effective 6/12/04)

WAC 232-28-337 Deer and elk area descriptions.

EELK AREAS

Elk Area No. 1010 (Columbia County): GMU 162 excluding National Forest land and the Rainwater Wildlife Area.

Elk Area No. 1011 (Columbia County): That part of GMU 162 east of the North Touchet Road, excluding National Forest land.

Elk Area No. 1012 (Columbia County): That part of GMU 162 west of the North Touchet Road, excluding National Forest land and the Rainwater Wildlife Area.

Elk Area No. 1013 (Asotin County): GMU 172, excluding National Forest lands.

Elk Area No. 1014 (Columbia-Garfield counties): That part of GMU 166 Tucannon west of the Tucannon River and USFS Trail No. 3110 (Jelly Spr.-Diamond Pk. Trail).

Elk Area No. 2032 Malaga (Kittitas and Chelan counties): Beginning at the mouth of Davies Canyon on the Columbia River; west along Davies Canyon to the cliffs above (north of) the North Fork Tarpiscan Creek; west and north along the cliffs to the Bonneville Power Line; southwest along the power line to the North Fork Tarpiscan Road in Section 9, Township 20N, Range 21E; north and west along North Fork Tarpiscan Road to Colockum Pass Road (Section 9, Township 20N, Range 21E); south and west on Colockum Pass Road to section line between Sections 8 & 9; north along the section line between Sections 8 and 9 as well as Sections 4 & 5 (T20N, R21E) & Sections 32 & 33 (T21N, R21E) to Moses Carr Road; west and north on Moses Carr Road to Jump Off Road; south and west on Jump Off Road to Shaller Road; north and west on Shaller Road to Upper Basin Loop Road; north and west on Upper Basin Loop Road to Wheeler Ridge Road; north on Wheeler Ridge Road to the Basin Loop Road (pavement) in Section 10 (T21N, R20E); north on Basin Loop Road to Wenatchee Heights Road; west on Wenatchee Heights Road to Squilchuck Road; south on Squilchuck Road to Beehive Road (USFS Rd 9712); northwest on Beehive Road to USFS Rd 7100 near Beehive Reservoir; north and west on USFS Rd 7100 to Peavine Canyon Road (USFS Rd 7101); north and east on Peavine Canyon Road to Number Two Canyon Road; north on Number Two Canyon Road to Crawford Street in Wenatchee; east on Crawford Street to the Columbia River; south and east along the Columbia River to Davies Canyon and point of beginning. (Naneum Green Dot, Washington Gazetteer, Wenatchee National Forest)

Elk Area No. 2033 Peshastin (Chelan County): Beginning at Crawford Street and the Columbia River in Wenatchee; west on Crawford Street and Number Two Canyon Road to USFS 7101 Road (Peavine Canyon); west on USFS 7101 Road to Mission Creek Road; north on Mission Creek Road to USFS 7104 Road (Sand Creek Road); west on USFS 7104 Road (Sand Creek Road) to Camas Creek; west up Camas Creek to where Camas Creek crosses USFS 7200 Road, T22N, R18E, Section 4; north along USFS 7200 Road to U.S. Highway 97; north on U.S. Highway 97 to USFS 7300 Road (Mountain Home Road); north on the USFS 7300 Road to the Wenatchee River at Leavenworth; down the Wenatchee River and Columbia River to the point of beginning.

Elk Area No. 2051 Tronsen (Chelan County): All of GMU 251 except that portion described as follows: Beginning at the junction of Naneum Ridge Road (WDFW Rd 9) and Ingersol Road (WDFW Rd 1); north and east on Ingersol Road to Colockum Road (WDFW Rd 10); east on Colockum Road and Colockum Creek to the intersection of Colockum Creek and the Columbia River; south on the Columbia River to mouth of Tarpiscan Creek; west up Tarpiscan Creek and Tarpiscan Road (WDFW Rd 14) and North Fork Road (WDFW Rd 10.10) to the intersection of North Fork Road and Colockum Road; southwest on Colockum Road to Naneum Ridge Road; west on Naneum Ridge Road to Ingersol Road and the point of beginning.

~~((Elk Area No. 3010 Nile (Yakima County): That part of GMUs 352 and 360 south of Upper Nile Loop Road Bridge and north of Lower Nile Loop Road Bridge (near The Woodshed Restaurant) and north and east of the Nile elk fence.))~~

Elk Area No. 3028 Cooke Creek (Kittitas County): Beginning at the junction of the Naneum Ridge and Swift Creek Road in T20N, R20E, Section 16, east on the Naneum Ridge Road to the Colockum Road; south on the Colockum and Brewton roads to the power lines in T20N, R21E, Section 29; south and west on the power lines to the Coleman Creek Road; north on the Coleman Creek Road to the Swift Creek Road and point of beginning, excluding Arthur Coffin Game Reserve.

Elk Area No. 3068 Klickitat Meadows (Yakima County): Beginning at Reservation Creek and South Fork Ahtanum Creek; west along Reservation Creek to the high point on the ridge above its headwaters; northwest to Spenser Point (as represented on the Mt. Adams DNR 100K map); northeast from Spenser Point to USFS Trail 1136; north along USFS Trail 1136 to USFS Road 615 to Darland Mt.; southeast along crest of main divide between Diamond Fork and Middle Fork Ahtanum Creek drainage to headwaters of South Fork Ahtanum Creek; east along South Fork Ahtanum Creek to Reservation Creek and point of beginning.

Elk Area No. 3721 Corral Canyon (Benton and Yakima counties): That part of GMU 372 beginning at the Yakima River Bridge on SR 241 just north of Mabton; north along SR 241 to the Rattlesnake Ridge Road (mile post #19); east on Rattlesnake Ridge Road to the Hanford Reach National Monument's (HRNM) southwest corner boundary; north along the HRNM western boundary to SR 24; continue north along the HRNM western boundary to the Columbia River; east along Columbia River (Yakima-Grant, Grant-Benton Co. lines) to Vernita Bridge on SR 24; east and south down Benton County side of Columbia River, following ordinary high water mark of shoreline, to mouth of Yakima River; west along Yakima River (upstream) to point of beginning (SR 241 Bridge).

Elk Area No. 3722 Blackrock (Benton and Yakima counties): That part of GMU 372 beginning at southern corner of the Yakima Training Center border on Columbia River, northwest of Priest Rapids Dam; southeast on southern shore of Columbia River (Priest Rapids Lake) to Priest Rapids Dam; east along Columbia River (Yakima-Grant, Grant-Benton Co. lines) to Vernita Bridge on SR 24; east and south down Benton County side of Columbia River, following ordinary high water mark of shoreline, to mouth of Yakima River; west along Yakima River (upstream) to southeast corner of the WDFW Rattlesnake Slope Wildlife Area; west along the southern boundary of the Rattlesnake Wildlife Area to the southern boundary of the Arid Lands Ecology Reserve (ALE); west along the ALE southern boundary to SR 241; south on SR 241 to the Yakima River Bridge; west along Yakima River to SR 823 (Harrison Road) south of town of Pomona; east along SR 823 (Harrison Road) to SR 821; southeast on SR 821 to Firing Center Road at I-82; east on Firing Center Road to main gate of Yakima Training Center; south and east along Yakima Training Center boundary to southern corner of Yakima Training Center boundary on Columbia River and point of beginning.

Elk Area No. 3911 Fairview (Kittitas County): Beginning at the intersection of the BPA Power Lines in T20N, R14E,

Section 36 and I-90; east along the power lines through Cle Elum to the Teanaway Road; north on the Teanaway Road to Ballard Hill Road; east on Ballard Hill Rd and Swauk Prairie Road to Hwy 970; north on Hwy 970 to Hwy 97; south on Hwy 97 to the power lines in T20N, R17E, Section 34; east on the power lines to Naneum Creek; south on Naneum Creek approximately 1/2 mile to power lines in T19N, R19E, Section 20; east ~~((and south))~~ along ~~((the))~~ BPA power lines to Colockum Pass Road in T19N, R20E, Section 16; south on Colockum Pass Road to BPA power lines in T18N, R20E, Section 6; east and south along power lines to Parke Creek Road; north on Parke Creek Road to Whiskey Jim Road; east on Whiskey Jim Road to Beacon Ridge Road; south on Beacon Ridge Road to the Vantage Highway; east along the Vantage Highway to I-90; west along I-90 to the Yakima Training Center boundary; south and west along the Yakima Training Center boundary to I-82; north on I-82 to Thrall Road; west on Thrall Road to Wilson Creek; south on Wilson Creek to Yakima River; north on Yakima River to gas pipeline crossing in T17N, R18E, Section 25; south and west on the gas pipeline to Umtanum Creek; west on Umtanum Creek to the Durr Road; north on the Durr Road to Umptaneum Road; north on Umptaneum Road to South Branch Canal; west on South Branch Canal to Bradshaw Road; west on Bradshaw Road to the elk fence; north and west along the elk fence to power line crossing in T19N, R16E, Section 10; west along the power line (south branch) to the Cabin Creek Road; east and north on Cabin Creek Road to Easton and I-90; east on I-90 to point of beginning.

Elk Area No. 3912 Old Naches (Yakima County): Starting at the elk fence and Roza Canal along the south boundary T14N, R19E, Section 8; following the elk fence to the sheep feeding site in T15N, R16E, Section 30; south on the feeding site Access Road to the Old Naches Highway; west and south on the Old Naches Highway to State Route 12 and the Naches River; down the Naches River to the Tieton River; up the Tieton River approximately 2 miles to the elk fence in T14N, R16E, Section 3; due south from the start of the elk fence to the top of the cliff; southwest along the cliff/rimrock to the irrigation canal in T14N, R16E, Section 9; southwest along the irrigation canal to the elk fence in T14N, R16E, Section 8; the elk fence to ~~((the power lines in T13N, R16E, Section 34; south along the power lines approximately 3/4 of a mile to the irrigation ditch; west along the irrigation ditch to))~~ the township line between T12N, R15E and T12N, R16E; south along the township line to the South Fork Ahtanum Creek; South Fork Ahtanum Creek to Ahtanum Creek to Yakima River; up the Yakima River to Roza Canal and point of beginning.

Elk Area No. 3944 Clemen (Yakima County): That portion of GMU 342 beginning at the junction of Highway 410 and USFS Road 1701 (Big Bald Mountain Road); north to USFS Road 1712; east on USFS Road 1712 (Clemen Ridge Road) to the elk fence gate (T15N; R17E; Section 23 NE 1/4) at the top of Austin Spur Road; south and west along the elk fence to Highway 410 to the point of beginning.

Elk Area No. 4041 Grandy Creek (Skagit County): Begin at the intersection of CP 190 Road and CP 132 Road (Section 28, T36N, R5E); east along the CP 132 Road to the CP 130 Road; east and south along CP 130 Road to CP 110 Road,

west, south and east along CP 110 Road to Childs Creek; south down Childs Creek to State Route 20; east on State Route 20 to Grandy Creek; south down Grandy Creek to the Skagit River; south on a line to South Skagit Hwy; west on South Skagit Hwy to State Route 9; north on State Route 9 to State Route 20; east on State Route 20 to Helmick Road; north on Helmick Road to CP 190 Road to CP 132 Road and the point of beginning. (WA Atlas & Gazetteer & Mt. Baker-Snoqualmie National Forest Map)

Elk Area No. 4941 Skagit River (Skagit County): Beginning at the intersection of State Route 9 and State Route 20; east on State Route 20 to Grandy Creek; south down Grandy Creek to the Skagit River; south on a line to South Skagit Highway; west on South Skagit Highway to State Route 9; north on State Route 9 to point of beginning.

Elk Area No. 5029 Toledo (Lewis and Cowlitz counties): Beginning at the Cowlitz River and State Highway 505 junction; east along the Cowlitz River to the Weyerhaeuser 1800 Road; south along Weyerhaeuser 1800 Road to Cedar Creek Road; east along Cedar Creek Road to Due Road; south on Due Road to Weyerhaeuser 1823 Road; south along Weyerhaeuser 1823 Road to the Weyerhaeuser 1945 Road; south along the Weyerhaeuser 1945 Road to the Weyerhaeuser 1900 Road; south along the Weyerhaeuser 1900 Road to the North Fork Toutle River; west along the North Fork Toutle River to the Toutle River; west on the Toutle River to the Cowlitz River; North along the Cowlitz River to the junction of State Highway 505 and the point of beginning.

Elk Area No. 5050 Curtis (Lewis County): Beginning at the Boistfort Road, State Highway 6 intersection; west to the Mauerman Road; west and southwest on the Mauerman Road to the Pe Ell/McDonald Road; south and east on the Pe Ell/McDonald Road to the Lost Valley Road; south and southeast on the Lost Valley Road to the Boistfort Road; east and north along the Boistfort Road to State Highway 6 and point of beginning.

Elk Area No. 5051 Green Mountain (Cowlitz County): Beginning at the junction of the Cowlitz River and the Toutle River; east along the Toutle River to the North Fork Toutle River; east along the North Fork Toutle River to the Weyerhaeuser 1900 Road; south along the Weyerhaeuser 1900 Road to the Weyerhaeuser 1910 Road; south along the Weyerhaeuser 1910 Road to the Weyerhaeuser 2410 Road; south along the Weyerhaeuser 2410 Road to the Weyerhaeuser 4553 Road; south along the Weyerhaeuser 4553 Road to the Weyerhaeuser 4500 Road; south along the Weyerhaeuser 4500 Road to the Weyerhaeuser 4400 Road; south along the Weyerhaeuser 4400 Road to the Weyerhaeuser 4100 Road; east along the Weyerhaeuser 4100 Road to the Weyerhaeuser 4700 Road; south along the Weyerhaeuser 4700 Road to the Weyerhaeuser 4720 Road; west along the Weyerhaeuser 4720 Road to the Weyerhaeuser 4730 Road; west along the Weyerhaeuser 4730 Road to the Weyerhaeuser 4732 Road; west along the Weyerhaeuser 4732 Road to the Weyerhaeuser 4790 Road; west along the Weyerhaeuser 4790 Road to the Weyerhaeuser 1390 Road; south along the Weyerhaeuser 1390 Road to the Weyerhaeuser 1600 Road; west along the Weyerhaeuser 1600 Road to the Weyerhaeuser Logging Rail-

road Tracks at Headquarters; west along the Weyerhaeuser Logging Railroad Track to Ostrander Creek; west along Ostrander Creek to the Cowlitz River; north along the Cowlitz River to the Toutle River and point of beginning.

Elk Area No. 5052 Mossyrock (Lewis County): Beginning at the intersection of Winston Creek Road and State Highway 12; east on State Highway 12 to the Cowlitz River; east on the Cowlitz River to Riffe Lake; southeast along the south shore of Riffe Lake to Swofford Pond outlet creek; south on Swofford Pond outlet creek to Green Mountain Road; west on Green Mountain Road to Perkins Road; west on Perkins Road to Longbell Road; south on Longbell Road to Winston Creek Road; north on Winston Creek Road to State Highway 12 and the point of beginning. (All lands owned and managed by the Cowlitz Wildlife Area are excluded from this Elk Area.)

Elk Area No. 5053 Randle (Lewis County): Beginning at the town of Randle and the intersection of U.S. Highway 12 and State Route 131 (Forest Service 23 and 25 roads); south on State Route 131 to Forest Service 25 Road; south on Forest Service 25 Road to the Cispus River; west along the Cispus River to the Champion 300 line bridge; south and west on the Champion 300 line to the Champion Haul Road; north along the Champion Haul Road to Kosmos Road; north on Kosmos Road to U.S. Highway 12; east on U.S. Highway 12 to Randle and point of beginning. (All lands owned and managed by the Cowlitz Wildlife Area are excluded from this Elk Area.)

Elk Area No. 5054 Boistfort (Lewis County): Beginning at the town of Vader; west along State Highway 506 to the Wildwood Road; north along the Wildwood Road to the Abernathy 500 line gate (Section 20, T11N, R3W, Willamette Meridian); northwest along the 500, 540, and 560 lines to the Weyerhaeuser 813 line; northwest along the 813, 812, 5000J, 5000 and 4000 lines to the Pe Ell/McDonald Road (Section 15, T12N, R4W); west along the Pe Ell/McDonald Road to the Lost Valley Road; northeast along the Lost Valley Road to the Boistfort Road; north along the Boistfort Road to the King Road; east along the King Road to the town of Winlock and State Highway 603; south along Highway 505 to Interstate 5; south along Interstate 5 to State Hwy 506; west along State Hwy 506 to the town of Vader and the point of beginning.

Elk Area No. 5055 East Valley (Wahkiakum County): Within one mile on either side of the line beginning at Wilson Creek Park on East Valley Road; west on East Valley Road to the junction with Middle Valley Road (4.5 miles); north along Middle Valley Road to the junction of Oat Field Road (2.5 miles).

Elk Area No. 5056 Grays River Valley (Wahkiakum County): On or within 1/4 mile of agricultural land in the Grays River Valley within the following sections: T10N, R7W, Sections 8, 9, 17, 18 and T10N, R8W, Sections 13, 23, 24, 26.

Elk Area No. 5057 Carlton (Lewis County): That part of 513 (South Rainier) lying east of Highway 123 and north of Highway 12.

Elk Area No. 5058 West Goat Rocks (Lewis County): Goat Rocks Wilderness west of the Pacific Crest Trail.

Elk Area No. 5059 Mt. Adams Wilderness (Skamania and Yakima counties): The Mt. Adams Wilderness.

Elk Area No. 5060 Merwin (Cowlitz County): Begin at the State Route 503 and the Longview Fibre Road WS-8000 junction; north and west on the Longview Fibre Road WS-8000 to Day Place Road; west on Day Place Road to Dubois Road; south on Dubois Road to State Route 503; east on State Route 503 to the State Route 503 and the Longview Fibre Road WS-8000 junction and point of beginning.

Elk Area No. 5090 JBH (Wahkiakum County): The mainland portion of the Julia Butler Hansen National Wildlife Refuge, as administered by the U.S. Fish and Wildlife Service as described: Beginning at the junction of State Route 4 and Steamboat Island Slough Road, northwest on Steamboat Island Slough Road to Brooks Slough Road, east on Brooks Slough Road to State Route 4, south on State Route 4 to Steamboat Slough Road and point of beginning.

Elk Area No. 5099 Mudflow (Cowlitz County): That part of GMU 522 (Loo-wit) that is within the boundary of the St. Helens Wildlife Area.

Elk Area No. 6010 Mallis (Pacific County): That part of GMUs 506, 672, and 673 within one mile either side of State Road 6 between the east end of Elk Prairie Road and the Mallis Landing Road.

Elk Area No. 6011 Centralia Mine (Lewis County): That portion of GMU 667 within Centralia Mine property boundary.

Elk Area No. 6012 Tri Valley (Grays Harbor and Mason counties): All lands within one mile of Brady-Matlock Road from State Highway 12 north to the junction with Schaefer State Park Road (east Satsop Road) and all lands within one mile of Wynoochee Valley Road from State Highway 12 north to the junction with Cougar Smith Road, and all lands within one mile of Wishkah Valley Road from north Aberdeen city limit to the junction with Wishkah-East Hoquiam Road.

Elk Area No. 6054 Puyallup River (Pierce County): That part of GMU 654 south of the Puyallup River.

Elk Area No. 6061 Twin Satsop Farms (Mason County): That portion of GMU 651 starting at the junction of the Deckerville Road and the Brady-Matlock Road; southwest to the junction with the West Boundary Road; north on West Boundary Road to the Deckerville Road; east on the Deckerville Road to the junction of Brady-Matlock Road and point of beginning. In addition, the area within a circle with a radius of two miles centered on the junction of State Route 108 and the Eich Road.

Elk Area No. 6062 South Bank (Grays Harbor County): That portion of GMU 660 (Minot Peak) described as follows: Beginning at Highway 12 and Wakefield Road Junction (South Elma); south on Wakefield Road, across the Chehalis River to the South Bank Road; southeast on the South Bank Road to Delezene Road; south on the Delezene Road to a

point one mile from the South Bank Road; southeast along a line one mile southwest of the South Bank Road to the Oakville-Brooklyn Road; east on the Oakville-Brooklyn Road to Oakville and Highway 12; northwest on Highway 12 to Wakefield Road to Elma and the point of beginning.

Elk Area No. 6063 (Grays Harbor and Jefferson counties): Private lands within Elk Area 6064 east of Highway 101.

Elk Area No. 6064 Quinault Valley (Grays Harbor and Jefferson counties): That portion of GMU 638 (Quinault) within the Quinault River watershed.

Elk Area No. 6066 Chehalis Valley (Grays Harbor County): That portion of GMU 660 (Minot Peak) beginning at Highway 12 and Highway 107 junction near Montesano; east and south on Highway 12 to Oakville; south on Oakville-Brooklyn Road to a point one mile west of South Bank Road; northwest along a line one mile southwest of South Bank Road to Delezene Road; north along Delezene Road to South Bank Road; northwest along South Bank Road to Wakefield Road; north on Wakefield Road to Chehalis River; west on Chehalis River to Highway 107 bridge; north on Highway 107 to Highway 12 and the point of beginning.

Elk Area No. 6067 North Minot (Grays Harbor County): The portion of GMU 660 (Minot Peak) beginning at the junction on State Route 107 and the Melbourne A-line, on the Melbourne A-line to the Vesta F-line; south on Vesta F-line to Vesta H-line (Vesta Creek Road); south on Vesta Creek Road to the North River Road; south and east on North River Road to the Brooklyn Road; east on Brooklyn Road to the Garrard Creek Road; east and north on Garrard Creek Road to the South Bank Road; east on South Bank to South State Street (Oakville); north on South State Street to U.S. 12; northwest and west on U.S. 12 to State Route 107; south and southwest on SR 107 to the Melbourne A-line and the point of beginning.

Elk Area No. 6068 Willapa (Grays Harbor County): That part of GMU 658 south of SR 105 between the intersection of SR 105 and Hammond Road and the SR 105 bridge over Smith Creek; and within one mile north of SR 105 west from Hammond Road and east of the SR 105 bridge over Smith Creek.

Elk Area No. 6069 Hanaford (Lewis and Thurston counties): Beginning at the intersection of Salzer Valley Road and Centralia-Alpha Road; east and north on Salzer Valley Road to Little Hanaford Road; west on Little Hanaford Road to Teitzel Road; north on Teitzel Road to Big Hanaford Road; west on Big Hanaford Road to State Route 507; north on ~~((Highway))~~ State Route 507 to Skookumchuck Road; east on Skookumchuck Road to the first bridge over the Skookumchuck River; east along the Skookumchuck River to the Skookumchuck Road bridge; east on Skookumchuck Road to the steel tower ~~((Bonneville))~~ power line; southwest along the power line to Big Hanaford Road; east and south ~~((on the))~~ along Big Hanaford Road to Weyerhaeuser Road ~~((E160-6))~~ E150; east on Weyerhaeuser Road E150 to Weyerhaeuser Road E247; south and west on Weyerhaeuser Road E247 to Weyerhaeuser Road E240 ~~((6))~~; south on Weyer-

haeuser Road E240 to North Fork Road ~~((6))~~; south on North Fork Road to Centralia-Alpha Road; west on ~~((Alpha-Centralia))~~ Centralia-Alpha Road to Salzer Valley Road and the point of ~~((origin))~~ beginning.

Elk Area No. 6071 Dungeness (Clallam County): ~~((That part of GMU 621 north and west of Jimmy Come Lately Creek and the Gray Wolf River and that part of GMU 624 west of Jimmy Come Lately Creek and east of the Dungeness River.))~~ Beginning at the mouth of the Dungeness River; east and south along the coast of the Strait of Juan De Fuca to the mouth of Jimmycomelately Creek on Sequim Bay; south and west up Jimmycomelately Creek to Don Schmith Road; north on Don Schmith Road to Palo Alto Road; west and southwest on Palo Alto Road to US Forest Service Road 2880; southwest on US Forest Service Road 2880 to the Dungeness River; north down the Dungeness River to its mouth and the point of beginning.

DEER AREAS

Deer Area No. 1010 (Columbia County): GMU 162 excluding National Forest land and the Rainwater Wildlife Area.

Deer Area No. 1020 Prescott (Columbia and Garfield counties): That portion of GMU 149 between Hwy 261 and Hwy 127.

Deer Area No. 1030 Flat Creek (Stevens County): That portion of GMU 105, beginning at the junction of Northport-Flat Creek Rd (Co. 4005) and Bull Hill Rd; north on Bull Hill Rd to USFS Rd 240; north on USFS Rd 240 to USFS Rd 230 (Belshazzar Mtn Rd); east and north on USFS Rd 230 to East Boundary of Colville National Forest at Section 24; north on Forest Boundary to Sheep Creek Rd (USFS 15, Co. 4220); west on Sheep Creek Rd to USFS Rd 170 at Kiel Springs; south on USFS Rd 170 to Lael-Flat Creek Rd (USFS 1520); south on Lael-Flat Creek Rd (USFS 1520, Co. 4181) to Northport-Flat Creek Rd; north on Northport-Flat Creek Rd to Bull Hill Rd junction and point of beginning.

Deer Area No. 1040 Summit Lake (Stevens County): That portion of GMU 105, beginning at the intersection of Sand Creek Rd (Co. 4017) and the Kettle River at the Rock Cut Bridge; north and east on Sand Cr Rd to Lael-Flat Cr Rd (Co. 4181, USFS Churchill Mine Rd, 1520); east on Lael-Flat Cr Rd (Churchill Mine Rd) to intersection with USFS Rd 15 near Fisher Cr; north and east on USFS Rd 15 to USFS Rd 180; north and west on USFS Rd 180 and continue west on Box Canyon-Deep Creek Rd (USFS Rd 030, Co. 4212) to the intersection of Box Canyon-Deep Creek Rd and the Kettle River; south on the Kettle River to the intersection of Sand Creek Rd and the Kettle River at the Rock Cut Bridge and the point of beginning.

Deer Area No. 2010 Benge (Adams County): That part of GMU 284 beginning at the town of Benge, west on Benge-Washtucna Road to Cow Creek; north along Cow Creek to McCall Road; east on McCall Road to Gering Road; east on Gering Road to Lakin Road; east on Lakin Road to Revere Road; south on Revere Road to Rock Creek; south along Rock Creek to the Palouse River; south and west along the

Palouse River to SR 26; west on SR 26 to Beckley Road; north on Beckley Road to Negro Road; north on Negro Road to Beckley Road; north on Beckley Road to Bengé-Winona Road; west on Bengé-Winona Road to Bengé and the point of beginning.

Deer Area No. 2011 Lakeview (Grant County): That part of GMU 272 beginning at the junction of SR 28 and First Avenue in Ephrata; west on First Avenue to Sagebrush Flats Road; west on Sagebrush Flats Road to Davis Canyon Road; north on Davis Canyon Road to E Road NW; north on E Road NW to the Grant-Douglas county line; east along the county line to the point where the county line turns north; from this point continue due east to SR 17; south on SR 17 to SR 28 at Soap Lake; south on SR 28 to the junction with First Avenue in Ephrata and the point of beginning.

Deer Area No. 3071 Whitcomb (Benton County): That part of GMU 372 made up by the Whitcomb Unit of the Umatilla National Wildlife Refuge.

Deer Area No. 3072 Paterson (Benton County): That part of GMU 372 made up by the Paterson Unit of the Umatilla National Wildlife Refuge.

Deer Area No. 3081 (Franklin County): That part of GMU 381 that is west of Highways 395 and 17.

Deer Area No. 4926 Guemes (Skagit County): That part of GMU 407 (North Sound) on Guemes Island.

Deer Area No. 5051 Fisher Island (Cowlitz County): The islands in the Columbia River known as Fisher Island and Hump Island in Game Management Unit 504.

**WSR 05-11-024
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 05-90—Filed May 10, 2005, 2:12 p.m., effective June 10, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Amend WAC 232-28-333 Game management units (GMUs) boundary descriptions—Region three and 232-28-352 Elk general seasons and special permits.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-333 and 232-28-352.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 05-06-107 and 05-06-108 on March 2, 2005.

Changes Other than Editing from Proposed to Adopted Version: *WAC 232-28-333 Game management units (GMUs) boundary descriptions—Region three.*

Changes, if any, from the text of the proposed rule and reasons for difference:

- The boundary for GMU 368 - Cowiche has been adjusted due to negotiations with the Yakama Nation. The changes are shown below.
 - **GMU 368-COWICHE (Yakima County):** Beginning on US Hwy 12 to US Forest Service Rd 1302 (Jump Off Rd) at Windy Point; NE and SE on US

Hwy 12 to I-82; NW on I-82 to the Yakima River; S down the Yakima River to Ahtanum Creek; W up Ahtanum Creek to the south fork of Ahtanum Creek; SW up the south fork of Ahtanum Creek to its junction with Reservation Creek; (~~SW up Reservation Creek to the high point on the ridge above its headwaters; NW to Spenser Point (as represented on the Mt. Adams DNR 100K map); SE from Spenser Point to US Forest Service Trail 1136; NE on US Forest Service Trail 1136 to US Forest Service Trail 615;~~) NW up the south fork of Ahtanum Creek to its headwaters; N along the crest of the main divide between the Diamond Fork drainage and the Middle Fork Ahtanum Creek drainage to Darland Mountain; NE on US Forest Service Trail 615 to US Forest Service Rd 1020; NE on US Forest Service Rd 1020 to US Forest Service Rd 613; NE on US Forest Service Rd 613 to US Forest Service Trail 1127; NE on US Forest Service Trail 1127 to US Forest Service Rd 1302 (Jump Off Rd), SE of the Jump Off Lookout Station; NE on US Forest Service Rd 1302 (Jump Off Rd) to US Hwy 12 and the point of beginning.

- Change the name of GMU 373 Horseheaven to Horse Heaven. This change corrects a spelling error and makes the name of the GMU consistent with reference maps.

WAC 232-28-352 2003-2005 Elk general seasons and special permits.

Changes, if any, from the text of the proposed rule and reasons for difference:

Permit Only Units

- Add Elk Area 3068 to the permit only units. This change was made to facilitate hunting seasons negotiated with the Yakama Nation.

Modern Firearm Elk, Eastern Washington

- Delete GMU 372 from the late September antlerless hunt. Change general season hunt in GMU 372 from antlerless to any elk. Add GMU 372 to the footnote regarding gaining access to private lands prior to the hunt. These changes maintain hunting opportunity adjacent to Hanford, contribute to population control, and helps address damage issues.
- Delete the general season, any elk hunt in Elk Area 3721. This time period and area is now incorporated in the correction for GMU 372 listed above. This change maintains hunting opportunity adjacent to Hanford, contributes to population control, and helps address damage issues.

Late Archery Elk, Eastern Washington

- Remove GMU 372 from late archery. Helps maintain landowner relations. Removes hunt that is not contributing to population control.

Modern Firearm Bull Permit Hunts

- As a result of annual permit-allocation formula adjustments, change permit levels for the following hunts to:

Dayton A	7
Tucannon A	2

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Wenaha A	5
Mountain View A	3
Couse A	1
Quilomene A	17
Teanaway A	10
Peaches Ridge A	142
Observatory A	77
Goose Prairie A	92
Bethel A	50
Rimrock A	109
Cowiche A	24

- Adjust the dates for the Mission A, Naneum A, Quilomene A, Teanaway A, Peaches Ridge A, Observatory A, Goose Prairie A, Bethel A, Rimrock A, Cowiche A, Margaret A, and Toutle A. These changes are calendar date adjustments that were omitted in the filing.
- Add Klickitat Meadows A, *TBA, Any Bull, EF, Elk Area 3068, 1 permit. This change was made to facilitate hunting seasons negotiated with the Yakama Nation.

Modern Firearm Elk Permit Hunts

- Adjust the dates for Aladdin A, Selkirk A, 49 Degrees North, West Bar A, West Bar B, Colockum A, Taneum A, Manastash A, Umtanum A, Cleman, Little Naches B, Nile A, Bumping B, Bethel B, Rimrock B, Cowiche B, Alkali A, Willapa Hills A, Raymond A, Winston A, Margaret B, Ryderwood A, Coweeman A, Toutle B, Marble A, Lewis River A, Siouxon A, and Chehalis Valley C. These changes are calendar date adjustments that were omitted in the filing.
- As a result of population level changes noted from analysis of harvest data and late winter aerial survey data, change permit levels for the following hunts to:

Taneum A	160
Manastash A	340
Umtanum A	340
Cleman	60
Little Naches B	220
Rimrock B	180
Cowiche B	180

- Add Klickitat Meadows B, *TBA, Spike Bull or Antlerless, EF, Elk Area 3068, 9 permits. This change was made to facilitate hunting seasons negotiated with the Yakama Nation.
- Delete Alkali B antlerless hunt. An Advanced Hunter Education (AHE) Master Hunter, antlerless hunt is proposed for August through February so this hunt is no longer needed.

Muzzleloader Bull Permit Hunts

- Adjust the dates for Margaret C and Toutle C. These changes are calendar date adjustments that were omitted in the filing.

- As a result of annual permit-allocation formula adjustments, change permit levels for the following hunts to:

Blue Creek C	1
Dayton D	1
Tucannon B	1
Wenaha B	1
Mountain View C	1
Couse D	1
Mission B	3
Quilomene B	4
Teanaway C	2
Peaches Ridge B	22
Observatory B	25
Rimrock C	17
Skokomish B	3

- Add Klickitat Meadows C *TBA, Any Bull, EM, Elk Area 3068, 1 permit. This change was made to facilitate hunting seasons negotiated with the Yakama Nation.

Muzzleloader Permit Hunts

- Add Klickitat Meadows D, *TBA, Spike Bull or Antlerless, EM, Elk Area 3068, 4 permits. This change was made to facilitate hunting seasons negotiated with the Yakama Nation.
- Change Alkali "C" to "B." Deleted old Alkali B so a "C" hunt is no longer needed.
- As a result of population level changes noted from analysis of harvest data and late winter aerial survey data, change permit levels for the following hunts to:

Umtanum B	250
Cowiche D	225
Alkali B	15

- Adjust dates for Taneum B, Manastash B, Umtanum B, Nile B, Bumping B, Bethel D, Cowiche D, Willapa Hills B, Winston B, Margaret D, Ryderwood B, Coweeman B, Toutle D, Marble B, Lewis River B, Siouxon B, Yale, and North Minot B. These changes are calendar date adjustments that were omitted in the filing.

Archery Permit Hunts

- As a result of annual permit-allocation formula adjustments, change permit levels for the following hunts to:

Blue Creek D	1
Dayton E	6
Tucannon C	2
Mountain View E	3
Couse E	1
Naneum C	25
Quilomene C	29
Teanaway E	13
Peaches Ridge C	144

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Observatory C	93
Goose Prairie C	170
Bethel E	45
Rimrock D	112
Margaret E	10
Toutle E	55
Skokomish C	10

- Add Klickitat Meadows E, *TBA, Any Bull, EA, Elk Area 3068, 1 permit. This change was made to facilitate hunting seasons negotiated with the Yakama Nation.
- Add Klickitat Meadows F, *TBA, Spike Bull or Antlerless, EA, Elk Area 3068, 9 permits. This change was made to facilitate hunting seasons negotiated with the Yakama Nation.

Advanced Hunter Education (AHE) Master Hunter Special Elk Permit Hunts:

- Change Merwin A and B hunts from Elk Area 5055 to 5060 to correct an error.

Advanced Hunter Education (AHE) Master Hunter, Second Elk Tag Hunts:

- Change to clarify that, all second elk tag hunts will not affect accumulated points.
- Change the name of the Kiona hunt to Rattlesnake Hills. The Kiona GMU has been split into two new GMUs.
- Move the Corral Canyon A, Corral Canyon B, and Blackrock A hunts from the Advanced Hunter Education (AHE) Master Hunter Special Elk Permit Hunts section to the Advanced Hunter Education (AHE) Master Hunter Second Elk Tag Hunts section. These changes will help better address elk damage and will help direct hunters to specific locations with elk damage.
- Change the Corral Canyon A hunt to Aug. 1-Sept. 14, spike bull or antlerless. This change will help better address elk damage and will help direct hunters to specific locations with elk damage.
- Change the Corral Canyon B hunt to Sept. 15-Oct. 15, spike bull or antlerless, 10 permits. This change will help better address elk damage and will help direct hunters to specific locations with elk damage.
- Add Corral Canyon C and Corral Canyon D hunts. Delete Grays River B hunt. These changes will help better address elk damage and will help direct hunters to specific locations with elk damage.
- Designate Blackrock A as a damage hunt administered by a WDFW Hunt Master. This change will help better address elk damage and will help direct hunters to specific locations with elk damage.

Footnote:

- Added the footnote: "***The commission delegates authority to establish dates and final permit types to the director. Hunters will be notified of hunt dates and final permit types on their permit." This note was added to facilitate hunting seasons negotiated with the Yakama Nation.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: April 12, 2005.

Susan Yeager
for Ron Ozment, Chair
Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 04-327, filed 1/3/05, effective 2/3/05)

WAC 232-28-333 Game management units (GMUs) boundary descriptions—Region three.

GMU 328-NANEUM (Kittitas and Chelan counties): Beginning US Hwy 97 and US Forest Service Rd 9716 at Blewett Pass; E on US Forest Service Rd 9716 to US Forest Service Rd 9712 (Liberty-Beehive Rd); E on US Forest Service Rd 9712 (Liberty-Beehive Rd) to the Naneum Ridge (Chelan-Kittitas county line) at the west boundary of Section 22, T21N, R19E; SE along the Naneum Ridge (Chelan-Kittitas county line), past Mission Peak, to Naneum Ridge Rd (WA Dept. of Fish and Wildlife Rd 9) at Wenatchee Mountain; SE on Naneum Ridge Rd (WA Dept. of Fish and Wildlife Rd 9) to Colockum Pass Rd (WA Dept. of Fish and Wildlife Rd 10); S on Colockum Pass Rd (WA Dept. of Fish and Wildlife Rd 10) to the Highline Canal (North Branch Canal); NW along the Highline Canal (North Branch Canal) to Lower Green Canyon Rd; S on Lower Green Canyon Rd to US Hwy 97; N on US Hwy 97 to Blewett Pass and the point of beginning.

GMU 329-QUILOMENE (Kittitas and Chelan counties): Beginning on the Columbia River at the mouth of Tarpiscan Creek; E from Tarpiscan Creek to the Douglas-Kittitas county line on the Columbia River; S along the Columbia River (Douglas-Kittitas county line) to a point north of Cape Horn; S from the Columbia River (Douglas-Kittitas county line) to Cape Horn; S up Cape Horn to its rim; SE along the top of Cape Horn and the rim of the West Bar Cliffs (cliffs overlooking West Bar) to WA Dept. of Fish and Wildlife Rd 14.14; E along WA Dept. of Fish and Wildlife Rd 14.14 to WA Dept. of Fish and Wildlife Rd 14.17; S along WA Dept. of Fish and Wildlife Rd 14.17 to WA Dept. of Fish and Wildlife Rd 14 rear gate; S on WA Dept. of Fish and Wildlife Rd 14 to Tekison Creek; SE along Tekison Creek its mouth on the Columbia River; E from Tekison Creek to the Grant-Kittitas county line on the Columbia River; S along Columbia

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River (Grant-Kittitas county line) to I-90 bridge at the town of Vantage; W along I-90 to Highline Canal (North Branch Canal); N on Highline Canal (North Branch Canal) to Colocum Rd (WA Dept. of Fish and Wildlife Rd 10); N on Colocum Rd to North Fork Tarpiscan Rd (WA Dept. of Fish and Wildlife Rd 10.10); E on North Fork Tarpiscan Rd to Tarpiscan Rd (WA Dept. of Fish and Wildlife Rd 14); S on Tarpiscan Rd (WA Dept. of Fish and Wildlife Rd 14) approximately 100 feet to Tarpiscan Creek; E down Tarpiscan Creek to its mouth on the Columbia River and the point of beginning.

GMU 330-West Bar (Kittitas County):

Beginning on the Columbia River at Cape Horn; S up Cape Horn to its rim; SE along the rim of Cape Horn and West Bar Cliffs (the cliffs overlooking West Bar) to WA Dept. of Fish and Wildlife Rd 14.14; E along Rd 14.14 to WA Dept. of Fish and Wildlife Rd 14.17; S along WA Dept. of Fish and Wildlife Rd 14.17 to WA Dept. of Fish and Wildlife Rd 14 near the gate; S on WA Dept. of Fish and Wildlife Rd. 14 to Tekison Creek; SE down Tekison Creek to its mouth on the Columbia River; E from Tekison Creek to the Kittitas-Grant county line on the Columbia River; N and W along the Columbia River (Kittitas-Grant then Kittitas-Douglas county lines) to a point north of Cape Horn; S from the aforesaid point in the Columbia River to Cape Horn and the point of beginning.

GMU 334-ELLENSBURG (Kittitas County):

Beginning on US Hwy 97 and Lower Green Canyon Rd; N on Lower Green Canyon Rd to Highline Canal; N, E and S along Highline Canal to I-90 and the Yakima Training Center boundary; S and W along the Yakima Training Center boundary to I-82; N on I-82 to Thrall Rd; W on Thrall Rd to Wilson Creek; S down Wilson Creek to Yakima River; N up Yakima River to Umtanum Rd; S up Umtanum Rd to the South Branch Extension Canal; W on South Branch Extension Canal to Bradshaw Rd; W on Bradshaw Rd to the elk fence; N along the elk fence to Taneum Creek; NE down Taneum Creek to the Yakima River; NE down the Yakima River to Thorp Hwy; NW along the Thorp Hwy to SR 10; SE on SR 10 to US Hwy 97 junction; N on US Hwy 97 to Lower Green Canyon Rd and point of beginning.

GMU 335-TEANAWAY (Kittitas County):

Beginning at I-90 and US Forest Service Trail 2000 (Pacific Crest Trail) at Snoqualmie Pass; N on US Forest Service Trail 2000 (Pacific Crest Trail) to the Alpine Lakes Wilderness boundary; E on the Alpine Lakes Wilderness boundary to the Chelan-Kittitas county line; E on US Forest Service Trail 1226 to US Hwy 97 at Blewett Pass; S on US Hwy 97 to SR 10; N and W on SR 10 to Thorp Hwy; SE on Thorp Hwy to Yakima River; SW up the Yakima River to Taneum Creek; SW up Taneum Creek to I-90; W on I-90 to US Forest Service Trail 2000 (Pacific Crest Trail) at Snoqualmie Pass and the point of beginning.

GMU 336-TANEUM (Kittitas County):

Beginning at US Forest Service Trail 2000 (Pacific Crest Trail) and I-90 at Snoqualmie Pass; E on I-90 to Taneum Creek; W up Taneum Creek to the south fork of Taneum Creek; W up the south fork of Taneum Creek to US Forest

Service Trail 1367; W on US Forest Service Trail 1367 to US Forest Service Trail 1363; S on US Forest Trail 1363 (Peaches Ridge Trail) to US Forest Service Trail 1388; W on US Forest Service Trail 1388 to US Forest Service Trail 2000 (Pacific Crest Trail) to Blowout Mountain; N on US Forest Service Trail 2000 (Pacific Crest Trail) to I-90 at Snoqualmie Pass and the point of beginning.

GMU 340-MANASTASH (Kittitas County):

Beginning at I-82 and SR 821; N on SR 821 to SR 823 (Harrison Rd); W on SR 823 (Harrison Rd) to Yakima River; N up Yakima River to Umtanum Creek; W up Umtanum Creek to Ellensburg-Wenas Rd; W and S along Ellensburg-Wenas Rd to North Fork Wenas Rd (Audubon Rd, W5000); NW along North Fork Wenas Rd to Barber Springs Rd; W on Barber Springs Rd to US Forest Service Trail 4W694; NW on US Forest Service Trail 4W694 to US Forest Service Trail 4W307; NW on US Forest Service Trail 4W307 to US Forest Service Trail 1388; NW on US Forest Service Trail 1388 to US Forest Service Trail 4W306; NW on US Forest Service Trail 1388 at Quartz Mountain; NW along US Forest Service Rd 1388 to US Forest Service Trail 1363 (Peaches Ridge Trail); N and E along US Forest Service Trail 1363 (Peaches Ridge Trail) to US Forest Service Trail 1367; SE along US Forest Service 1367 to South Fork Taneum Creek; E down the South Fork Taneum Creek to Taneum Creek; E down Taneum Creek to the elk fence; SE along the elk fence to Bradshaw Rd; E on Bradshaw Rd to South Branch Extension Canal; SE along the South Branch Extension Canal to Umtanum Rd; N on Umtanum Rd to Yakima River; S down the Yakima River to Wilson Creek; NE up Wilson Creek to Thrall Rd; E on Thrall Rd to I-82; SE and SW on I-82 to SR 821 and the point of beginning.

GMU 342-UMTANUM (Kittitas and Yakima counties):

Beginning at US Forest Service Rd 1701 and Barber Springs Rd (WA Dept. of Natural Resources Rd W5000) at T17N, R15E, NE 1/4 of Section 12; SE on Barber Springs Rd to the North Fork Wenas Rd (Audubon Rd); SE on the North Fork Wenas Rd to Wenas-Ellensburg Rd; NE on Wenas-Ellensburg Rd to Umtanum Creek; E down the Umtanum Creek to the Yakima River; S down the Yakima River to I-82; SE on I-82 to US Hwy 12 at the city of Yakima; NW on US Hwy 12 to SR 410; NW on SR 410 to US Forest Service Rd 1701; N on US Forest Service Rd 1701 to Barber Spring Rd-US Forest Service Trail 4W694 intersection and the point of beginning.

GMU 346-LITTLE NACHES (Yakima and Kittitas counties):

Beginning at US Forest Service Rd 1388 and US Forest Service Trail 2000 (Pacific Crest Trail) at Blowout Mountain; SE on US Forest Service Rd 1388 to US Forest Service Trail 4W306; SE on US Forest Service Trail 4W306 to US Forest Service Trail 1388; SE on US Forest Service Trail 1388 to US Forest Service Trail 4W307; SE on US Forest Service Trail 4W307 to US Forest Service Trail 4W694; E on US Forest Service Trail 4W694 to US Forest Service Rd 1701 (T17N, R15E, NW 1/4 of Section 12); S on US Forest Service Rd 1701 to SR 410; NW and SW on SR 410 to US Forest Service Trail 2000 (Pacific Crest Trail) near Chinook Pass; N

on US Forest Service Trail 2000 (Pacific Crest Trail) to US Forest Service Rd 1388 at Blowout Mountain and the point of beginning.

GMU 352-NILE (Yakima County):

Beginning on the Bumping Lake Rd and SR 410; E and S on SR 410 to the Lower Nile Loop Rd; W and N on the Lower Nile Loop Rd to US Forest Service Rd 1500; W on US Forest Service Rd 1500 to US Forest Service Rd 1502 (McDaniel Lake Rd); W on the US Forest Service Rd 1502 (McDaniel Lake Rd) to Rattlesnake Creek; N down Rattlesnake Creek to the North Fork of Rattlesnake Creek; W up the North Fork of Rattlesnake Creek to US Forest Service Trail 973 (Richmond Mine Rd); N on US Forest Service Trail 973 (Richmond Mine Trail) to US Forest Service Rd 1800 (Bumping Lake Rd); N on the US Forest Service Rd 1800 (Bumping Lake Rd) to SR 410 and the point of beginning.

GMU 356-BUMPING (Yakima County):

Beginning on US Forest Service Trail 2000 (Pacific Crest Trail) and SR 410 at Chinook Pass; NE on SR 410 to US Forest Service Rd 1800 (Bumping Lake Rd); SW on the US Forest Service Rd 1800 (Bumping Lake Rd) to US Forest Service Trail 973 (Richmond Mine Rd); SE on US Forest Service Trail 973 (Richmond Mine Rd) to the north fork of Rattlesnake Creek; SE down the north fork of Rattlesnake Creek to US Forest Service Rd 1502 (McDaniel Lake Rd); SE on US Forest Service Rd 1502 (McDaniel Lake Rd) to US Forest Service Rd 1500; S on US Forest Service Rd 1500 to US Hwy 12; W on US Hwy 12 to US Forest Service Trail 2000 (Pacific Crest Trail) at White Pass; N on the US Forest Service Trail 2000 (Pacific Crest Trail) to SR 410 at Chinook Pass and the point of beginning. (Lands within the boundary of Mt. Rainier National Park along the Pacific Crest Trail are not open to hunting.)

GMU 360-BETHEL (Yakima County):

Beginning on SR 410 and the Lower Nile Loop Rd; SE on SR 410 to US Hwy 12; SW on US Hwy 12 to US Forest Service Rd 1500; N and E on US Forest Service Rd 1500 to Nile Loop Rd; SE on Nile Loop Rd to SR 410, southeast of the town of Nile, and the point of beginning.

GMU 364-RIMROCK (Yakima County):

Beginning on US Forest Service Trail 2000 (Pacific Crest Trail) and US Hwy 12 at White Pass; E on US Hwy 12 to US Forest Service 1302 (Jump Off Rd) at Windy Point; SW on US Forest Service 1302 (Jump Off Rd) to US Forest Service Trail 1127, southeast of the Jump Off Lookout; SW on US Forest Service Trail 1127 to US Forest Service Rd 613; SW on US Forest Service Rd 613 to US Forest Service Rd 1020; SW on US Forest Service Rd 1020 to US Forest Service Rd 615; SW on US Forest Service Rd 615 to US Forest Service Trail 1136; SW on US Forest Service Trail 1136 to its southernmost point; W from US Forest Service Trail 1136 to Spenser Point; NW on the Yakama Indian reservation boundary from Spenser Point to the US Forest Service Trail 2000 (Pacific Crest Trail); N on the US Forest Service Trail 2000 (Pacific Crest Trail) to US Hwy 12 at White Pass and the point of beginning.

GMU 368-COWICHE (Yakima County):

Beginning on US Hwy 12 to US Forest Service Rd 1302 (Jump Off Rd) at Windy Point; NE and SE on US Hwy 12 to I-82; NW on I-82 to the Yakima River; S down the Yakima River to Ahtanum Creek; W up Ahtanum Creek to the south fork of Ahtanum Creek; SW up the south fork of Ahtanum Creek to its junction with Reservation Creek; (~~SW up Reservation Creek to the high point on the ridge above its headwaters; NW to Spenser Point (as represented on the Mt. Adams DNR-100K map); SE from Spenser Point to US Forest Service Trail 1136; NE on US Forest Service Trail 1136 to US Forest Service Trail 615;~~) NW up the south fork of Ahtanum Creek to its headwaters; N along the crest of the main divide between the Diamond Fork drainage and the Middle Fork Ahtanum Creek drainage to Darland Mountain; NE on US Forest Service Trail 615 to US Forest Service Rd 1020; NE on US Forest Service Rd 1020 to US Forest Service Rd 613; NE on US Forest Service Rd 613 to US Forest Service Trail 1127; NE on US Forest Service Trail 1127 to US Forest Service Rd 1302 (Jump Off Rd), SE of the Jump Off Lookout Station; NE on US Forest Service Rd 1302 (Jump Off Rd) to US Hwy 12 and the point of beginning.

GMU 371-ALKALI (Kittitas and Yakima counties):

Beginning at the Vantage Bridge where I-90 crosses the Columbia River; S down the Columbia River (Kittitas-Grant and Grant-Yakima county line) to the Priest Rapids Dam; NW on the southern shore of the Columbia River (Priest Rapids Lake) to the Yakima Training Center boundary; S and W along the Yakima Training Center boundary to the main gate on Firing Center Rd; W along Firing Center Rd to I-82; N along I-82 to Yakima Training Center boundary at Vanderbuilt Gap; N and E along the Yakima Training Center boundary to I-90; E on I-90 to the Vantage Bridge on Columbia River and the point of beginning.

~~(GMU 372-KIONA (Benton and Yakima counties):~~

~~Beginning at southern corner of Yakima Training Center border on the Columbia River, northwest of the Priest Rapids Dam; SE on the southern shore of the Columbia River (Priest Rapids Lake) to the Priest Rapids Dam; E along the Columbia River (Yakima-Grant, Grant-Benton county lines) to the Vernita Bridge on SR 24; E and S down the Benton County side of the Columbia River, following the ordinary high water mark of the shoreline, to the mouth of the Yakima River; NE from the mouth of the Yakima River to the Franklin-Benton county line in the Columbia River; SE down the Columbia River (Franklin-Benton and Benton-Walla-Walla county lines) to the Washington-Oregon state line; W on the Columbia River (Washington-Oregon state line) from the southern junction of the Benton-Walla-Walla county lines to Alder Creek (including all islands in the Columbia River north of the Oregon state line and between Alder Creek and the junction of the Benton-Walla-Walla county lines); N on Alder Creek to SR 14; E on SR 14 to Alderdale Rd; N on the Alderdale Rd to Ridge Rd; W and S on Ridge Rd to Donaho Rd; W on Donaho Rd to Mabton-Bickleton Hwy (Glade Rd); N on Mabton-Bickleton Rd to the power transmission lines; SW on the power transmission lines to the power line access road in Section 3, T6N, R20E; N on power line access road to Yakama reservation Road 272 at the Yakama Indian reserva-~~

tion boundary; NE on the Yakama Indian reservation boundary to the Mabton Sunnyside Rd; N on the Mabton Sunnyside Rd to the Yakima River; NW up the Yakima River to SR 823 (Harrison Rd) south of the town of Pomona; E along SR 823 (Harrison Rd) to SR 821; SE on SR 821 to Firing Center Rd at I-82; E on Firing Center Rd to the main gate of the Yakima Training Center; S and E along the Yakima Training Center boundary to southern corner of the Yakima Training Center boundary on the Columbia River and the point of beginning. (The Hanford Nuclear Reservation is closed to all unauthorized public entry.))

GMU 372 RATTLESNAKE HILLS (Benton and Yakima counties):

Beginning at southern corner of Yakima Training Center border on the Columbia River, northwest of the Priest Rapids Dam; SE on the southern shore of the Columbia River (Priest Rapids Lake) to the Priest Rapids Dam; E along the Columbia River (Yakima-Grant, Grant-Benton county lines) to the Vernita Bridge on SR 24; E and S down the Benton County side of the Columbia River, following the ordinary high water mark of the shoreline, to the mouth of the Yakima River; NW up the Yakima River to SR 823 (Harrison Rd) south of the town of Pomona; E along SR 823 (Harrison Rd) to SR 821; SE on SR 821 to Firing Center Rd at I-82; E on Firing Center Rd to the main gate of the Yakima Training Center; S and E along the Yakima Training Center boundary to southern corner of the Yakima Training Center boundary on the Columbia River and the point of beginning.

GMU 373-HORSE HEAVEN (Benton and Yakima counties):

Beginning at the mouth of the Yakima River and Columbia River; SE down the Columbia River (Franklin-Benton and Benton-Walla Walla county lines) to the Washington-Oregon state line; W on the Columbia River (Washington-Oregon state line) from the southern junction of the Benton-Walla Walla county lines to Alder Creek (including all islands in the Columbia River north of the Oregon state line and between Alder Creek and the junction of the Benton-Walla Walla county lines); N on Alder Creek to SR 14; E on SR 14 to Alderdale Rd; N on the Alderdale Rd to Ridge Rd; W and S on Ridge Rd to Donaho Rd; W on Donaho Rd to Mabton-Bickleton Hwy (Glade Rd); N on Mabton-Bickleton Rd to the power transmission lines; SW on the power transmission lines to the power line access road in Section 3, T6N, R20E; N on power line access road to Yakama reservation Road 272 at the Yakama Indian reservation boundary; NE on the Yakama Indian reservation boundary to the Mabton-Sunnyside Rd; N on the Mabton-Sunnyside Rd to the Yakima River; E along the Yakima River the point of beginning.

GMU 381-ESQUATZEL (Franklin, Grant and Adams counties):

Beginning at the Vernita Bridge on SR 24 and the west shore of the Columbia River Grant-Benton county line; N and E on SR 24 to Muse Rd; E on Muse Rd to Mail Rd; E on Mail Rd to Scootney Rd; N on Scootney Rd to SR 17; N on SR 17 to SR 26; E on SR 26 to Old SR 26; E on Old SR 26 to the Palouse River (Whitman-Franklin county line); S down the Palouse River to Snake River (Franklin-Walla Walla county line); W and SW down the Snake River to the Columbia

River (Franklin-Benton-Walla Walla county line junction); NW up the Columbia River (Franklin-Benton county line) to a point northeast of the mouth of the Yakima River where it joins the Columbia River; SW to the mouth of the Yakima River; N and W up the Benton county side of the Columbia River, following the ordinary high water mark of the shoreline, to the mouth of the Vernita Bridge on SR 24 and the point of beginning. (Certain portions of the Hanford Reach National Monument are closed to public entry. The Hanford Nuclear Reservation and the Saddle Mountain National Wildlife Refuge are closed to unauthorized public entry.)

GMU 382-EAST KLIKITAT (Klickitat County):

Beginning at the US Hwy 97 Bridge on the Columbia River at the town of Maryhill; N on US Hwy 97 to the Yakama Indian reservation at Satus Pass; E along the Yakama Indian reservation boundary to Yakama Reservation Rd 272 and the power line access road; S and E on the power line access road to the electrical transmission lines; N and E on the electrical transmission lines to the Mabton-Bickleton Hwy (Glade Rd); S on the Mabton-Bickleton Hwy to Donaho Rd; E on Donaho Rd to Ridge Rd; E and N on Ridge Rd to Alderdale Rd; SE and S on Alderdale Rd to SR 14; W on SR 14 to Alder Creek; S down Alder Creek to the Columbia River; W down the Columbia River to the US Hwy 97 Bridge at the town of Maryhill and the point of beginning including all islands in the Columbia River both north of the Washington-Oregon state line and between Alder Creek and the US Hwy 97 Bridge at Maryhill.

AMENDATORY SECTION (Amending Order 04-98, filed 5/12/04, effective 6/12/04)

WAC 232-28-352 2003-2005 Elk general seasons and special permits.

Bag Limit: One (1) elk per hunter during the license year except where otherwise permitted by fish and wildlife commission rule.

Hunting Method: Elk hunters must select only one of the hunting methods (modern firearm, archery, or muzzleloader).

Elk Tag Areas: Elk hunters must choose either Eastern or Western Washington to hunt in and buy the appropriate tag for that area.

Any Bull Elk Seasons: Open only to the taking of elk with visible antlers (bull calves are illegal).

Spike Bull Restrictions: Bull elk taken in these GMUs must have at least one antler that is a spike above the ears (does not branch above ears). An animal with branched antlers on both sides is illegal but an animal with a spike on one side is legal in spike only units.

Spike Only GMUs: 145-154, 162-186, 249-251, 328, 329, and 335-368.

3 Point Restriction: Legal bull elk taken must have at least 3 antler points on one side only. Antler points may include eye guards, but at least 2 antler points must be on the upper half of the main beam. All antler points must be at least one (1) inch long, measured from the antler tip to nearest edge of

the beam. Antler restrictions apply to all hunters during any open season.

3 Point GMUs: All of Western Washington except for GMUs 454, 564, 568, 574, 578, 588, and Elk Area 4941.

Permit Only Units: The following GMUs are closed during general seasons: 157, 371, 485, 522, 524, 556, 621, ((and)) 636, and Elk Area 3068.

GMUs Closed to Elk Hunting: 418, 437 (except for Elk Area 4941), and 490.

Private Lands Wildlife Management Areas (PLWMAs): Buckrun (PLWMA 201), Kapowsin (PLWMA 401), and Merrill and Ring (PLWMA 600) are closed to hunting, except by permit or written permission from the landowner.

Special Permits: Only hunters with elk tag prefix identified in the Special Elk Permits tables may apply for special bull or antlerless permits. Please see permit table for tag eligibility. Hunters drawn for a special permit may hunt only with a weapon in compliance with their tag and during the dates listed for the hunt.

Elk Tag Areas

Eastern Washington: All 100, 200, and 300 GMUs except permit only for all hunters in GMUs 157 and 371. Modern firearm restrictions in GMU 334.

EA - Eastern Washington Archery Tag

EF - Eastern Washington Modern Firearm General Elk Tag

EM - Eastern Washington Muzzleloader Tag

Western Washington: All 400, 500, and 600 GMUs except closed in GMUs 418, 437 (except for Elk Area 4941), 490, and modern firearm restrictions in portions of GMU 660. GMU 554 is open only for early archery and muzzleloader seasons. Elk Area 6063 in GMU 638 (Quinault) is open to AHE hunters only. Elk hunting by permit only in GMUs 485, 522, 524, 556, 621, 636, and PLWMAs 401 and 600.

WA - Western Washington Archery Tag

WF - Western Washington Modern Firearm General Elk Tag

WM - Western Washington Muzzleloader Tag

Modern Firearm Elk Seasons

License Required: A valid big game hunting license with an elk tag option.

Tag Required: Valid modern firearm elk tag as listed below on his/her person for the area hunted.

Hunting Method: May use modern firearm, bow and arrow, or muzzleloader, but only during modern firearm seasons.

Hunt Area	Elk Area	Game Management Units (GMUs)	2003 Dates	2004 Dates	2005 Dates	Legal Elk
Eastern Washington	EF	111, 113, 117	Oct. 25 - Nov. 2	Oct. 30 - Nov. 7	Oct. 29 - Nov. 6	Any bull
		157, 371				Permit only
		145 through 154, 162 through 186, 249, 251, 328, 329, 335 through 368	Oct. 25 - Nov. 2	Oct. 30 - Nov. 7	Oct. 29 - Nov. 6	Spike bull
		((372)) Elk Area 3722*	Sept. 2-15	Sept. 7-19	Sept. 17-30	Antlerless
		372	Oct. 6-19	Oct. 4-17	Oct. 29 - Nov. 6	((Antlerless)) Any Elk
			((Oct. 25 - Nov. 2))	((Oct. 30 - Nov. 7))		((Any elk))
		*GMU 372 and Elk Area 3722 are mainly private property. hunters are not advised to try hunting these areas without making prior arrangements for access.				
		101, 105, 108, 121 through 142, and 382	Oct. 25 - Nov. 2	Oct. 30 - Nov. 7	Oct. 29 - Nov. 6	Any elk
Western Washington	WF	407, 448, 460, 466, 503 through 520, 530, 550, 558, 560, 572, 601 through 618, 624 (except for Elk Area 6071), 627 through 633, 638 through 663, and 667 through 684. Except AHE master hunters only in Elk Area 6063	Nov. 1-9	Nov. 6-14	Nov. 5-13	3 pt. min.
		501	Nov. 1-9	Nov. 6-14	Nov. 5-13	3 pt. min. or antlerless
		564, 568, 574 through 588, 666	Nov. 1-9	Nov. 6-14	Nov. 5-13	Any elk
		454	Nov. 1-9	Nov. 6-14	Nov. 5-13	Any bull
		485, 522, 524, 556, 621, 636, Elk Area 6071, and PLWMAs 401 and 600				Permit only

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Archery Elk Seasons

License Required: A valid big game hunting license with an elk tag option.

Tag Required: Valid archery elk tag as listed below on his/her person for the area hunted.

Hunting Method: Bow and arrow only as defined by WAC 232-12-054.

Special Notes: Archery tag holders can hunt only during archery seasons and must hunt with archery equipment (WAC 232-12-054). Archery elk hunters may apply for special bull permits. Please see permit table for tag eligibility for all elk permits.

Hunt Area	Elk Tag	Game Management Units (GMUs)	2003 Dates	2004 Dates	2005 Dates	Legal Elk
Early Archery Elk Seasons						
Eastern Washington	EA	101 through 142, 243, 247, 249, 250, 334	Sept. 8-21	Sept. 8-21	Sept. 8-21	Any elk
		145, 149, 162, 163 through 172, 178 through 186, 328, 329, and 335	Sept. 8-21	Sept. 8-21	Sept. 8-21	Spike bull
		154, Elk Area 1010, Elk Area 1012, Elk Area 1013, 175, 330, 336, 340, 352, 356, 364	Sept. 8-21	Sept. 8-21	Sept. 8-21	Spike bull or antlerless
Western Washington	WA	454, 564, 568, 574, 578, 588, 652, 666	Sept. 8-21	Sept. 8-21	Sept. 8-21	Any elk
		407, 448, 501 through 505, 550, 554, 558, 560, 572, 624, except for Elk Area 6071, Elk Area 6061, 654, 660, 663, 667 through 673, 684, and 699	Sept. 8-21	Sept. 8-21	Sept. 8-21	3 pt. min. or antlerless
		460, 466, 506, 510, 513, 516, 520, 530, 601, 602, 603, 607, 612 through 618, 627, 633, 638 through 648, 651, 653, 658, and 681. AHE hunters only in Elk Area 6063. Permit only in PLWMA 600 in GMU 603	Sept. 8-21	Sept. 8-21	Sept. 8-21	3 pt. min.
Late Archery Elk Seasons						
Eastern Washington	EA	101, 105, 117 through 127	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Any elk
		((372	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Any elk))
		178, 186	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Antlerless only
		328, 335		Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Spike bull
		336, 346, 352, 364, 368	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Spike bull or antlerless
	((Elk Area 3010	Nov. 20 - Jan. 31, 2004	Nov. 20 - Jan. 31, 2005	Nov. 20 - Jan. 31, 2006	Antlerless-only))	
Western Washington	WA	407, 503, 505, 667, 672, 681, Elk Area 6066 in GMU 660, and 699. Elk Area 6064, except AHE master hunters only in Elk Area 6063 in GMU 638	Nov. 19 - Dec. 15	Nov. 24 - Dec. 15	Nov. 23 - Dec. 15	3 pt. min. or antlerless
		454, 564, 588, 666	Nov. 19 - Dec. 15	Nov. 24 - Dec. 15	Nov. 23 - Dec. 15	Any elk
		603, 612, 615, 638, and 648, except closed in PLWMA 600 in GMU 603	Nov. 19 - Dec. 15	Nov. 24 - Dec. 15	Nov. 23 - Dec. 15	3 pt. min.
		506, 520, 530	Nov. 19 - Dec. 7	Nov. 24 - Dec. 7	Nov. 23 - Dec. 7	3 pt. min. or antlerless
		506, 520, 530	Dec. 8-15	Dec. 8-15	Dec. 8-15	3 pt. min.

Muzzleloader Elk Seasons

License Required: A valid big game hunting license with an elk tag option.

Tag Required: Valid muzzleloader elk tag as listed below on his/her person for the area hunted.

Hunting Method: Muzzleloader only as defined by WAC 232-12-051.

Special Notes: Muzzleloader tag holders can only hunt during the muzzleloader seasons and must hunt with muzzleloader equipment. Only hunters with tags identified in the Special Elk Permits tables may apply for special elk permits.

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Hunt Area	Elk Tag	Game Management Units (GMUs)	2003 Dates	2004 Dates	2005 Dates	Legal Elk
Early Muzzleloader Elk Seasons						
Eastern Washington	EM	111, 113, 247	Oct. 4-10	Oct. 2-8	Oct. 1-7	Any bull
		101 through 108, 121 through 142	Oct. 4-10	Oct. 2-8	Oct. 1-7	Any elk
		172, 245, 250, Elk Area 2051, 335 through 342, 352 through 360, 368	Oct. 4-10	Oct. 2-8	Oct. 1-7	Spike bull
Western Washington	WM	454, 564, 568, 574, 578, 666, 684	Oct. 4-10	Oct. 2-8	Oct. 1-7	Any elk
		460, 504, 513, 530, 554, 602, 603, 607, 654, 660, 672	Oct. 4-10	Oct. 2-8	Oct. 1-7	3 pt. min.
		501, 652, 663, 667	Oct. 4-10	Oct. 2-8	Oct. 1-7	3 pt. min. or antlerless
Late Muzzleloader Elk Seasons						
Eastern Washington	EM	130 through 142	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Any elk
Western Washington	WM	501, 503, 505, 652	Nov. 19 - Dec. 8	Nov. 24 - Dec. 8	Nov. 23 - Dec. 8	3 pt. min. or antlerless
		454, 564, 568, 666, 684	Nov. 19 - Dec. 15	Nov. 24 - Dec. 15	Nov. 23 - Dec. 15	Any elk
		574, 578	Nov. 19-30	Nov. 24-30	Nov. 23-30	Any elk
		504, 550, 601, 667	Nov. 19 - Dec. 15	Nov. 24 - Dec. 15	Nov. 23 - Dec. 15	3 pt. min.

Special Elk Hunts Open to Specified Tag Holders

License Required: A valid big game hunting license with an elk tag option.

Tag Required: Proper elk tags are listed with each GMU below.

Hunting Method: Hunters must use method listed on their tag, except in firearm restriction areas, where some types of weapons are banned from use. See elk tag required, dates, and legal elk in table below. In firearm restriction areas modern firearm hunters may hunt with a muzzleloader equipped with a scope.

Hunt Area	Elk Tag	Game Management Units (GMUs)	2003 Dates	2004 Dates	2005 Dates	Legal Elk
Eastern Washington	EA, EM, EF	127 through 142, advanced hunter education master hunters only	Dec. 9-31	Dec. 9-31	Dec. 9-31	Any elk
		203-248, 250, 254-290, 373, and 381 except closed within 1/2 mile of the Columbia River in Douglas and Grant counties	Oct. 28 - Nov. 15	Oct. 30 - Nov. 15	Oct. 29 - Nov. 15	Any elk
	EA, EM, EF	371, Elk Areas 3911 and 3912 advanced hunter education master hunters only	Aug. 1 - Feb. 28, 2004	Aug. 1 - Feb. 28, 2005	Aug. 1 - Feb. 28, 2006	Antlerless only
		((371 advanced hunter education master hunters only))		((Oct. 11 - Nov. 19))		((Antlerless only))
Western Washington	WM	Elk Area 4941 (muzzleloader only)	Nov. 1 - Jan. 31, 2004	Nov. 1 - Jan. 31, 2005	Nov. 1 - Jan. 31, 2006	Any elk
	WA	Elk Area 4941 (archery only)	Oct. 1-31	Oct. 1-31	Oct. 1-31	Any elk

Special Elk Permit Hunting Seasons

(Open to Permit Holders Only)

Permit hunters may hunt only with a weapon in compliance with their tag. Applicants must have purchased the proper tag for these hunts (see elk tag prefix required to apply for each hunt).

Hunt Name	((2004)) 2005 Permit Season	Special Restrictions	Elk Tag Prefix	Boundary Description	((2004)) 2005 Permits
Modern Firearm Bull Permit Hunts (Only modern firearm elk tag holders may apply.)					
Blue Creek A	((Oct. 25 - Nov. 7)) Oct. 24 - Nov. 6	Any bull	EF	GMU 154	((3)) 2
Watershed	((Oct. 30 - Nov. 7)) Oct. 24 - Nov. 6	3 pt. min. or Antlerless	EA, EF, EM	GMU 157	40
Dayton A	((Oct. 25 - Nov. 7)) Oct. 24 - Nov. 6	Any bull	EF	GMU 162	((3)) 1
Tucannon A	Oct. 24 - Nov. 6	Any bull	EF	Elk Area 1014	2
Wenaha A	((Oct. 25 - Nov. 7)) Oct. 24 - Nov. 6	Any bull	EF	GMU 169	((4)) 2

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Hunt Name	((2004)) 2005 Permit Season	Special Restrictions	Elk Tag Prefix	Boundary Description	((2004)) 2005 Permits
Mountain View A	((Oct. 25 - Nov. 7)) Oct. 24 - Nov. 6	Any bull	EF	GMU 172	((5)) 3
Couse A	Oct. 24 - Nov. 6	Any bull	EF	GMU 181	1
Mission A	((Oct. 25 - Nov. 7)) Oct. 24 - Nov. 6	Any bull	EF	GMU 251	((40)) 7
Naneum A	((Oct. 25 - Nov. 7)) Oct. 24 - Nov. 6	Any bull	EF	GMU 328	19
Quilomene A	((Oct. 25 - Nov. 7)) Oct. 24 - Nov. 6	Any bull	EF	GMU 329	((18)) 17
Teanaway A	((Oct. 25 - Nov. 7)) Oct. 24 - Nov. 6	Any bull	EF	GMU 335	((42)) 10
Peaches Ridge A	((Oct. 25 - Nov. 7)) Oct. 24 - Nov. 6	Any bull	EF	GMUs 336, 346	((152)) 142
Little Naches A	Oct. 1-10	Any bull	EF	GMU 346	20
Observatory A	((Oct. 25 - Nov. 7)) Oct. 24 - Nov. 6	Any bull	EF	GMUs 340, 342	77
Goose Prairie A	((Oct. 25 - Nov. 7)) Oct. 24 - Nov. 6	Any bull	EF	GMUs 352, 356	((94)) 92
Bethel A	((Oct. 25 - Nov. 7)) Oct. 24 - Nov. 6	Any bull	EF	GMU 360	((48)) 50
Rimrock A	((Oct. 25 - Nov. 7)) Oct. 24 - Nov. 6	Any bull	EF	GMU 364	((118)) 109
Cowiche A	((Oct. 25 - Nov. 7)) Oct. 24 - Nov. 6	Any bull	EF	GMU 368	((25)) 24
Klickitat Meadows A	TBA**	Any bull	EF	Elk Area 3068	1
Green River	((Oct. 30 - Nov. 5)) Oct. 29 - Nov. 4	Any bull	WF	GMU 485	1
Margaret A	Nov. ((6-14)) 5-13	3 pt. min.	WF	GMU 524	22
Toutle A	Nov. ((6-14)) 5-13	3 pt. min.	WF	GMU 556	87
Matheny	Oct. 1-10	3 pt. min.	WA, WF, WM	GMU 618	3
Olympic A	Nov. 1-9	3 pt. min.	WF	GMU 621, EXCEPT for Elk Area 6071	21
Skokomish A	Nov. 1-9	3 pt. min.	WF	GMU 636	((6)) 12
Modern Firearm Elk Permit Hunts (Only modern firearm elk tag holders may apply.)					
Aladdin A	((Oct. 30 - Nov. 7)) Oct. 29 - Nov. 6	Any elk	EF	GMU 111	10
Selkirk A	((Oct. 30 - Nov. 7)) Oct. 29 - Nov. 6	Any elk	EF	GMU 113	10
49 Degrees North	((Oct. 30 - Nov. 7)) Oct. 29 - Nov. 6	Any elk	EF	GMU 117	15
Blue Creek B	((Oct. 30 - Nov. 7)) Oct. 29 - Nov. 6	Antlerless	EF	GMUs 149, 154	100
Dayton B	((Oct. 30 - Nov. 7)) Oct. 29 - Nov. 6	Antlerless	EF	GMU 163 and Elk Area 1011	200
Dayton C	((Oct. 30 - Nov. 7)) Oct. 29 - Nov. 6	Antlerless	EF	GMU 149 and Elk Area 1012	((75)) 100
Peola	Oct. 29 - Nov. 6	Antlerless	EF	GMU 178	50
Couse ((A)) B	((Sept. 1-10)) Oct. 29 - Nov. 6	Antlerless	EF	GMU 181	25
Couse ((B)) C	Oct. 1-10	Antlerless	EF	GMU 181	25
Mountain View B	((Oct. 30 - Nov. 7)) Oct. 29 - Nov. 6	Antlerless	EF	Elk Area 1013	((50)) 60
Lick Creek A	((Oct. 30 - Nov. 7)) Oct. 29 - Nov. 6	Antlerless	EF	GMU 175	25
Malaga A	((Aug. 14 - Sept. 26)) Aug. 13 - Sept. 25	Antlerless	EF	Elk Area 2032	100
Malaga B	((Sept. 6 - Oct. 1)) Sept. 5-30	Any elk	EF	Elk Area 2032	10
Malaga C	((Nov. 8 - Feb. 28, 2005)) Nov. 7 - Feb. 28, 2006	Antlerless	EF	Elk Area 2032	150

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Hunt Name	((2004)) 2005 Permit Season	Special Restrictions	Elk Tag Prefix	Boundary Description	((2004)) 2005 Permits
Malaga D	((Nov. 8 - Dec. 19)) Nov. 7 - Dec. 18	Any elk	EF	Elk Area 2032	10
Malaga E	((Dec. 20 - Feb. 28, 2005)) Dec. 19 - Feb. 28, 2006	Any elk	EF	Elk Area 2032	15
Peshastin A	Aug. ((16-25)) 15-31	Antlerless	EF	Elk Area 2033	20
Peshastin B	Sept. 15 - Oct. 1	Antlerless	EF	Elk Area 2033	20
Peshastin C	Sept. 22-30	Any elk	EF	Elk Area 2033	5
Peshastin D	Nov. 30 - Feb. 28, ((2005)) 2006	Antlerless	EF	Elk Area 2033	30
Peshastin E	Dec. 15 - Feb. 28, ((2005)) 2006	Any elk	EF	Elk Area 2033	10
West Bar A	((Oct. 30 - Nov. 3)) Oct. 29 - Nov. 2	Antlerless	EF	GMU 330	5
West Bar B	Nov. ((4-7)) 3-6	Antlerless	EF	GMU 330	5
Colockum A	Oct. ((9-15)) 8-14	Antlerless	EF	Elk Area 3028	35
Taneum A	Nov. ((3-7)) 2-6	Antlerless	EF	GMU 336	((175)) 160
Manastash A	Nov. ((3-7)) 2-6	Antlerless	EF	GMU 340	((375)) 340
Umtanum A	Nov. ((3-7)) 2-6	Antlerless	EF	GMU 342	((375)) 340
Cleman	Dec. ((9-31)) 1-15	Antlerless	EF	Elk Area 3944	((70)) 60
Little Naches B	Nov. ((3-7)) 2-6	Antlerless	EF	GMU 346	((225)) 220
Nile A	Nov. ((3-7)) 2-6	Antlerless	EF	GMU 352	50
Bumping B	Nov. ((3-7)) 2-6	Antlerless	EF	GMU 356	100
Bethel B	Nov. ((3-7)) 2-6	Antlerless	EF	GMU 360	100
Rimrock B	Nov. ((3-7)) 2-6	Antlerless	EF	GMU 364	((200)) 180
Cowiche B	Nov. ((3-7)) 2-6	Antlerless	EF	GMU 368	((200)) 180
Klickitat Meadows B	TBA**	Spike bull or antlerless	EF	Elk Area 3068	9
Alkali A	((Oct. 25 - Nov. 7)) Oct. 24 - Nov. 6	Any elk	EF	GMU 371	25
((Alkali B	Sept. 7-30	Antlerless	EF	GMU 371	25))
Willapa Hills A	Nov. ((6-14)) 5-13	Antlerless	WF	GMU 506	35
Raymond A	Nov. ((6-10)) 5-10	3 pt. min. or antlerless	WF	Elk Area 6010	20
Raymond B	Dec. 16-31	Antlerless	WF	Elk Area 6010	30
Raymond C	Jan. 1-31, ((2004)) 2006	Antlerless	WF	Elk Area 6010	15
Raymond D	Feb. 1-28, ((2004)) 2006	Antlerless	WF	Elk Area 6010	15
Winston A	Nov. ((6-14)) 5-13	Antlerless	WF	GMU 520	12
Margaret B	Nov. ((6-14)) 5-13	Antlerless	WF	GMU 524	25
Ryderwood A	Nov. ((6-14)) 5-13	Antlerless	WF	GMU 530	32
Coweeman A	Nov. ((6-14)) 5-13	Antlerless	WF	GMU 550	15
Toutle B	Nov. ((6-14)) 5-13	Antlerless	WF	GMU 556	35
Marble A	Nov. ((6-14)) 5-13	Antlerless	WF	GMU 558	50
Carlton	Oct. 1-10	3 pt. min.	WF	Elk Area 5057	5
West Goat Rocks	Oct. 1-10	3 pt. min.	WF	Elk Area 5058	5
Mt. Adams	Oct. 1-10	3 pt. min.	WF	Elk Area 5059	5
Lewis River A	Nov. ((6-14)) 5-13	Antlerless	WF	GMU 560	60
Siouxon A	Nov. ((6-14)) 5-13	Antlerless	WF	GMU 572	40
((Twin Satsop A	Dec. 1-15	Antlerless	WF	Elk Area 6064	30
Twin Satsop B	Jan. 5-15, 2004	Antlerless	WF	Elk Area 6064	40))
Chehalis Valley A	Sept. 15-30	Antlerless	WF	Elk Area 6066	10
Chehalis Valley B	Oct. 1-31	Antlerless	WF	Elk Area 6066	10
Chehalis Valley C	Nov. ((6-10)) 5-10	Antlerless	WF	Elk Area 6066	30
Chehalis Valley D	Nov. 15-30	Antlerless	WF	Elk Area 6066	15
Chehalis Valley E	Feb. 1-28, ((2004)) 2006	Antlerless	WF	Elk Area 6066	15
North Minot A	Oct. 20-31	Antlerless	WF	Elk Area 6067	60
Deschutes	Jan. 15-23, ((2004)) 2006	Antlerless	WF	GMU 666	10
Williams Creek	Nov. 5-9	Antlerless	WF	GMU 673	40
North Shore A	Nov. 5-9	Antlerless	WF	Elk Area 6068	5

Muzzleloader Bull Permit Hunts (Only muzzleloader elk tag holders may apply.)

Note: Fire closures may limit access during early October seasons.

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Hunt Name	((2004)) 2005 Permit Season	Special Restrictions	Elk Tag Prefix	Boundary Description	((2004)) 2005 Permits
Blue Creek C	Oct. 1-10	Any bull	EM	GMU 154	1
Dayton D	Oct. 1-10	Any bull	EM	GMU 162	1
<u>Tucannon B</u>	<u>Oct. 1-10</u>	<u>Any bull</u>	<u>EM</u>	<u>Elk Area 1014</u>	<u>1</u>
Wenaha B	Oct. 1-10	Any bull	EM	GMU 169	1
Mountain View C	Oct. 1-10	Any bull	EM	GMU 172	((2)) 1
<u>Couse D</u>	<u>Oct. 1-10</u>	<u>Any bull</u>	<u>EM</u>	<u>GMU 181</u>	<u>1</u>
<u>Mission B</u>	<u>Oct. 1-10</u>	<u>Any bull</u>	<u>EM</u>	<u>GMU 251</u>	<u>3</u>
Naneum B	Oct. 1-10	Any bull	EM	GMU 328	4
Quilomene B	Oct. 1-10	Any bull	EM	GMU 329	((5)) 4
Teanaway C	Oct. 1-10	Any bull	EM	GMU 335	((3)) 2
Peaches Ridge B	Oct. 1-10	Any bull	EM	GMUs 336, 346	((24)) 22
Observatory B	Oct. 1-10	Any bull	EM	GMUs 340, 342	((54)) 25
Goose Prairie B	Oct. 1-10	Any bull	EM	GMUs 352, 356	15
Bethel C	Oct. 1-10	Any bull	EM	GMU 360	9
Rimrock C	Oct. 1-10	Any bull	EM	GMU 364	((48)) 17
Cowiche C	Oct. 1-10	Any bull	EM	GMU 368	9
<u>Klickitat Meadows C</u>	<u>TBA**</u>	<u>Any bull</u>	<u>EM</u>	<u>Elk Area 3068</u>	<u>1</u>
Margaret C	Oct. ((2-8)) 1-7	3 pt. min.	WM	GMU 524	5
Toutle C	Oct. ((2-8)) 1-7	3 pt. min.	WM	GMU 556	17
Olympic B	Oct. 4-10	3 pt. min.	WM	GMU 621, EXCEPT for Elk Area 6071	3
Skokomish B	Oct. 4-10	3 pt. min.	WM	GMU 636	((+)) 3
Muzzleloader Permit Hunts (Only muzzleloader elk tag holders may apply.)					
Aladdin B	Oct. ((2-10)) 1-7	Any elk	EM	GMU 111	10
Selkirk B	Oct. ((2-10)) 1-7	Any elk	EM	GMU 113	20
<u>49 Degrees North</u>	<u>Oct. 1-7</u>	<u>Antlerless</u>	<u>EM</u>	<u>GMU 117</u>	<u>10</u>
Blue Creek C	((Dec. 9, 2004 - Jan. 31, 2005)) Dec. 9 - Jan. 31, 2006	Antlerless	EM	GMUs 149, 154	60
Columbia A	Dec. 1-31	Antlerless	EM	Elk Area 1011 and GMU 163	100
Columbia B	Jan. 1-31, ((2005)) 2006	Antlerless	EM	Elk Area 1011 and GMU 163	100
Columbia C	((Dec. 20, 2004 - Jan. 31, 2005)) Dec. 20 - Jan. 31, 2006	Antlerless	EM	Elk Area 1012 and GMU 149	60
Mountain View D	Oct. ((2-8)) 1-10	Antlerless	EM	Elk Area 1013	((20)) 25
Lick Creek B	Oct. 1-10	Antlerless	EM	GMU 175	25
West Bar C	Oct. 1-10	Antlerless	EM	GMU 330	5
Taneum B	Oct. ((2-8)) 1-7	Antlerless	EM	GMU 336	25
Manastash B	Oct. ((2-8)) 1-7	Antlerless	EM	GMU 340	25
Umtanum B	Oct. ((2-8)) 1-7	Antlerless	EM	GMU 342	((275)) 250
Nile B	Oct. ((2-8)) 1-7	Antlerless	EM	GMU 352	40
Bumping B	Oct. ((2-8)) 1-7	Antlerless	EM	GMU 356	90
Bethel D	Oct. ((2-8)) 1-7	Antlerless	EM	GMU 360	40
Cowiche D	Oct. ((2-8)) 1-7	Antlerless	EM	GMU 368	((250)) 225
<u>Klickitat Meadows D</u>	<u>TBA**</u>	<u>Spike bull or antlerless</u>	<u>EM</u>	<u>Elk Area 3068</u>	<u>4</u>
Alkali ((C)) B	Oct. 1-10	Any elk	EM	GMU 371	((25)) 15
Stella A	Nov. 24 - Dec. 15	Antlerless	WM	GMU 504	75
Stella B	Jan. 1-16, ((2005)) 2006	Antlerless	WM	GMU 504	50
Toledo A	Jan. 1-16, ((2005)) 2006	Antlerless	WM	Elk Area 5029	30
Malaga F	Oct. ((2-22)) 1-21	Antlerless	EM	Elk Area 2032	100
Malaga G	Oct. ((2-22)) 1-21	Any elk	EM	Elk Area 2032	15
Mossyrock A	Jan. 1-16, ((2005)) 2006	Antlerless	WM	Elk Area 5052	20
Randle A	Jan. 1-16, ((2005)) 2006	Antlerless	WM	Elk Area 5053	15
Boistfort	Jan. 1-16, ((2005)) 2006	Antlerless	WM	Elk Area 5054	40
Willapa Hills B	((Nov. 24 - Dec. 15)) Nov. 23 - Dec. 15	Antlerless	WM	GMU 506	15

PERMANENT

PERMANENT

Hunt Name	((2004)) 2005 Permit Season	Special Restrictions	Elk Tag Prefix	Boundary Description	((2004)) 2005 Permits
Green Mt. A	Jan. 1-16, ((2005)) 2006	Antlerless	WM	Elk Area 5051	30
Winston B	((Nov. 24 - Dec. 15)) Nov. 23 - Dec. 15	Antlerless	WM	GMU 520	3
Margaret D	((Nov. 24 - Dec. 15)) Nov. 23 - Dec. 15	Antlerless	WM	GMU 524	10
Ryderwood B	Oct. ((2-8)) 1-7	Antlerless	WM	GMU 530	8
Coweeman B	((Nov. 24 - Dec. 15)) Nov. 23 - Dec. 15	Antlerless	WM	GMU 550	5
Toutle D	((Nov. 24 - Dec. 15)) Nov. 23 - Dec. 15	Antlerless	WM	GMU 556	10
Marble B	Oct. ((2-8)) 1-7	Antlerless	WM	GMU 558	10
Lewis River B	Oct. ((2-8)) 1-7	Antlerless	WM	GMU 560	15
Siouxon B	Oct. ((2-8)) 1-7	Antlerless	WM	GMU 572	10
Yale	((Nov. 24 - Dec. 15)) Nov. 23 - Dec. 15	3 pt. min. or antlerless	WM	GMU 554	75
Twin Satsop A	Jan. 5-15, 2006	Antlerless	WM	Elk Area 6061	10
Twin Satsop ((C)) B	Oct. 6-10	Antlerless	WM	Elk Area 6061	10
North River	Nov. 26 - Dec. 15	Antlerless	WM	GMU 658	20
North Minot B	Oct. ((2-8)) 1-7	Antlerless	WM	Elk Area 6067	60
Raymond E	Oct. 1-31	Antlerless	WM	Elk Area 6010	30
Chehalis Valley	Jan. 1-31, ((2004)) 2006	Antlerless	WM	Elk Area 6066	15
Capitol Peak A	Nov. 19 - Dec. 15	Antlerless	WM	GMU 663	10
Capitol Peak B	Dec. 16-31	Antlerless	WM	GMU 663	10
Tri Valley	Jan. 1-31, 2006	Antlerless	WM	Elk Area 6012	10
Archery Permit Hunts (Only archery elk tag holders may apply.)					
Note: Fire closures may limit access during September seasons.					
Blue Creek D	Sept. 8-21	Any bull	EA	GMU 154	((2)) 1
Dayton E	Sept. 8-21	Any bull	EA	GMU 162	((3)) 6
Tucannon C	Sept. 8-21	Any bull	EA	Elk Area 1014	2
Wenaha C	Sept. 8-21	Any bull	EA	GMU 169	2
Mountain View E	Sept. 8-21	Any bull	EA	GMU 172	((6)) 3
Couse E	Sept. 8-21	Any bull	EA	GMU 181	1
Naneum C	Sept. 8-21	Any bull	EA	GMU 328	((30)) 25
Quilomene C	Sept. 8-21	Any bull	EA	GMU 329	((44)) 22
Teanaway E	Sept. 8-21	Any bull	EA	GMU 335	((34)) 13
Peaches Ridge C	Sept. 8-21	Any bull	EA	GMUs 336, 346	((180)) 144
Observatory C	Sept. 8-21	Any elk	EA	GMUs 340, 342	((106)) 93
Goose Prairie C	Sept. 8-21	Any bull	EA	GMUs 352, 356	((188)) 170
Bethel E	Sept. 8-21	Any bull	EA	GMU 360	((43)) 45
Rimrock D	Sept. 8-21	Any bull	EA	GMU 364	((118)) 112
Cowiche E	Sept. 8-21	Any bull	EA	GMU 368	24
Klickitat Meadows E	TBA**	Any bull	EA	Elk Area 3068	1
Klickitat Meadows F	TBA**	Spike bull or antlerless	EA	Elk Area 3068	2
Peshastin G	Sept. 1-14	Any elk	EA	Elk Area 2033	30
Margaret E	Sept. 8-21	3 pt. min.	WA	GMU 524	((9)) 10
Toutle E	Sept. 8-21	3 pt. min.	WA	GMU 556	((58)) 55
Olympic C	Sept. 8-21	3 pt. min.	WA	GMU 621, EXCEPT for Elk Area 6071	6
Mashel A	Jan. 1-15, ((2005)) 2006	Antlerless	WA	Elk Area 6054	25
Skokomish C	Sept. 8-21	3 pt. min.	WA	GMU 636	((6)) 10
Advanced Hunter Education (AHE) Master Hunter Special Elk Permit Hunts: Only AHE master hunters may apply; antlerless only hunts will not affect accumulated points; and ((in any elk tag hunts,)) any weapon may be used.					
Toledo B	Jan. 17-31, ((2005)) 2006	Antlerless	Any elk tag	Elk Area 5029	20
Peshastin F	Aug. 18-25	Any elk	Any elk tag	Elk Area 2033	5
Mossyrock B	Jan. 17-31, ((2004)) 2006	Antlerless	Any elk tag	Elk Area 5052	20
Randle B	Jan. 17-31, ((2004)) 2006	Antlerless	Any elk tag	Elk Area 5053	15

Hunt Name	((2004)) 2005 Permit Season	Special Restrictions	Elk Tag Prefix	Boundary Description	((2004)) 2005 Permits
Quinault Ridge	Oct. 1-10	3 pt. min. or antlerless	Any elk tag	GMU 638	5
Green Mt. B	Jan. 17-31, ((2005)) 2006	Antlerless	Any elk tag	Elk Area 5051	20
Merwin A	Nov. 24 - Dec 15	Antlerless	Any elk tag	Elk Area ((5055)) 5060	10
Merwin B	Jan. 17-31, ((2005)) 2006	Antlerless	Any elk tag	Elk Area ((5055)) 5060	10
JBH A*	Nov. 28 - Dec. 2	Antlerless	Any elk tag	Elk Area 5090	5
JBH B*	Dec. 12-16	Antlerless	Any elk tag	Elk Area 5090	5
Advanced Hunter Education (AHE) Master Hunter, Second Elk Tag Hunts:					
Only AHE Master Hunters may apply; ((antlerless only)) these hunts will not affect accumulated points; a second tag may be purchased by successful applicants as needed (second tag purchase deadlines do not apply to these hunts); and ((in any elk tag hunts)) any weapon may be used.					
((Kiona)) Rattlesnake Hills	Aug. 1 - Feb. 28, ((2005)) 2006	Antlerless	Any elk tag	Designated areas in GMU 372	20 ^{HM}
Corral Canyon A	Aug. 1 - Sept. 14	Spike bull or antlerless	Any elk tag	Elk Area 3721	10
Corral Canyon B	Sept. 15 - Oct. 15	Spike bull or antlerless	Any elk tag	Elk Area 3721	10
Corral Canyon C	Nov. 15 - March 31, 2006	Spike bull or antlerless	Any elk tag	Elk Area 3721	30
Corral Canyon D	June 1 - July 31	Any bull except spike bull only July 1-31	Any elk tag	Elk Area 3721	30 ^{HM}
Blackrock A	Aug. 1 - March 31, 2006	Any elk	Any elk tag	Elk Area 3722	18 ^{HM}
Grays River A	Sept. 15-30	Antlerless	Any elk tag	Elk Area 5056	((8)) 6
((Grays River B	Oct. 1-15	Antlerless	Any elk tag	Elk Area 5056	8
Grays River C	Dec. 16-31	Antlerless	Any elk tag	Elk Area 5056	8))
Grays River ((D)) B	Jan. 1-15, ((2005)) 2006	Antlerless	Any elk tag	Elk Area 5056	((8)) 6
Grays River ((E)) C	Jan. 16-31, ((2005)) 2006	Antlerless	Any elk tag	Elk Area 5056	((8)) 6
Grays River ((F)) D	Feb. 1-14, ((2005)) 2006	Antlerless	Any elk tag	Elk Area 5056	((8)) 6
Grays River ((G)) E	Feb. 15-28, ((2005)) 2006	Antlerless	Any elk tag	Elk Area 5056	((8)) 6
JBH C*	Dec. 17 - Feb. 28, 2006	Antlerless	Any elk tag	Elk Area 5090	15 ^{HM}
North River B	Dec. 16 - Feb. 28, ((2005)) 2006	Antlerless	Any elk tag	Designated areas in GMU 658	10 ^{HM}
Chehalis G	Aug. 1 - Feb. 28, ((2005)) 2006	Antlerless	Any elk tag	Designated areas in Elk Area 6066	((20)) 10 ^{HM}
Hannaford C	Aug. 1 - Feb. 28, ((2005)) 2006	Antlerless	Any elk tag	Designated areas in Elk Area 6069	5 ^{HM}
Dungeness A	Sept. 8-29	Antlerless only	((WA)) WF	Elk Area 6071	3
Dungeness B	Oct. 9-31	Spike bull or antlerless	((WM)) WF	Elk Area 6071 ((South of Hwy. 101))	3
Dungeness C	Nov. 12 - Dec. 12	Antlerless only	WF	Elk Area 6071	4
Dungeness D	Dec. 18 - Jan. 9, ((2005)) 2006	Antlerless only	((WA)) WF	Elk Area 6071	3
Dungeness E	Jan 22 - Feb. 28, ((2005)) 2006	Antlerless only	WF	Designated areas in Elk Area 6071	8 ^{HM}
Youth 15 and Under - Special Elk Permit Hunts					
Blackrock B	Aug. 1 - Mar. 31, 2006	Any elk	Any elk tag	Elk Area 3722	10
Persons of Disability Only - Special Elk Permit Hunts					
Observatory D	Oct. 25 - Nov. 7	Any elk	EF or EM	GMUs 340, 342	7
Little Naches C	Oct. 1-10	Any elk	EF, EM, EA	GMU 346	5
Little Naches D	Nov. 3-7	Antlerless	EF, EM, EA	GMU 346	8
Blackrock C	Aug. 1 - Mar. 31, 2006	Any elk	Any elk tag	Elk Area 3722	2
Mudflow A	Nov. ((22-28)) 7-13	Antlerless	Any elk tag	Elk Area 5099	5
Mudflow B	Nov. ((29 - Dec. 5)) 21-27	Antlerless	Any elk tag	Elk Area 5099	5
Centralia Mine A	Oct. 23-24	Antlerless	Any elk tag	Elk Area 6011	2
Centralia Mine B	Oct. 30-31	Antlerless	Any elk tag	Elk Area 6011	2
North Shore B	Oct. 1-31	Antlerless	Any elk tag	Elk Area 6068	5
North Shore C	Dec. 16-31	Antlerless	Any elk tag	Elk Area 6068	5
North Shore D	Jan. 1-31, ((2004)) 2006	Antlerless	Any elk tag	Elk Area 6068	5
North Shore E	Feb. 1-28, ((2004)) 2006	Antlerless	Any elk tag	Elk Area 6068	5
Chehalis Valley F	Dec. 16-31	Antlerless	Any elk tag	Elk Area 6066	15
Hannaford A	Jan. 1-15, ((2005)) 2006	Antlerless	Any elk tag	Elk Area 6069	5

PERMANENT

Hunt Name	((2004)) 2005 Permit Season	Special Restrictions	Elk Tag Prefix	Boundary Description	((2004)) 2005 Permits
Hunters 65 or older only - Special Elk Permit Hunts					
Hannaford B	Jan. 16-31, ((2005)) 2006	Antlerless	Any elk tag	Elk Area 6069	5

* Muzzleloaders only; scopes allowed in JBH hunt.

** The commission delegates authority to establish dates and final permit types to the director. Hunters will be notified of hunt dates and final permit types on their permit.

HM This is a damage hunt administered by a WDFW designated Hunt Master. Successful applicants will be contacted on an as-needed basis to help with specific sites of elk damage on designated landowner's property. Not all successful applicants will be contacted in any given year depending on elk damage activity for that year.

Hunter Education Instructor Incentive Permits				
= <u>Special elk permits will be allocated through a random drawing to those hunter education instructors that qualify.</u>				
= <u>Permit hunters must use archery equipment during archery seasons, muzzleloader equipment during muzzleloader seasons, and any legal weapon during modern firearm seasons.</u>				
= <u>Qualifying hunter education instructors must be certified and have been in active status for a minimum of three consecutive years, inclusive of the year prior to the permit drawing.</u>				
= <u>Instructors who are drawn, accept a permit, and are able to participate in the hunt, will not be eligible for these incentive permits for a period of ten years thereafter.</u>				
= <u>Permittees may purchase a second license for use with the permit hunt only.</u>				
Area	Dates	Restrictions	GMUs	Permits
Region 3	All general season and permit seasons established for GMUs included with the permit	Any elk	GMUs 335-368	2
Region 5		Any elk	All 500 series GMUs except GMU 522	1
Region 6		Any elk	GMUs 654, 660, 672, 673, 681	1

PERMANENT

WSR 05-11-033

PERMANENT RULES

DEPARTMENT OF ECOLOGY

[Order 04-12—Filed May 10, 2005, 4:20 p.m., effective June 10, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: When ecology adopted chapter 173-350 WAC, Solid waste handling standards, we revised the soil standards portion to be more clear. Upon implementation, we found that our new standards were not more clear, and were causing some concern. This rule change takes us back to the prior standards. We will file another rule amendment with the final soil standards in 2005. In that process, we will analyze the concerns and economic impacts.

Citation of Existing Rules Affected by this Order: Amending WAC 173-350-100 Definitions.

Statutory Authority for Adoption: Chapter 70.95 RCW, Solid waste management—Reduction and Recycling Act.

Adopted under notice filed as WSR 05-03-018 on January 7, 2005.

A final cost-benefit analysis is available by contacting Randy Martin, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6136, fax (360) 407-6102, e-mail rama461@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 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: May 10, 2005.

Jay J. Manning
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 vegeta-

tion, 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 dredged material is not dangerous waste and is 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 considered 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 05-11-036
PERMANENT RULES
COUNTY ROAD
ADMINISTRATION BOARD

[Filed May 11, 2005, 11:14 a.m., effective June 11, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To add the designation of a board officer as second vice-chair.

Citation of Existing Rules Affected by this Order: Amending WAC 136-01-030.

Statutory Authority for Adoption: Chapter 36.79 RCW. Adopted under notice filed as WSR 05-04-052 on January 28, 2005.

Number of Sections Adopted in Order to Comply with 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: April 28, 2005.

Walter R. Olsen, P.E.
for Jay P. Weber
Executive Director

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

WAC 136-01-030 Meetings and voting procedures. Regular public meetings of the county road administration board shall be held quarterly, at times and locations set by the board. At the summer meeting, the board shall elect a chair ~~((and))~~, a vice-chair, and a second vice-chair who shall ~~((both))~~ hold office until the next summer meeting. Additional meetings necessary to discharge the business of the board may be called from time to time by the chair. Each member of the board shall be entitled to one vote. No proxies shall be allowed. All questions shall be decided by majority vote. A quorum of five members of the board shall be required to vote or conduct any board business.

WSR 05-11-037
PERMANENT RULES
COUNTY ROAD
ADMINISTRATION BOARD

[Filed May 11, 2005, 11:16 a.m., effective June 11, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Cleans up current language to replace the "state patrol" with the "Washington State Department of Transportation" as the receiver of collision reports.

Citation of Existing Rules Affected by this Order: Amending WAC 136-28-010, 136-28-020, and 136-28-030.

Statutory Authority for Adoption: Chapter 36.79 RCW. Adopted under notice filed as WSR 05-07-022 on March 7, 2005.

Changes Other than Editing from Proposed to Adopted Version: In WAC 136-28-020 the CRABoard removed the entire third paragraph for purposes of further cleanup.

Number of Sections Adopted in Order to Comply with 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: April 28, 2005.

Walter R. Olsen, P.E.
for Jay P. Weber
Executive Director

AMENDATORY SECTION (Amending WSR 04-05-001, filed 2/4/04, effective 3/6/04)

WAC 136-28-010 Purpose and authority. RCW 36.78.070(1) authorizes the county road administration board to establish standards of good practice for the administration of county roads and the efficient movement of people and goods over county roads. In order to implement the requirement of the National Highway Safety Act of 1966 that requires all states, in cooperation with their various local governments, to collect, compile and make reports to the National Highway Traffic Safety Administration in each state, the county road administration board has acted to coordinate the activities of the county engineers and the ~~((state patrol))~~ Washington state department of transportation. Each county engineer is to cooperate in this effort by following the procedure outlined below.

AMENDATORY SECTION (Amending WSR 96-17-013, filed 8/12/96, effective 9/12/96)

WAC 136-28-020 Procedure. The ~~((state patrol))~~ Washington state department of transportation (WSDOT) collects ~~((accident))~~ collision reports from all law enforcement agencies and receives ~~((accident))~~ collision reports from individual drivers. Periodically, the ~~((state patrol))~~ WSDOT will send or deliver to the county engineer's office in each county reports with attached county location coding

~~forms (CLCF), concerning ((accidents)) collisions occurring on county roads in that county.~~

~~((The county engineer will analyze each report and indicate within the appropriate spaces on the report the county number, the county road number, the milepoint and, if applicable, the road number of the intersecting county road at which the accident occurred. The county engineer shall also indicate in the appropriate space as to whether the location is rural or urban.~~

~~The coded reports will be returned to the records section of the state patrol within two weeks of receipt.~~

~~Should the county engineer determine any accident report location is not on a road contained within the latest county road log, he/she shall return the accident report, uncoded, with a transmittal letter indicating to the best of his/her knowledge the appropriate jurisdiction such as private road, state highway, city street, other state agency, federal agency, etc-)) The engineer will analyze the report and complete the CLCF. For those collisions that the county engineer verifies did occur in his/her jurisdiction, only the completed CLCF will be returned to the WSDOT. However, if the engineer determines that the collision did not occur on a roadway in the county's jurisdiction, he/she shall complete the bottom portion of the CLCF and return it and the collision report to the WSDOT.~~

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

WAC 136-28-030 Coding detail. (1) The county number shall be that particular number assigned to each county by the state office of financial management for county identification purposes.

(2) The county ~~((road))~~ roadlog number shall be that particular five-digit number, including both leading and trailing zeros if applicable, assigned to each county road according to the county's latest county road log. No local names or numbers or other nomenclature shall be used in coding.

(3) The ~~((milepoint))~~ milepost shall be determined as accurately as practicable from a comparison of information on the ~~((accident))~~ collision report with the latest county road log.

(4) ~~((Accidents))~~ Collisions at an intersection with a state highway will be coded by the state department of transportation.

(5) To ensure uniformity, ~~((accidents))~~ collisions at the intersection of any two county roads shall be coded to a road in the following priority order:

- (a) The road with the higher functional class;
- (b) The road that is the through route;
- (c) The road with the lower road number.

(6) ~~((Accidents))~~ Collisions on roads and/or at intersections with dual city-county or county-county responsibilities shall be coded in general accordance with the procedures outlined herein based on a mutual understanding between the several jurisdictions involved.

**WSR 05-11-038
PERMANENT RULES
OFFICE OF
FINANCIAL MANAGEMENT**

[Filed May 11, 2005, 11:33 a.m., effective June 11, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To establish official pay dates for state officers and employees for calendar year 2006.

Citation of Existing Rules Affected by this Order: Amending WAC 82-50-021.

Statutory Authority for Adoption: RCW 42.16.010(1) and 42.16.017.

Adopted under notice filed as WSR 05-06-067 on March 1, 2005.

Number of Sections Adopted in Order to Comply with 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: May 11, 2005.

Roselyn Marcus
Rules Coordinator
Director of Legal Affairs

AMENDATORY SECTION (Amending WSR 04-15-006, filed 7/7/04, effective 8/7/04)

WAC 82-50-021 Official lagged, semimonthly pay dates established. Unless exempted otherwise under the provisions of WAC 82-50-031, the salaries of all state officers and employees are paid on a lagged, semimonthly basis for the official twice-a-month pay periods established in RCW 42.16.010(1). The following are the official lagged, semimonthly pay dates for calendar years ~~((2004 and))~~ 2005 and 2006:

((CALENDAR YEAR 2004	CALENDAR YEAR 2005
Friday, January 9, 2004	Monday, January 10, 2005
Monday, January 26, 2004	Tuesday, January 25, 2005
Tuesday, February 10, 2004	Thursday, February 10, 2005
Wednesday, February 25, 2004	Friday, February 25, 2005
Wednesday, March 10, 2004	Thursday, March 10, 2005
Thursday, March 25, 2004	Friday, March 25, 2005
Friday, April 9, 2004	Monday, April 11, 2005
Monday, April 26, 2004	Monday, April 25, 2005
Monday, May 10, 2004	Tuesday, May 10, 2005
Tuesday, May 25, 2004	Wednesday, May 25, 2005
Thursday, June 10, 2004	Friday, June 10, 2005

PERMANENT

CALENDAR YEAR 2004
 Friday, June 25, 2004
 Friday, July 9, 2004
 Monday, July 26, 2004
 Tuesday, August 10, 2004
 Wednesday, August 25, 2004
 Friday, September 10, 2004
 Friday, September 24, 2004
 Friday, October 8, 2004
 Monday, October 25, 2004
 Wednesday, November 10, 2004
 Wednesday, November 24, 2004
 Friday, December 10, 2004
 Thursday, December 23, 2004

CALENDAR YEAR 2005
Monday, January 10, 2005
Tuesday, January 25, 2005
Thursday, February 10, 2005
Friday, February 25, 2005
Thursday, March 10, 2005
Friday, March 25, 2005
Monday, April 11, 2005
Monday, April 25, 2005
Tuesday, May 10, 2005
Wednesday, May 25, 2005
Friday, June 10, 2005
Friday, June 24, 2005
Monday, July 11, 2005
Monday, July 25, 2005
Wednesday, August 10, 2005
Thursday, August 25, 2005
Friday, September 9, 2005
Monday, September 26, 2005
Friday, October 7, 2005
Tuesday, October 25, 2005
Thursday, November 10, 2005
Wednesday, November 23, 2005
Friday, December 9, 2005
Friday, December 23, 2005

CALENDAR YEAR 2005
 Friday, June 24, 2005
 Monday, July 11, 2005
 Monday, July 25, 2005
 Wednesday, August 10, 2005
 Thursday, August 25, 2005
 Friday, September 9, 2005
 Monday, September 26, 2005
 Friday, October 7, 2005
 Tuesday, October 25, 2005
 Thursday, November 10, 2005
 Wednesday, November 23, 2005
 Friday, December 9, 2005
 Friday, December 23, 2005

CALENDAR YEAR 2006
Tuesday, January 10, 2006
Wednesday, January 25, 2006
Friday, February 10, 2006
Friday, February 24, 2006
Friday, March 10, 2006
Friday, March 24, 2006
Monday, April 10, 2006
Tuesday, April 25, 2006
Wednesday, May 10, 2006
Thursday, May 25, 2006
Friday, June 9, 2006
Monday, June 26, 2006
Monday, July 10, 2006
Tuesday, July 25, 2006
Thursday, August 10, 2006
Friday, August 25, 2006
Monday, September 11, 2006
Monday, September 25, 2006
Tuesday, October 10, 2006
Wednesday, October 25, 2006
Thursday, November 9, 2006
Wednesday, November 22, 2006
Monday, December 11, 2006
Friday, December 22, 2006

WSR 05-11-046
PERMANENT RULES
ACADEMIC ACHIEVEMENT AND
ACCOUNTABILITY COMMISSION
 [Filed May 12, 2005, 3:56 p.m., effective June 13, 2005]

Effective Date of Rule: June 13, 2005.

Purpose: To make graduation rate goals more rigorous as a strategy for encouraging school districts to improve graduation rates and to address the gap in graduation rates among students of different ethnic backgrounds and special program status.

Citation of Existing Rules Affected by this Order: Repealing WAC 3-20-300.

Statutory Authority for Adoption: RCW 28A.655.030 (1)(a).

Adopted under notice filed as WSR 05-07-127 on March 22, 2005.

Changes Other than Editing from Proposed to Adopted Version: Proposed new section WAC 3-20-410 was not adopted.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 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: May 9, 2005.

Christopher M. Thompson
 Executive Director

NEW SECTION

WAC 3-20-390 Definitions. As used in Title 3 WAC:

(1) "High school" means a public school in the state enrolling students in any of grades nine through twelve.

(2) "Graduation rate" means the percentage of students who receive a regular high school diploma within four academic years of having enrolled for the first time as ninth grade students. Students who transfer to another school less than four academic years after initial enrollment in the ninth grade shall not be included in the calculation of the graduation rate for the school from which the student transfers. Students who become deceased shall not be included in the calculation of the graduation rate for the school last attended. Students who earn a regular high school diploma after their four academic years will be included in additional calculations and reports for the year a regular high school diploma is completed.

(3) "Graduation rate goal" means the expected minimum graduation rate reported in a particular year for the prior year's graduating class. For example, the graduation rate goal for 2006 relates to students in the class of 2005.

(4) "Graduating class" or "class of" or "cohort" of any particular year means the group of students who are scheduled to graduate in that particular year after having completed grades nine through twelve in four or fewer academic years.

NEW SECTION

WAC 3-20-400 High school graduation. (1) Each school district board of directors shall by December 15, 2005, revise district-wide graduation rate goals for 2006 and each year thereafter and shall direct each high school in the district to revise graduation rate goals for 2006 and each year thereafter, subject to approval by the board.

PERMANENT

(2) The minimum graduation rate goals through 2013 shall be as follows for each of the nine groups of students listed in WAC 3-20-200(2):

(a) Sixty-six percent in 2005, one percentage point above the previous year's goal from 2006 through 2009, and three percentage points above the previous year's goal in 2010 through 2013; or

(b) For any student group whose graduation rate falls below sixty-six percent in 2005, the minimum goal for 2005 is two percentage points above that group's graduation rate in 2004, an additional two percentage points per year above the previous year's goal in 2006 through 2009, and an additional four percentage points per year above the previous year's goal in 2010 through 2013, until the rate for that group meets or exceeds the goal described in (a) of this subsection.

(3) Graduation rate goals in 2014 and each year thereafter for each group of students listed in WAC 3-20-200(2) shall be not less than eighty-five percent.

(4) School district boards of directors are authorized to adopt district-wide graduation rate goals and to approve high school graduation rate goals that exceed the minimum level required under this section. However, district-wide and high school graduation rate goals that exceed the minimum level required under this section shall not be used for federal or state accountability purposes.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 3-20-300 High school graduation.

WSR 05-11-048
PERMANENT RULES
HEALTH CARE
FACILITIES AUTHORITY

[Filed May 13, 2005, 1:12 p.m., effective May 13, 2005.]

Effective Date of Rule: Immediately.

Purpose: To bring WAC 247-02-050(7) into conformance with RCW 70.37.050.

Citation of Existing Rules Affected by this Order: Amending WAC 247-02-050.

Statutory Authority for Adoption: Chapter 70.37 RCW. Adopted under notice filed as WSR 05-06-045 on February 28, 2005.

Number of Sections Adopted in Order to Comply with 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: May 12, 2005.

John H. Van Gorkom
Executive Director

AMENDATORY SECTION (Amending WSR 82-19-064 (Order 12), filed 9/20/82)

WAC 247-02-050 Operations and procedures. (1) Uniform procedure rules: Practice and procedure in and before the authority are governed by the uniform procedural rules codified in the Washington Administrative Code, WAC 1-08-005 through 1-08-590, as now or hereafter amended, which rules the authority adopts as its own, subject to any additional rules the authority may add from time to time. The authority reserves the right to make whatever determination is fair and equitable should any question not covered by its rules come before the authority, said determination to be in accordance with the spirit and intent of the law.

(2) Authority meetings: The meetings of the authority shall all be "special meetings" as that designation is applied in chapter 42.30 RCW. They may be called at any time and place by the chairman or a majority of the members of the authority. At least ten days' notice of all special meetings shall be given by delivering personally or by mail to each member a written notice specifying the time and place of the meeting and a copy of the agenda prepared by the executive director in consultation with the chairman, and by giving such notice to the public as may be required by law. If an emergency is deemed to exist, the chairman may shorten the notice period to not less than twenty-four hours. An executive session may be called by the chairman or by a majority of all members of the authority to consider the appointment, employment or dismissal of an officer or employee, and such other matters as are permitted by RCW 42.30.110.

(3) Quorum: Three members shall constitute a quorum, and the act of a majority of the members present at any meeting, if there is a quorum, shall be deemed the act of the authority except as specified hereafter in WAC 247-02-050(7).

(4) Chairman's voting rights: The chairman shall have the right to vote on all matters before the authority, just as any other authority member.

(5) Minutes of meetings: Minutes shall be kept of the proceedings of the authority.

(6) Rules of order: The authority shall generally follow *Robert's Rules of Order*, newly revised, in conducting its business meetings.

(7) Form of authority action: The authority may act on the basis of a motion except when authorizing issuance of bonds pursuant to WAC 247-16-070 and when otherwise taking official and formal action with respect to the creation of special funds and the issuance and sale of bonds for a project of a participant, in which case the authority shall act by resolution. Such resolutions shall be adopted upon the affirmative vote of a majority of the members of the authority and shall be signed by a majority of the members of the authority.

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Motions shall be adopted upon the affirmative vote of a majority of a quorum of members present at any meeting. ~~All bonds and coupons shall bear the facsimile signatures of the governor and executive director. All bonds shall be executed in the manner provided in RCW 70.37.050.~~

(8) Public participation in the meetings of the authority shall be as follows:

(a) Any person or organization wishing to make a formal presentation at a regularly scheduled meeting of the authority shall so notify the executive director in writing at least forty-eight hours prior to the time of the meeting.

(i) Such notification shall contain the name of the person, association, corporation or organization that desires to make a presentation; the address of such person and, if applicable, the address of the entity to be represented in the presentation; and the topic to be presented or discussed.

(ii) Permission to make a presentation to the authority shall be granted by the executive director as authorized by the authority.

(iii) Confirmation of permission to make a presentation to the authority shall be made, if at all possible, by the authority staff prior to the meeting of the authority and shall include the date and time of the meeting and time set for the formal presentation.

(b) The chairman of the authority shall have the discretion to recognize anyone in the audience who indicates in writing at the time of the meeting a desire to speak at such meeting, provided that remarks by any individual person shall be limited to five minutes unless a time extension is granted by the chairman.

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.

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 05-11-049

PERMANENT RULES

WASHINGTON STATE LOTTERY

[Filed May 13, 2005, 4:17 p.m., effective June 13, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Traditionally, the lottery's instant games have been "Scratch" games (involving paper tickets with a scratch-off coating). These rules amendments allow the lottery to offer other types of instant games (that do not involve a scratch-off coating).

Citation of Existing Rules Affected by this Order: Amending chapter 315-10 WAC.

Statutory Authority for Adoption: Chapter 67.70 RCW.

Adopted under notice filed as WSR 05-08-054 on March 30, 2005.

A final cost-benefit analysis is available by contacting Ceil Buddeke, P.O. Box 43025, Olympia, WA 98504-3025, phone (360) 664-4833, fax (360) 586-6586, e-mail Cbuddeke@walottery.com.

Number of Sections Adopted in Order to Comply with 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 11, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 11, 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: May 12, 2005.

Candace Martin
for Ceil Buddeke
Rules Coordinator

AMENDATORY SECTION (Amending WSR 98-08-067, filed 3/30/98, effective 4/30/98)

WAC 315-10-010 Instant games—Authorized—Director's authority. It is the commission's intent to provide the director broad authority in carrying out the following duties:

(1) The commission hereby authorizes the director to select, operate, and contract relating to and for the operation of instant games meeting the criteria set forth in this chapter.

(2) The director shall establish final instant game specifications, including the determination of winning tickets, in executed working papers or software requirement specifications. The director shall keep ~~((executed working papers on file at the headquarters office location and make them))~~ the portions of these documents that are subject to public disclosure available for one hundred eighty days after the end of each game for public review during normal business hours.

(3) The director or designee shall inform commission members of instant game development.

AMENDATORY SECTION (Amending WSR 98-08-067, filed 3/30/98, effective 4/30/98)

WAC 315-10-020 Definitions. (1) Ticket. The ticket purchased for participation in an instant game and any ticket used in media promotions and retailer incentive programs authorized by the director for an instant game.

(2) Instant game. A game in which a ticket is purchased and ~~((upon removal of a latex covering on the front of the ticket,))~~ the ticket bearer determines his or her winnings, if any.

(3) Ticket bearer. The person who has signed the ticket or has possession of the unsigned ticket.

(4) Play symbols. The numbers or symbols appearing in the designated areas ~~((under the removable covering))~~ on the front of the ticket. Play symbols were formerly called play numbers. Both terms shall have the same meaning.

(5) Your(s). The ticket bearer's play area or areas (for example, "your hand(s)," "your card(s)," or "your roll(s)").

(6) Their(s). The opponent's play area or areas (for example, "their card(s)," or "their roll(s)").

(7) Validation number. The multidigit number found on the ticket and on any ticket stub. There must be a validation number on the ticket or any stub.

(8) Working papers or software requirement specifications. The documents providing production and winning ticket specifications for each instant ticket game. ~~((Executed working papers (including amendments, if any) are signed and dated by the lottery director.))~~

(9) Scratch game. ~~((Instant game as defined in subsection (1) of this section.))~~ An instant game in which a ticket is purchased and, upon removal of a scratch-off coating on the front of the ticket, the ticket bearer determines his or her winning, if any.

AMENDATORY SECTION (Amending WSR 97-04-047, filed 1/31/97, effective 3/3/97)

WAC 315-10-022 What are the essential elements of instant game tickets? The director shall establish in executed working papers or software requirement specifications for each instant game the specific form and location in which the following essential elements shall appear on each instant game ticket:

(1) **Play field** is generally the area ~~((under the latex covering that players scratch off to reveal))~~ that may contain play symbols, play symbol captions, prize symbols, prize symbol captions, and validation numbers;

(2) **Play spots** are the specific areas ~~((under the latex covering))~~ where play symbols are located;

(3) **Play symbols** are symbols, letters, or numbers appearing in each play spot of a ticket;

(4) **Play symbol captions** are small printed characters generally associated with each play symbol ~~((appearing))~~ which may appear on the play field ~~((which))~~ and correspond with and verify that play symbol. These captions spell out, in full or abbreviated form, the play symbol. There is only one play symbol caption for each play symbol, and each play symbol caption is associated with the three-digit ticket number;

(5) **Prize symbols** ~~((are))~~ may be numeric or symbolic representations, printed either in a display printed prize legend or on the play field, which indicate the amount of money a player may win;

(6) **Prize symbol captions** ~~((are))~~ may be small printed characters generally associated with each prize symbol appearing on the play field which correspond to and verify that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol;

(7) **Validation number** is a unique multidigit number on the ~~((front of the))~~ ticket ~~((that appears under the removable latex covering and is identified as "val. no."));~~

(8) **Pack-ticket number** is a ~~((thirteen digit number of the form XXXXXXXXXXXX X XXX printed on the back of the ticket. The first three digits are the game identifier. The first nine digits of the pack ticket number constitute the "pack number," which starts at XXX000001; the last three digits constitute the "ticket number," which starts at 000 and indi-~~

~~icates the ticket's position within each pack of tickets))~~ number that may include the game, pack and ticket identifier;

(9) **Retailer verification code** ~~((consists of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$600.00 or less. A retailer verification code for a winning ticket of a particular game is a unique multiple letter code which corresponds to the prize value of the ticket for that game. Each letter of the code appears in varying locations beneath the removable latex covering on the front of the ticket))~~ is the code on the ticket that the lottery retailer uses to verify instant winners; and

(10) **Odds of winning** shall always appear on the back of the ticket.

AMENDATORY SECTION (Amending WSR 98-08-067, filed 3/30/98, effective 4/30/98)

WAC 315-10-023 What are the prizes available for instant games? Prizes available are as set forth on the instant game ticket. ~~((Prizes may range from one dollar up to and including one million dollars.))~~ Prizes may also include Win for Life prizes. Win for Life prizes will be paid in accordance with WAC 315-06-120(14) and may include prizes exceeding one million dollars.

AMENDATORY SECTION (Amending WSR 98-08-067, filed 3/30/98, effective 4/30/98)

WAC 315-10-024 What are the methods of selecting winning tickets? (1) Methods for selecting winning tickets shall be as set forth on the instant game ticket and in the executed working papers ~~((on file at lottery headquarters in Olympia, Washington))~~ or software requirement specifications. Methods for selecting winning tickets include:

(a) Higher number. Your (the player's) number is greater than their number.

(b) Match one or more. Match your play symbols to the winning play symbol(s).

(c) Bonus play. ~~((Uncover))~~ Find a bonus symbol to win a bonus prize instantly.

(d) Match two or more consecutive. Match two or more consecutive "Game Cards" within a game to the "Draw Cards" to win the corresponding amount shown on the ticket.

(e) Match two or more. Match two or more "Game Cards" within a game to the "Draw Cards" to win the corresponding amount shown on the legend on the ticket.

(f) Three like cards. Get three like cards with one hand to win the corresponding amount shown on the ticket.

(g) Grand prize drawing. ~~((Uncover))~~ Find a bonus symbol that qualifies you to enter a grand prize drawing or submit one or more nonwinning tickets to enter a grand prize drawing.

(h) Match symbols. ~~((Uncover))~~ Match a specified number of identical play symbols on a play area.

(i) Add up "yours." Add up the play symbols designated as "yours" and the total is greater than, less than or equal to the symbol or symbols designated as "theirs."

(j) Add up. Add up the play symbols and the amount is greater than or equal to the designated symbols on the ticket.

(k) Tic tac toe. ~~((Uncover))~~ Match three identical play symbols, in a row, column, or diagonal, on a ~~((9-symbol))~~ grid ~~((on))~~ in the play area.

(l) Sequence. ~~((Uncover))~~ Find the designated play symbols in the specified sequential order.

(m) Spelling. ~~((Uncover))~~ Find the play symbols to form the designated word or words.

(n) In between. ~~((Uncover))~~ Find the play symbol or symbols designated as "yours" with a value less than the play symbol or symbols designated as "their high ~~((eard))~~ value" and greater than the play symbol or symbols designated as "their low ~~((eard))~~ value."

(2) Each of the methods described in subsection (1) of this section may include a special variant such as "automatic win feature," "doubler," "wild card," or "free space" that provides added or alternative methods of winning.

AMENDATORY SECTION (Amending WSR 98-08-067, filed 3/30/98, effective 4/30/98)

WAC 315-10-030 Instant games criteria. (1) The total of all prizes available to be won in an instant game shall not be less than forty-five percent of the instant game's projected revenue.

(2) There is no required frequency of drawing or method of selection of a winner in an instant game.

(3) At the director's discretion, an instant game may include a grand prize drawing(s). The criteria for the grand prize drawing shall be as follows:

(a) Finalists for a grand prize drawing shall be selected in an elimination drawing(s) from ~~((redeemed))~~ tickets meeting the criteria stated on the ticket and in executed working papers ~~((on file at lottery headquarters))~~ or software requirement specifications or stated in lottery promotional materials, at the discretion of the director. Participation in the elimination drawing(s) shall be limited to such tickets ~~((which))~~ that are actually received or ticket information is actually received and validated by the director on or before a date to be announced by the director. The director may reserve the right to place any semi-finalist whose entry was not entered in the elimination drawing(s) and who is subsequently determined to have been entitled to such entry into an elimination drawing of a subsequent instant game, and the determination of the director shall be final.

(b) The number of prizes and the amount of each prize in the grand prize drawing(s) shall be determined by the director to correspond with the size and length of the instant game and to comply with subsection (1) of this section.

(c) The dates and times as well as the procedures for conducting the elimination drawing and grand prize drawing shall be determined by the director.

AMENDATORY SECTION (Amending WSR 97-04-047, filed 1/31/97, effective 3/3/97)

WAC 315-10-035 How do I know if I have a winning instant game ticket? Each instant ticket shall be printed with instructions clearly indicating what constitutes a winning ticket. In addition, written descriptions of winning play and prize symbol combinations shall be included in the executed working papers or software requirement specifications for the

production of each game. ~~((In general, winners of an instant game are determined by the matching or specified alignment of the play symbols on the ticket.))~~ The ticket bearer must submit the winning ticket to the lottery as specified by the director. The winning ticket must be validated by the lottery through use of the validation number or any other means as specified in this chapter or by the director.

AMENDATORY SECTION (Amending Order 83, filed 12/16/85)

WAC 315-10-040 Confidentiality of tickets. No lottery retailer or its employees or agents shall attempt to ascertain the ~~((numbers or symbols appearing in the designated areas under the removable latex coverings))~~ retailer verification code or otherwise attempt to identify unsold winning tickets.

AMENDATORY SECTION (Amending WSR 97-04-047, filed 1/31/97, effective 3/3/97)

WAC 315-10-055 How much time does a player have to redeem winning and/or grand prize drawing instant game tickets? (1) A player may submit a winning ticket for prize payment up to one hundred eighty days after the official end of game or one hundred eighty days from date of purchase of a computer generated ticket.

(2) In order to participate in a grand prize drawing in which the entry is the submittal of one or more winning or nonwinning tickets, a player must redeem and submit such a ticket or tickets or ticket information within the time limits set forth in chapter ~~((315-11))~~ 315-06 WAC governing the conduct of that specific game.

AMENDATORY SECTION (Amending WSR 97-04-047, filed 1/31/97, effective 3/3/97)

WAC 315-10-070 Ticket validation requirements. (1) To be a valid Washington state lottery instant game ticket, a ticket must meet all of the following validation requirements.

(a) The ticket must have been issued by the director in an authorized manner.

(b) The ticket must not be altered, unreadable, or tampered with in any manner.

(c) The ticket must not be counterfeit in whole or in part.

(d) The ticket must not be stolen nor appear on any list of omitted tickets on file with the lottery.

(e) The ticket must be complete and not blank or partially blank, miscut, misregistered, defective, or printed or produced in error.

(f) If play symbol and play symbol captions are present in the playfield, the ticket must have at least one play symbol and at least one play symbol caption under each play spot. ~~((These elements))~~ Play symbols must be present in their entirety, legible, right-side up, and not reversed in any manner.

(g) The ticket must have at least one pack-ticket number or serial number, exactly one retailer verification code, and exactly one validation number. These elements must be present in their entirety, legible, ~~((right-side up,))~~ and not reversed in any manner.

(h) The validation number of an apparent winning ticket shall appear on the lottery's official list of validation numbers of winning tickets; and a ticket with that validation number shall not have been previously paid.

(i) The ticket must pass all additional confidential validation requirements, if any, established by the director.

(2) The director may authorize reconstruction of an alleged winning ticket which was not received and/or cannot be located by the lottery; provided, that the person requesting reconstruction submits to the lottery sufficient evidence to enable reconstruction and that they have submitted a claim for the prize, if any, for that ticket. If the reconstructed ticket is a winning ticket and meets the validation requirements contained in subsection (1) of this section and the specific validation requirements contained in the rules for its specific game, the director may authorize payment of the prize; provided, that the ticket shall not be validated nor the prize paid prior to ~~((the))~~ one hundred ~~((eighty-first))~~ eighty days following the official end of that instant game. A ticket(s) validated pursuant to this subsection shall not entitle the claimant entry into the grand prize drawing, if any, for that or any subsequent instant game.

(3) Any ticket not passing all the validation requirements in subsection (1) of this section and the specific validation requirements contained in the rules for its specific game is invalid and ineligible for any prize.

(4) The director may replace any invalid ticket with an unplayed ticket of equivalent sales price from any current instant game. In the event a defective ticket is purchased, the only responsibility or liability of the lottery shall be the replacement of the defective ticket with an unplayed ticket of equivalent sales price from any current instant game, or issue a refund of the sales price. However, if the ticket is partially mutilated or if the ticket is not intact but it still can be validated by other validation tests, the director may pay the prize for that ticket.

AMENDATORY SECTION (Amending WSR 97-04-047, filed 1/31/97, effective 3/3/97)

WAC 315-10-075 How do I claim an instant game prize? Procedures for claiming instant game prizes are as follows:

(1) To claim an instant game prize of \$600.00 or less the claimant may either ~~((may))~~ present the apparent winning ticket to any lottery retailer regardless of where the ticket was purchased, or may present the apparent winning ticket to the lottery by mail or in person. When a retailer is presented with a claim under this section, the retailer shall verify the claim and, if acceptable, make payment of the amount due the claimant. The prizes shall be paid during all normal business hours of that retailer provided that claims can be validated on the lottery's ~~((instant ticket scanner))~~ terminal. The retailer shall not charge the claimant any fee for payment of the prize or for cashing a business check drawn on the retailer's account.

(2) In the event the retailer cannot verify the claim, the claimant shall present a claim to the lottery by mail or in person. If the claim is validated by the lottery, ~~((a check))~~ funds shall be forwarded to the claimant in payment of the amount

due. In the event that the claim is not validated by the director, the claim shall be denied and the claimant shall be promptly notified.

(3) To claim an instant prize of more than \$600.00, the claimant shall complete a claim form, as provided in WAC 315-06-120, which is obtained from the lottery retailer or the lottery and mail or present in person the completed form together with the apparent winning ticket to the lottery. Upon validation by the director, ~~((a check))~~ funds shall be ~~((mailed))~~ forwarded or presented to the claimant in payment of the amount due, less any applicable federal income tax withholding and deductions pursuant to RCW 67.70.255 and WAC 315-06-125. In the event that the claim is not validated by the director, the claim shall be denied and the claimant shall be promptly notified.

(4) To claim an instant prize pursuant to WAC 315-10-070(2), the claimant shall notify the lottery of the claim and request reconstruction of the ticket not later than one hundred eighty days after the official end of that instant game or one hundred eighty days from purchase of a computer generated ticket. If the director authorizes reconstruction, the ticket shall not be validated nor the prize paid prior to ~~((the))~~ one hundred ~~((eighty-first))~~ eighty days following the official end of that instant game or one hundred eighty days from purchase of a computer generated ticket. A ticket(s) validated pursuant to WAC 315-10-070(2) shall not entitle the claimant entry into the grand prize drawing, if any, for that or any subsequent instant game.

(5) Any ticket not passing all the validation checks specified by the director is invalid and ineligible for any prize and shall not be paid. However, the director may, solely at his or her option, replace an invalid ticket with an unplayed ticket (or tickets of equivalent sales price from any other current game). In the event a defective ticket is purchased, the only responsibility or liability of the director shall be the replacement of the defective ticket with another unplayed ticket (or tickets of equivalent sale price from any other current game).

WSR 05-11-050

PERMANENT RULES

WASHINGTON STATE LOTTERY

[Filed May 13, 2005, 4:18 p.m., effective June 13, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Changes to the Mega Millions rules allows the addition of the states of California and Texas joining the multistate game, matrix changes from five winning numbers from a field numbered one to fifty-two and one winning number from a second field numbered one to fifty-two changed to five winning numbers from a field numbered one to fifty-six and one winning number from a second field numbered one to forty-six, prize structure change and the overall odds of winning a Mega Millions prize will change.

Citation of Existing Rules Affected by this Order: Amending chapter 315-38 WAC.

Statutory Authority for Adoption: Chapter 67.70 RCW.

Adopted under notice filed as WSR 05-08-100 on April 4, 2005.

A final cost-benefit analysis is available by contacting Ceil Buddeke, P.O. Box 43025, Olympia, WA 98504-3025, phone (360) 664-4833, fax (360) 586-6586, e-mail Cbuddeke@walottery.com.

Number of Sections Adopted in Order to Comply with 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 5, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 5, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: May 12, 2005.

Candace Martin
for Ceil Buddeke
Rules Coordinator

AMENDATORY SECTION (Amending WSR 02-15-122, filed 7/19/02, effective 8/19/02)

WAC 315-38-010 General description. Mega Millions is a game conducted by the Washington state lottery, pursuant to chapter 67.70 RCW and Title 315 WAC and pursuant to the requirements of the multistate agreement, Mega Millions official game rules, Mega Millions finance and operation procedures and Mega Millions line drawing procedures. The Mega Millions game awards prizes to ticket holders matching specified combinations of numbers randomly selected in regularly scheduled drawings. Chapter 315-38 WAC applies only to Mega Millions tickets purchased and redeemed in Washington state. Players who purchase Mega Millions tickets in other party lottery states must comply with the rules of the party lottery state in which the ticket was purchased.

AMENDATORY SECTION (Amending WSR 02-15-122, filed 7/19/02, effective 8/19/02)

WAC 315-38-020 Definitions. Words and terms set forth below, when used herein, shall have the following meaning unless otherwise indicated:

(1) **Annual/annuitized/annuity option((—)):** The manner in which the Mega Millions jackpot prize may be paid in twenty-six annual installments. In order to allow for the efficient purchase of securities, the first installment may be of a different value from the second through the twenty-sixth installment. The second through the twenty-sixth installments shall be of equal value.

(2) **Authorized claim center((—)):** Any Mega Millions agent or retailer, or party lottery office, in the state where the winning official Mega Millions ticket was purchased.

(3) **Cash option((—)):** The manner in which the Mega Millions jackpot prize may be paid in a single payment. The cash option amount shall be the proceeds of the sale of investments purchased to fund the particular winner's share of the annuitized jackpot prize. At the director's discretion, an initial payment of a portion of the cash option prize may be paid to the winner at the time the prize is claimed.

(4) **Claimant:** Any person or entity submitting a claim form within the required time period to collect a prize for an official Mega Millions ticket. A claimant may be the purchaser, the person or entity named on a signed official Mega Millions ticket, the bearer of an unsigned official Mega Millions ticket, or any other person or entity who may seek entitlement to a Mega Millions prize payment in accordance with the Mega Millions rules and party lottery governing laws, policies and rules. No claimant may assert rights different from the rights acquired by the original purchaser at the time of purchase.

(5) **Director(s):** The chief officers of the party lotteries or any other persons to whom the directors' authority is lawfully delegated.

(6) **Multistate agreement:** The amended and restated multistate agreement regarding the Mega Millions game, or any subsequent amended agreement, signed by the party lotteries and including the Mega Millions official game rules, finance and operations procedures for Mega Millions, and on-line drawing procedures for Mega Millions.

(7) **Official Mega Millions ticket:** A game ticket, produced on official paper stock by a Mega Millions agent or retailer in an authorized manner, bearing player or computer selected numbers, game name, drawing date, amount of wager, and validation data.

(8) **Party lottery or lotteries:** One or more of the state lotteries established and operated pursuant to the laws of California, Georgia, Illinois, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Texas, Virginia, Washington state or any other state lottery authorized to become a member of Mega Millions.

(9) **Parimutuel:** Total amount of sales allocated to pay prize claimants at the designated prize level, divided among the number of winning official Mega Millions tickets at the designated prize level.

(10) **Prize fund:** That portion of Mega Millions gross sales in the party lottery states set aside for the payment of prizes. The prize fund for any drawing is expected to be fifty percent of sales, but may be higher or lower based upon the number of winners at each set prize level, as well as the funding required to meet the advertised jackpot.

(11) **Purchaser(s):** Player(s) of Mega Millions who purchase tickets in accordance with Mega Millions rules and party lottery governing laws, policies, and rules.

(12) **Quick-pick, auto-pick or easy pick:** A player option in which Mega Millions number selections are determined at random by computer software.

(13) **Total prize liability:** For any one Mega Millions drawing, total prize liability is calculated as all lower tier prizes won, plus the total sales for that drawing multiplied by 31.8% (allocation to the jackpot prize pool). The California state lottery's sales and prizes are excluded for purposes of this calculation.

(14) Subscription/season ticket: An extended, multi-draw purchase option, which may be offered in Washington state at the discretion of the director of the Washington state lottery, wherein the same set(s) of numbers may be played for a specified number of consecutive drawings (for example, 26, 52 or 104), effective on a future date. Subscription/season tickets are distinguished from multidraw tickets which are effective for specified future drawings and are sold at the retailer level.

((14)) (15) Mega Millions agent, sales agent or retailer: A location in one of the states which are party lotteries and which is licensed or contracted and equipped by its respective state lottery to sell official Mega Millions tickets.

((15)) (16) Mega Millions panel or play area: That area of an official Mega Millions ticket identified by an alpha character and containing one field of five one-digit or two-digit player or computer selected numbers, and a second field of one one-digit or two-digit player or computer selected number.

((16)) (17) Mega Millions play/bet slip: A computer-readable form, printed and issued by each party lottery, used in purchasing an official Mega Millions ticket, with each play

area consisting of two fields. The first field contains ((52)) 56 areas/spaces numbered 1 through ((52)) 56; the second field contains ((52)) 46 areas/spaces numbered 1 through ((52)) 46.

((17)) (18) Mega Millions winning numbers - Five one-digit or two-digit numbers, from 1 through ((52)) 56 and one one-digit or two-digit number from 1 through ((52)) 46, randomly selected at each Mega Millions drawing, which shall be used to determine winning Mega Millions plays contained on official Mega Millions tickets.

AMENDATORY SECTION (Amending WSR 02-15-122, filed 7/19/02, effective 8/19/02)

WAC 315-38-080 Prize structure and odds. Winning number matches for the Field 1 of 5 of ((52)) 56 and Field 2 of 1 of ((52)) 46 shall win prizes as set forth below, based on an estimated anticipated prize fund of fifty percent of gross sales and estimated percents of prize fund, as defined in WAC 315-38-020(10) and the Mega Millions multistate agreement:

PRIZE LEVEL	FIELD 1 MATCH FIVE WHITE BALLS ((1-52)) 1-56	FIELD 2 MATCH MEGA BALL ((1-52)) 1-46	PRIZE	ODDS (per \$1 play)	PERCENT OF PRIZE FUND
Jackpot Prize	5	1	Jackpot	((1:135,145,920)) 1:175,711,536.00	((63.38)) 63.60
Second	5	0	\$((175,000*)) 250,000*	((1:2,649,920)) 1:3,904,700.80	((13.21)) 12.80
Third	4	1	\$((5,000*)) 10,000*	((1:575,089)) 1:689,064.85	((1.74)) 2.90
Fourth	4	0	\$150*	((1:11,276)) 1:15,312.55	((2.66)) 1.96
Fifth	3	1	\$150*	((1:12,502)) 1:13,781.30	((2.40)) 2.18
Sixth	2	1	\$10	((1:833)) 1:843.75	((2.40)) 2.38
Seventh	3	0	\$7	((1:245)) 1:306.25	((5.71)) 4.58
Eighth	1	1	\$3	((1:152)) 1:140.63	((3.96)) 4.26
Ninth	0	1	\$2	((1:88)) 1:74.80	((4.54)) 5.34
Overall odds of winning: ((1:43)) 1:40					

*Should total prize liability, exclusive of jackpot prize rollover from previous drawings, exceed three hundred percent of draw sales or fifty percent of draw sales plus \$50,000,000, whichever is less, (both hereinafter referred to as the "liability cap"), the second through fifth prizes shall be paid on a parimutuel rather than set prize basis, provided, however, that in no event shall the parimutuel prize be greater than the set prize. The amount to be used for the allocation of such parimutuel prizes shall be the liability cap less the amount paid for the jackpot prize and prize levels six through nine.

AMENDATORY SECTION (Amending WSR 02-15-122, filed 7/19/02, effective 8/19/02)

WAC 315-38-090 Jackpot prize payments. (1) Prior to each drawing, the directors shall determine the estimated annuitized jackpot prize amount to be advertised. The advertised jackpot prize amount shall be the basis for determining the amount to be awarded for each Mega Millions panel matching all five of the five Mega Millions winning numbers drawn for Field 1 and the one Mega Millions winning number drawn for Field 2. No annuitized jackpot prize, when there is only one jackpot prize winning ticket, shall be less than ((\$10)) \$12 million.

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(2) If, in any Mega Millions drawing, there are no Mega Millions panels that qualify for the jackpot prize category, the portion of the prize fund allocated to such jackpot prize category shall remain in the jackpot prize category and be added to the amount allocated for the jackpot prize category in the next consecutive Mega Millions drawing.

(3) If the annuitized jackpot prize divided by the number of Mega Millions panels matching all five of the five Mega Millions winning numbers for Field 1 and the one Mega Millions winning number for Field 2, is equal to or greater than \$1,000,000, the jackpot prize(s) will be paid under the annuity option unless a cash option was selected by the winner(s), as follows:

(a) **Cash option:** After a player has claimed a jackpot prize or a share of a jackpot prize, and after the claim has been validated (including a debt check pursuant to WAC 315-06-125), the player may elect to be paid a one-time single cash option payment as defined by WAC 315-38-020(3), provided:

(i) The player must elect this cash option within sixty days of the validation of his or her prize, by following the procedure required by the lottery;

(ii) If the federal tax code is interpreted by federal authorities to require that this cash option be exercised within sixty days of the drawing for the prize, then (a)(i) of this subsection will not apply and instead, the player must elect this cash option within sixty days of the date of the drawing for the prize;

(iii) The player's choice of payment method as designated by signing the appropriate lottery form is final and may not be changed by the player at a later date;

(iv) Cash option jackpot prizes shall be paid in a single payment in accordance with the internal validation procedures and settlement procedures pursuant to the multistate agreement and the Washington state lottery. At the director's discretion, an initial payment of a portion of the cash option prize may be paid to the winner at the time the prize is claimed.

(b) **Annuity:** A player who chooses not to elect the cash option or who does not elect the cash option within the sixty-day limit will be paid his or her prize in twenty-six annual installment payments. The initial payment shall be paid in accordance with the internal validation procedures and settlement procedures established by the multistate agreement and the Washington state lottery. The subsequent twenty-five payments shall be paid annually to coincide with the month of the federal auction date at which the bonds were purchased. All such payments shall be made within seven days of the anniversary of the actual auction date. This date of payment of the subsequent payments is subject to the discretion of the director of the Washington state lottery, acting in the best interest of the lottery.

(4) In the event multiple Mega Millions panels match all five of the five Mega Millions winning numbers for Field 1 and the one Mega Millions winning number for Field 2, and the annuitized Mega Millions jackpot prize divided by the number of winning game panels is less than \$1,000,000, each Mega Millions jackpot prize winner shall be paid an amount equal to the "cash equivalent grand/jackpot prize," as defined by the multistate agreement, divided equally by the number

of jackpot prize winners. Each such jackpot prize winner will be paid in a single cash payment.

AMENDATORY SECTION (Amending WSR 02-15-122, filed 7/19/02, effective 8/19/02)

WAC 315-38-100 Second through ninth level prizes.

(1) Mega Millions panels matching five of the five Mega Millions winning numbers drawn for Field 1, but not matching the Mega Millions winning number drawn for Field 2 shall be entitled to receive a second prize of (~~(\$175,000)~~) \$250,000 subject to subsection (5) of this section.

(2) Mega Millions panels matching four of the five Mega Millions winning numbers drawn for Field 1 and the Mega Millions winning number drawn for Field 2 shall be entitled to receive a third prize of (~~(\$5,000)~~) \$10,000 subject to subsection (5) of this section.

(3) Mega Millions panels matching four of the five Mega Millions winning numbers drawn for Field 1 but not matching the Mega Millions winning number drawn for Field 2 shall be entitled to receive a fourth prize of \$150 subject to subsection (5) of this section.

(4) Mega Millions panels matching three of the five Mega Millions winning numbers drawn for Field 1 and the Mega Millions winning number drawn for Field 2 shall be entitled to receive a fifth prize of \$150 subject to subsection (5) of this section.

(5) Should total prize liability, exclusive of jackpot prize rollover from previous drawings, exceed three hundred percent of draw sales or fifty percent of draw sales plus \$50,000,000, whichever is less, (both hereinafter referred to as the "liability cap"), the second through fifth prizes shall be paid on a parimutuel rather than set prize basis, provided, however, that in no event shall the parimutuel prize be greater than the set prize. The amount to be used for the allocation of such parimutuel prizes shall be the liability cap less the amount paid for the jackpot prize and prize levels six through nine. The California state lottery's sales and prizes are excluded for purposes of the liability cap calculation.

(6) Mega Millions panels matching two of the five Mega Millions winning numbers drawn for Field 1 and matching the Mega Millions winning number drawn for Field 2 shall be entitled to receive a sixth prize of \$10.

(7) Mega Millions panels matching three of the five Mega Millions winning numbers drawn for Field 1 but not the Mega Millions winning number drawn for Field 2 shall be entitled to receive a seventh prize of \$7.

(8) Mega Millions panels matching one of the five Mega Millions winning numbers drawn for Field 1 and the Mega Millions winning number drawn for Field 2 shall be entitled to receive an eighth prize of \$3.

(9) Mega Millions panels matching no numbers of the five Mega Millions winning numbers drawn for Field 1 but matching the Mega Millions winning number drawn for Field 2 shall be entitled to receive a ninth prize of \$2.

(10) Each Mega Millions second through ninth prize shall be paid in one payment.

WSR 05-11-054
PERMANENT RULES
COLUMBIA RIVER
GORGE COMMISSION

[Filed May 16, 2005, 1:27 p.m., effective July 1, 2005]

Effective Date of Rule: July 1, 2005.

Purpose: The purpose of this rule is to implement the management plan for the Columbia River Gorge national scenic area that the Gorge Commission adopted revisions to on April 27, 2004. The land use ordinance will be effective in any gorge county that does not have an effective land use ordinance implementing the management plan. The substantive standards are identical to the substantive standards in the management plan as revised. The procedural requirements for issuing land use decisions are similar to those contained in the current land use ordinance (Commission Rule 350-80). This rule will replace Commission Rule 350-80 in its entirety; however, Commission Rule 350-80 will not be repealed at this time.

Statutory Authority for Adoption: RCW 43.97.015.

Other Authority: ORS 196.150 and 16 U.S.C. 544e(c) and 544f(l).

Adopted under notice filed as WSR 05-02-059 on January 4, 2005.

Changes Other than Editing from Proposed to Adopted Version: Commission Rule 350-81-032(3) was changed to require the commission to set an application fee (the draft provided the executive director would set the fee). Several editing changes were made, which are available at the commission's office.

Number of Sections Adopted in Order to Comply with Federal Statute: New 100, 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 100, 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: March 8, 2005.

May 13, 2005

Nancy A. Andring
 Rules Coordinator

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 05-13 issue of the Register.

WSR 05-11-058
PERMANENT RULES
DEPARTMENT OF AGRICULTURE

[Filed May 17, 2005, 10:07 a.m., effective June 17, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This rule-making order adopts the following changes to the Washington State Department of Agriculture grain inspection program rules: (1) Changed the tonnage assessment basis from short tons (2000 pounds) to metric tons (2204.6). (2) Deleted many fee categories and provide clarity to address customer concerns on the application of some fees. (3) Adjusted fees to account for high volume operations and clearly define notification procedures to ensure services. (4) Increased current grain inspection fees where necessary to adjust for deleted fee categories and to cover the program's cost of doing business. (5) Repealed chapter 16-239 WAC and replace it with chapter 16-240 WAC, rewritten in order to improve the rule's clarity.

Citation of Existing Rules Affected by this Order: Repealing chapter 16-239 WAC in its entirety.

Statutory Authority for Adoption: Section 309(2), chapter 25, Laws of 2003 1st sp.s.; RCW 22.09.790; and chapter 34.05 RCW.

Other Authority: The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration.

Adopted under notice filed as WSR 05-07-120 on March 22, 2005.

Number of Sections Adopted in Order to Comply with 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 19, Amended 0, Repealed 52.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 19, Amended 0, Repealed 52.

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 19, Amended 0, Repealed 52.

Date Adopted: May 17, 2005.

Valoria H. Loveland
 Director

Chapter 16-240 WAC

WSDA GRAIN INSPECTION PROGRAM—DEFINITIONS, STANDARDS, AND FEES

NEW SECTION

WAC 16-240-010 Definitions. "Department" means the Washington state department of agriculture.

"Fee" means any charge made by the department for:

(1) Inspecting and handling any commodity; or

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(2) Any service related to weighing or storing grains or commodities.

"GIPSA, FGIS" means the Grain Inspection, Packers and Stockyards Administration, Federal Grain Inspection Service.

"Metric ton" means two thousand two hundred four and six-tenths pounds.

"Official commercial inspection services" means a contractual agreement between the applicant and the department for services specified by the applicant that will be provided at an applicant's facility.

"Revenue minimum" means the amount of revenue that must be collected by the department to offset expenses. In order to act as an official inspection agency under the United States Grain Standards Act and the Agricultural Marketing Act of 1946, the program must collect revenue to offset expenses. The grain inspection program is supported entirely by the fees it generates from the services it provides as required by RCW 22.09.790. The circumstances under which charges occur to collect the revenue minimum are stated in WAC 16-240-038.

"Service point" means the Washington state department of agriculture offices and surrounding service areas authorized by the Federal Grain Inspection Service to provide sampling, inspecting, weighing, and certification services.

"USDA" means the United States Department of Agriculture.

NEW SECTION

WAC 16-240-020 Washington state grain and commodity service points. The offices located in the following cities are service points for providing sampling, inspecting, weighing, and certification services.

(1) Service points:

- (a) Colfax.
- (b) Kalama.
- (c) Olympia.
- (d) Pasco.
- (e) Seattle.
- (f) Spokane.
- (g) Tacoma.
- (h) Vancouver.

(2) Aberdeen has been delegated to Washington state as a service point by the Federal Grain Inspection Service. Services for Aberdeen are as follows:

(a) Services for Aberdeen may be requested through the Tacoma grain inspection office.

(b) Travel time and mileage will be assessed from Tacoma to Aberdeen for all services requested at Aberdeen until a permanent staff is established.

(3) Inspection points may be added or deleted within the department's delegated and designated service area.

NEW SECTION

WAC 16-240-030 Commodities covered by chapter 22.09 RCW. Commodities covered under chapter 22.09 RCW and this chapter with respect to sampling, inspection, weighing, and quality or constituent determinations include all:

(1) Grains with standards or inspection criteria established under the United States Grain Standards Act;

(2) Commodities with standards or inspection criteria established under the Agricultural Marketing Act;

(3) Commodities with standards or inspection criteria established under Washington state standards; and

(4) By-products resulting from conditioning or processing the grains and commodities listed in this section.

NEW SECTION

WAC 16-240-032 Grades and standards adopted by Washington state. Washington state adopts the following grades and standards:

(1) The grades and standards established by the United States Department of Agriculture from August 1, 1984, to the present that apply to all grains and commodities regulated by this chapter.

(2) The procedures to sample, grade, test and weigh grains and commodities, established by the regulations and instructions under the United States Grain Standards Act and the Agricultural Marketing Act of 1946.

NEW SECTION

WAC 16-240-034 Service requests. An applicant must place a service request in order to ensure staffing:

(1) Service requests must be received by the inspection office by 2:00 p.m. of the last business day before the requested service.

(a) The notification requirement allows the department to secure adequate staffing to supply the requested service and to accommodate leave or adjust staffing for anticipated workloads.

(b) The notification requirement applies even if there is permanent staffing at the location (see WAC 16-240-036).

(c) Failure to meet the notification requirement may result in denial of service.

(2) Service requests beyond the office's usual scope or volume will be provided only if adequate numbers of qualified employees are available.

(3) The department reserves the right to determine the number of personnel necessary to provide the requested service.

NEW SECTION

WAC 16-240-036 Permanent staffing requests. An applicant may request the department to establish permanent staffing on shifts as shown below:

(1) Requests for permanent staffing of day, night, swing, or graveyard shifts must be made in writing at least seven business days prior to the beginning of the month for which the shift(s) are requested.

(a) Requests for permanent staffing of any night, swing or graveyard shift will be deemed to include a request for permanent staffing of the day shift.

(b) The requested shift(s) will be established if the department has an adequate number of trained personnel.

(c) Confirmation of staffing requirements must be received by the inspection office by 2:00 p.m. each day Mon-

day through Friday, for the next service day, and by 2:00 p.m. of the last business day before a Saturday, Sunday, or holiday (see WAC 16-240-034).

(d) Failure to meet the notification requirement may result in denial of service.

(2) When the department is able to staff the permanent night, swing, or graveyard shift(s) requested by the applicant, the overtime rate established under WAC 16-240-048 will be waived for the requested shift(s).

(3) Once established, permanent shifts will continue for a minimum of one calendar month.

(a) The request for a permanent shift will remain in effect until canceled.

(b) Cancellation requests must be received, in writing, at least fifteen business days prior to the end of the month.

(c) Applicants will be assessed for any shifts established at their request until the cancellation notice period has expired.

NEW SECTION

WAC 16-240-038 Revenue minimum. The circumstances under which charges occur to collect the revenue minimum are as follows:

(1) When the volume of work at the established fees does not generate revenue equivalent to the straight time hourly rate per hour, per employee, the straight time hourly rate will be assessed per hour, per employee.

(2) **Daily** averaging at export locations:

(a) When the **daily** volume of work at the established fees does not generate revenue equivalent to the straight time hourly rate per hour, per employee, including applicable supervisory and clerical employee hours, the department charges a fee to recover expenses.

(b) The straight time hourly rate will be assessed per hour, per employee.

(c) Service cancellation fees, WAC 16-240-054, are not considered to be revenue under daily averaging.

(3) **Monthly** averaging at export locations:

(a) When the applicant has requested the department to establish one or more permanent shifts, the applicant may request, in writing, that the revenue minimum required for staffing at the location be determined based on the completed invoices for the calendar month, instead of paying the fees for daily volumes of work.

(b) When the **monthly** volume of work at the established fees does not generate revenue equivalent to the straight time hourly rate per hour, per employee, including applicable supervisory and clerical employee hours, the department charges a fee to recover expenses.

(c) The straight time hourly rate will be assessed per hour, per employee.

(d) At export locations, the request for monthly averaging stays in effect until canceled.

(e) Requests to establish or cancel monthly averaging for the coming month must be received by 2:00 p.m. of the last business day in the month.

(f) Service cancellation fees, WAC 16-240-054, are not considered to be revenue under monthly averaging.

NEW SECTION

WAC 16-240-040 Official commercial inspection services. The department may provide on-site official commercial inspection services, at the applicant's request, when all of the following conditions are met:

(1) Appropriate space, equipment and security must be provided by the applicant.

(2) The applicant must provide a written document fully describing the services requested. The applicant must fully describe the requested services in writing so the department can determine appropriate staffing levels and develop a guarantee of expenses proposal.

(3) The department must be able to provide appropriate licensed personnel to accomplish the service requested.

(4) A guarantee of expenses is negotiated.

NEW SECTION

WAC 16-240-042 Payment of fees and charges. All department fees and charges for services rendered are due within thirty days of the statement date. If the department does not receive payment within thirty days:

(1) Services may be withheld until the delinquent account is paid; or

(2) Cash payment for subsequent services may be required.

The department assesses a penalty of twelve percent per annum on all delinquent account balances.

NEW SECTION

WAC 16-240-044 GIPSA, FGIS scale authorization. The United States Department of Agriculture, Grain Inspection, Packers and Stockyards Administration, Federal Grain Inspection Service (USDA, GIPSA, FGIS) has delegated official scale testing and scale authorization authority to the department.

(1) The GIPSA, FGIS scale authorization fee established in WAC 16-240-060, per hour, per employee is assessed when GIPSA, FGIS scale authorization services are performed.

(2) In addition to the hourly GIPSA, FGIS scale authorization fee; the department may assess travel time at the scale authorization hourly rate, mileage beyond ten miles, per diem, or overtime, if applicable.

(3) All scales in Washington state under USDA, GIPSA, FGIS jurisdiction must comply with the following testing requirements:

(a) Scales must be tested and certified for accuracy at least twice each year by an authorized Washington state department of agriculture scale specialist or a USDA, GIPSA, FGIS scale specialist.

(b) When tested by the department or by USDA, GIPSA, FGIS, a seal must be placed on the scales. This seal must be dated and must indicate approval or rejection.

(c) When scales are tested, copies of the test report must be:

(i) Forwarded to USDA, GIPSA, FGIS;

(ii) Maintained by the department; and

(iii) Maintained at the facility where the scale is located.

(4) The scale authorization fee is assessed in one-half hour increments.

NEW SECTION

WAC 16-240-046 Straight time rate. The straight time rate is assessed as cited below.

- (1) An hourly fee is specified in the schedule of fees.
- (2) No other fee is established in the schedule of fees.
- (3) The revenue minimum under WAC 16-240-038 applies.
- (4) The revenue minimum required for staffing at export locations determined on a daily or monthly basis under WAC 16-240-038 applies.
- (5) No contractual agreement supersedes the straight time rate.
- (6) Straight time is assessed in one-half hour increments.

NEW SECTION

WAC 16-240-048 Rates for working outside established business hours (overtime). In addition to regular inspection and weighing fees and any applicable hourly fees, the department will charge the overtime rate per hour, per employee, including applicable supervisory and clerical employee hours, when a service is requested:

- (1) Anytime on Saturdays, Sundays, or holidays.
- (2) Before or after regularly scheduled office hours, Monday through Friday.
- (3) During established meal periods on any shift.
- (4) For services requested at unstaffed export locations.
- (5) Overtime is assessed in one-half hour increments.

NEW SECTION

WAC 16-240-050 Calculating travel time, mileage and per diem. The rules for assessing travel time, mileage, and per diem are as follows:

(1) Travel time: When department personnel perform services at locations other than service points, the applicant, in addition to the fee for the service performed, must pay the department for travel time as follows:

- (a) Travel time for each department employee from the established service location to the inspection point and return at the hourly rates in effect at the time the service is performed; except
 - (b) Travel time for scale authorization is charged from the scale specialist's location to the scale location and return at the hourly scale authorization rate shown in WAC 16-240-060, USGSA—AMA—WSDA Table 1.
- (2) Mileage: Mileage will be assessed to inspection locations beyond ten miles from a service point location. Mileage will be assessed from the service point location to the inspection point and return.

(a) For scale authorization services on scales located beyond ten miles from the scale specialist's location, mileage will be assessed from the scale specialist's location to the scale location and return.

(b) Mileage will be prorated among applicants when multiple service stops can be scheduled during a single service trip.

(c) The mileage rate is assessed according to the state of Washington office of financial management private vehicle mileage reimbursement rate in effect at the time the service is performed.

(3) Per diem: Per diem may be assessed when an employee is required to travel to provide services. The charge will be at the rate established by the state of Washington office of financial management that is in effect at the time the service is performed.

NEW SECTION

WAC 16-240-052 Fees for stowage examination. (1) The following rules apply for fees for stowage examination services on vessels or ocean-going barges.

(a) At anchor stowage examination services will be conducted at the convenience of the designated grain inspection office during daylight hours under safe working and weather conditions.

(b) The applicant is responsible for securing licensed tug or water taxi to provide safe transportation to and from the anchor point.

(c) Two vessel or ship's agent representatives will accompany each WSDA inspector performing stowage examination services.

(d) In addition to the fee in USGSA Table 7, the department may assess, as applicable, the following fees:

- WAC 16-240-048 (rates outside of established business hours);
- WAC 16-240-050 (travel, mileage beyond ten miles, per diem);
- WAC 16-240-054 (service cancellation fee).

(2) The following rules apply for fees for other stowage examination services:

(a) Fees for stowage examination services will not be assessed when official sampling and inspection occurs at the time of loading or when official check loading is performed, unless the applicant requests an official stowage examination certificate.

(b) The stowage examination requirement associated with service at the time of loading may be waived in accordance with GIPSA, FGIS Directive 9020.1, available from United States Department of Agriculture, Grain Inspection, Packers and Stockyards Administration, Federal Grain Inspection Service.

(c) The applicant is responsible for assuring stowage space is readily accessible to inspection personnel.

NEW SECTION

WAC 16-240-054 Service cancellation fee. A service cancellation fee applies when service is requested and then canceled or not performed.

(1) When a service is requested before or after the inspection office's established hours, a cancellation fee would apply as follows:

(a) When a service is requested before or after an office's standard Monday through Friday shifts, or anytime on Saturdays, Sundays, or holidays; and

(b) The requested service is canceled after 2:00 p.m. of the last business day before the requested service; then

(c) A service cancellation fee will be assessed per employee scheduled.

(2) At locations where monthly averaging has been instituted, a cancellation fee would apply as follows:

(a) A request for service must be filed by 2:00 p.m. on the last business day before service to guarantee full staffing at the service location;

(b) When full staff at the location is requested and then canceled or services are not actually performed through no fault of the department; then

(c) The service cancellation fee will be assessed per employee scheduled.

(3) When service is requested for a vessel inspection, a cancellation fee would apply as follows:

(a) When a vessel inspection is requested and then canceled after 2:00 p.m. of the last business day before the requested service, a cancellation fee will apply.

(b) The service cancellation fee will be assessed per employee scheduled to inspect the vessel.

NEW SECTION

WAC 16-240-060 WSDA grain program fees for service. USGSA—AMA—WSDA Table 1 contains fees for GIPSA, FGIS scale authorization, straight-time hourly rate, overtime hourly rate, and service cancellation fees for services performed under the United States Grain Standards Act, the Agricultural Marketing Act of 1946, and Washington state rule.

**USGSA—AMA—WSDA Table 1
WSDA Grain Program Fees for Service**

1. Scale authorization fee, per hour, per employee	\$50.00
2. Straight-time rate, rate per hour, per employee	\$30.00
3. Overtime rate, per hour, per employee	\$15.00
4. Service cancellation fee, per employee	\$150.00

NEW SECTION

WAC 16-240-070 Fees for services under the United States Grain Standards Act. (1) USGSA Tables 1 through 7 in this section contain fees for official sampling and/or inspection and/or weighing services and fees for other associated services under the United States Grain Standards Act (USGSA). Services available include inspection, sampling, testing, weighing, laboratory analysis, and certification.

(2) Fees that are not specifically cited in WAC for services under the United States Grain Standards Act are described below.

(a) Fees for other services under the United States Grain Standards Act not specifically cited in WAC 16-240-070 are provided at the rates contained in WAC 16-240-080 or 16-240-090 and/or at the published rates of the laboratory or organization providing the official service or analysis.

(b) An applicant may be required to provide the necessary supplies and equipment when requesting a new or special type of analysis.

USGSA Table 1

Fees for Combination Inspection and Weighing Services

1. In, out, or local, per metric ton	\$0.150
2. Vessels (export and domestic ocean-going)	
a. First 2,500,000 metric tons per fiscal year, per metric ton	\$0.200
b. From 2,500,001 to 4,000,000 metric tons per fiscal year, per metric ton	\$0.150
c. From 4,000,001 to 5,500,000 metric tons per fiscal year, per metric ton	\$0.100
d. Over 5,500,000 metric tons per fiscal year, per metric ton	\$0.050
Note: For vessels (export and domestic ocean-going):	
<ul style="list-style-type: none"> ■ The vessel tonnage assessment is applied in full lot increments and is reset at the beginning of each fiscal year. The fiscal year begins July 1 and ends the following June 30. ■ The metric ton vessel rate includes all additional factor inspection services required by the load order. All other additional factor inspection services in USGSA Table 1 are charged at the per factor fee. ■ During vessel loading, assessments for other tests, such as protein analysis, falling number determinations, or mycotoxin analysis will be assessed at the per unit rates included in this fee schedule. 	
3. Trucks or containers, per truck or container	\$22.00
4. Additional nongrade determining factor analysis, per factor	\$3.00

USGSA Table 2

Fees for Official Sampling and Inspection Without Weighing Services

1. Original or new sample reinspection trucks or containers sampled by approved grain probe, including factor only or sampling only services, per truck or container 1	\$17.00
2. Railcars sampled by USDA approved mechanical sampler, including factor only or sampling only services, per railcar 1, 2	\$17.00
3. Original or new sample reinspection railcars sampled by USDA approved grain probe, applicant assisted, including factor only or sampling only services, per railcar 1, 2	\$17.00
4. Original or new sample reinspection railcars sampled by USDA approved grain probe, including factor only or sampling only services, per railcar 1, 2	\$26.50

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■ For barley, determining and certifying of dockage to tenths is included in the fees in USGSA Table 2.	
■ Analysis that requires additional equipment or personnel will be provided at the hourly rate. Examples are special grades, such as the determination of waxy corn, or criteria analysis, such as stress cracks in corn or seed sizing in soybeans.	
2 The per railcar rate applies to each railcar included in a batch grade. A batch grade is two or more cars that are combined, at the applicant's request, for a single grade.	
5. Additional nongrade determining factor analysis, per factor	\$3.00

**USGSA Table 3
Fees for Official Class X Weighing Services Without an Inspection of Bulk Grain**

1. In, out, or local, per metric ton	\$0.130
2. Trucks or containers, per weight lot	\$15.00

**USGSA Table 4
Fees for Inspection of Submitted Samples, Fees for Reinspections Based on Official File Samples and Fees for Additional Factors**

1. Submitted samples, including factor-only inspections, per inspection 1, 2	\$9.00
2. Reinspections based on official file sample, including factor-only reinspections, per inspection 1, 2	\$9.00
3. Additional, nongrade determining factor analysis, per factor 2	\$3.00

1	
■ When submitted samples are not of sufficient size to allow for official grade analysis, obtainable factors may be provided, upon request of the applicant, at the submitted sample rates shown above.	
■ For barley, determining and certifying of dockage to tenths is included in the fees in USGSA Table 4.	
2 Analysis that requires additional equipment or personnel will be provided at the hourly rate. Examples are special grades, such as the determination of waxy corn, or criteria analysis, such as stress cracks in corn or seed sizing in soybeans.	

**USGSA Table 5
Fees for Official Analysis for Protein, Oil, or Other Official Constituents**

Original or reinspection based on file sample, per test	\$7.00
Note: The following applies to the fee in USGSA Table 5:	

■ When a reinspection service includes a request for a new sample, the appropriate sampling fee will also be assessed.
■ Results for multiple criteria achieved in a single testing operation are provided at the single test rate unless certificated separately.

**USGSA Table 6
Fees for Testing for the Presence of Mycotoxins Using USDA Approved Methods**

Original, reinspection based on official file sample, or submitted sample, per test	\$37.50
Note:	
■ When a reinspection service includes a request for a new sample, the appropriate sampling fee to obtain the sample will be assessed in addition to the per test fee shown earlier (see WAC 16-240-070, USGSA Table 2).	

**USGSA Table 7
Fees for Stowage Examination Services on Vessels or Ocean-Going Barges and Fees for Other Stowage Examination Services**

1. Vessels or ocean-going barges stowage examination, original or reinspection, per request	\$300.00
2. Other stowage examinations of railcars, trucks, trailers, or containers, original or reinspection, per inspection	\$9.00

NEW SECTION

WAC 16-240-080 Fees for services under the Agricultural Marketing Act of 1946. (1) AMA Tables 1 through 5 in this section contain official sampling and/or inspection and/or weighing services and fees for other services under the Agricultural Marketing Act of 1946 (AMA). Services available include inspection, sampling, testing, weighing, laboratory analysis, and certification.

(2) Fees that are not specifically cited in WAC for services under the Agricultural Marketing Act of 1946 are described below.

(a) Fees for other services under the Agricultural Marketing Act of 1946 not contained in WAC 16-240-080 are contained in WAC 16-240-070 or 16-240-090 and/or at the published rates of the laboratory or organization providing the official service or analysis.

(b) An applicant may be required to provide the necessary supplies and/or equipment when requesting a new or special type of analysis.

**AMA Table 1
Fees for Combination Sampling, Inspection and Weighing Services, and Additional Factors**

1. In, out, or local, per metric ton 1, 2	\$0.150
2. Vessels (export or domestic), per metric ton 1, 3, 4	\$0.200

3.	Trucks or containers, per truck or container 1, 2	\$30.00
4.	Additional, nongrade determining factor analysis, per factor 1	\$3.00
1	The rates in the above section also apply to services provided under federal criteria inspection instructions, state established standards, and/or other applicant defined criteria.	
2	Dockage breakdown is included in the basic inspection fee.	
3	The metric ton vessel rate includes all additional factor inspection services required by the load order. All other additional factor inspection services in AMA Table 1 are charged at the per factor fee.	
4	Assessments for other tests, such as mycotoxin analysis, provided during vessel loading will be assessed at the per unit rates included in this fee schedule.	

AMA Table 2

Fees for Official Sampling and Inspection Without Weighing Services, and Additional Factors

1.	Trucks, containers, or tote lots, sampled by USDA approved grain probe, including factor only or sampling only services, per truck, container, or tote lot	\$30.00
2.	Railcars sampled by USDA approved mechanical samplers, including factor only or sampling only services, per railcar	\$30.00
3.	Railcars sampled by USDA approved grain probe, including factor only or sampling only services, per railcar	\$30.00
4.	Inspection of bagged commodities, including factor only or sampling only services, per hundredweight (cwt)	\$0.080
5.	Additional, nongrade determining factor analysis, per factor	\$3.00
Note: The following applies to all fees in this table:		
<ul style="list-style-type: none"> ■ Dockage breakdown is included in the basic inspection fee. ■ Analysis for special grade requirements or criteria analysis that requires additional equipment or personnel will be provided at the hourly rate. ■ The rates shown above also apply to services provided under federal criteria inspection instructions. 		

AMA Table 3

Fees for Official Weighing Services without Inspections

1.	In, out, or local, per metric ton	\$0.130
2.	Trucks or containers, per weight lot	\$15.00

AMA Table 4

Fees for Inspecting Submitted Samples

1.	Submitted sample, thresher run or processed, including factor-only inspections, per sample	\$19.00
2.	Additional, nongrade determining factor analysis, per factor	\$3.00
Note: The following applies to all fees in this table:		
<ul style="list-style-type: none"> ■ Dockage breakdown is included in the basic inspection fee. ■ Analysis for special grade requirements or criteria analysis that requires additional equipment or personnel will be provided at the hourly rate. ■ The rates shown above also apply to inspection services provided under federal criteria inspection instructions. ■ When the size of a submitted sample is insufficient to perform official grade analysis, factor-only analysis is available on request of the applicant. 		

AMA Table 5

Fees for Miscellaneous Services

1.	Falling number determinations, including liquefaction number on request, per determination	\$15.00
2.	Sampling and handling of processed commodities, per hour, per employee	\$30.00
3.	Laboratory analysis, at cost	At cost
Note:		
<ul style="list-style-type: none"> ■ On request, shipping arrangements billed directly by shipper to the customer's shipping account may be coordinated by the department. 		

NEW SECTION

WAC 16-240-090 Fees for other services performed by WSDA. (1) WSDA Tables 1 through 3 in this section contain fees for other services performed at the request of the applicant when no USGSA or AMA standards exist. Services available include inspection, sampling, testing, weighing, laboratory analysis, and certification.

(2) Applicant-defined analysis may be available from the department.

(a) Hourly fees for sampling and/or sample preparation may be assessed.

(b) The analysis will be provided at the established hourly rate or may be provided at the cost quoted by the laboratory or organization providing the service or analysis.

(c) Applicant may be required to provide supplies and equipment when requesting a new analysis or special service.

PERMANENT

**WSDA Table 1
Fees for Inspecting Miscellaneous Agricultural Commodities under Chapter 16-213 WAC**

1. Submitted sample, per sample	\$9.00
2. Railcars, sampled by USDA approved diverter-type mechanical samplers, per car	\$17.00
3. Railcars, sampled by USDA approved grain probe, per car	\$26.50
4. Trucks or containers, sampled by USDA approved grain probe, per truck or container	\$17.00
Note: The following applies to all items in WSDA Table 1:	
<ul style="list-style-type: none"> ■ These rates also apply to inspection services provided under applicant-specified criteria or standards other than USGSA, AMA or WSDA. For example: Millet may be inspected under state of Montana standards, upon applicant request. 	

**WSDA Table 2
Fees for Phytosanitary Certification**

1. In conjunction with official inspection, per certificate	\$25.00
2. For phytosanitary certification only, without official inspection, add required sampling time, per hour, per employee	\$30.00

**WSDA Table 3
Fees for Miscellaneous Services**

1. Unofficial constituent analysis, per test	\$7.00
2. Sample pick-up fee, on department established routes, per sample	\$0.85
3. Laboratory analysis, provided at other than WSDA grain inspection program offices, per analysis	At cost

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 16-239-010 Definitions.
- WAC 16-239-020 Washington state grain and commodity inspection points.
- WAC 16-239-030 Commodities covered by chapter 22.09 RCW.
- WAC 16-239-040 Grades and standards adopted by Washington state.
- WAC 16-239-050 Scale testing.
- WAC 16-239-060 Guarantee of expenses.
- WAC 16-239-061 Guaranteed staffing levels.

- WAC 16-239-062 Additional fees to cover insufficient revenue at export locations.
- WAC 16-239-063 Official commercial inspection services.
- WAC 16-239-064 Calculating travel time, mileage and per diem.
- WAC 16-239-065 Payment of fees and charges.
- WAC 16-239-070 Basic WSDA grain program fees for service.
- WAC 16-239-071 Straight time rate.
- WAC 16-239-072 GIPSA/FGIS scale authorization fee.
- WAC 16-239-073 Overtime and night shift rates.
- WAC 16-239-074 Late notice fee.
- WAC 16-239-075 Call-back fee.
- WAC 16-239-076 Shift request fee.
- WAC 16-239-077 Shift cancellation fee.
- WAC 16-239-078 Four-hour minimum standby fee.
- WAC 16-239-079 Service cancellation fee.
- WAC 16-239-080 Fees for official sampling, inspecting, and/or weighing services under the United States Grain Standards Act.
- WAC 16-239-0801 Fees for combination inspection and weighing services.
- WAC 16-239-0802 Fees for official sampling and inspecting without weighing and fees for official sampling only.
- WAC 16-239-0803 Fees for official Class X weighing services without an inspection.
- WAC 16-239-0804 Fees for other official weighing services.
- WAC 16-239-0805 Fees for inspecting submitted samples.
- WAC 16-239-0806 Fees for factor analysis.
- WAC 16-239-0807 Fees for official constituent analysis using near-infrared transmittance (NIRT) technology.
- WAC 16-239-0808 Fees for qualitative or quantitative testing for the presence of Mycotoxins using USDA approved "ELISA," "Fluorometric," or similar methods.

PERMANENT

- WAC 16-239-0809 Fees for stowage examination services on vessels or ocean-going barges.
- WAC 16-239-0810 Fees for other stowage examination services.
- WAC 16-239-0811 Fees for phytosanitary certification.
- WAC 16-239-0812 Fees for miscellaneous services.
- WAC 16-239-0813 Fees for other services under the United States Grain Standards Act.
- WAC 16-239-090 Fees for performing official Agricultural Marketing Act of 1946 services.
- WAC 16-239-0901 Fees for combination inspection and weighing services.
- WAC 16-239-0902 Fees for official sampling and inspecting without weighing and fees for official sampling only.
- WAC 16-239-0903 Fees for official weighing services without inspections.
- WAC 16-239-0904 Fees for other official weighing services.
- WAC 16-239-0905 Fees for inspection of submitted samples.
- WAC 16-239-0906 Fees for factor analysis.
- WAC 16-239-0907 Fees for qualitative or quantitative testing for the presence of Mycotoxins using USDA approved "ELISA" or "Fluorometric" methods.
- WAC 16-239-0908 Fees for stowage examination services on vessels or ocean-going barges.
- WAC 16-239-0909 Fees for other stowage examination services.
- WAC 16-239-0910 Fees for phytosanitary certification.
- WAC 16-239-0911 Fees for miscellaneous services.
- WAC 16-239-0912 Fees for other services under the Agricultural Marketing Act of 1946.
- WAC 16-239-100 Fees for services performed under state regulation or standards and for services "as specified" by the applicant when no official standards exist.

- WAC 16-239-1010 Fees for inspecting miscellaneous agricultural commodities under chapter 16-213 WAC.
- WAC 16-239-1020 Fees for miscellaneous services.
- WAC 16-239-1030 Fees for services not specifically identified in WAC 16-239-1010 and 16-239-1020.

WSR 05-11-061
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed May 17, 2005, 10:15 a.m., effective June 30, 2005]

Effective Date of Rule: June 30, 2005.

Purpose: The purpose of this rule making is to update the requirements for medical gas piping in order to be consistent with national and industry standards. This will alleviate the inconsistencies between the national and state standards. The department is also proposing a 3.03% fee increase, which is the Office of Financial Management's maximum allowable fiscal growth rate factor for fiscal year 2005. This fee increase is necessary to maintain the financial health and operational effectiveness of the plumbers program.

Citation of Existing Rules Affected by this Order: Amending WAC 296-400A-005, 296-400A-021, and 296-400A-045.

Statutory Authority for Adoption: RCW 19.103.040, 18.106.140.

Other Authority: Chapter 18.106 RCW.

Adopted under notice filed as WSR 05-06-062 on March 1, 2005.

Changes Other than Editing from Proposed to Adopted Version: In WAC 296-400A-005, under the definition of continuity affidavit, we are adding "or another qualified verifier as determined by the department" under who can verify the work has been completed.

Number of Sections Adopted in Order to Comply with 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 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, 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 1, Amended 3, Repealed 0.

PERMANENT

Date Adopted: May 17, 2005.

Judy Schurke
Acting Director

AMENDATORY SECTION (Amending WSR 04-12-046, filed 5/28/04, effective 6/30/04)

WAC 296-400A-005 What definitions do I need to know to understand these rules? Unless a different meaning is clearly required by the context, the following terms and definitions are important:

"**Advisory board**" is the state advisory board of plumbers.

"**Audit**" means an assessment, evaluation, examination or investigation of, contractor's accounts, books and records for the purpose of verifying the contractor's compliance with RCW 18.106.320.

"**Backflow assembly**" or "**backflow prevention assembly**" or "**backflow preventer**" is a device as described in the Uniform Plumbing Code used to prevent the undesired reversal of flow of water or other substances through a cross-connection into the public water system or consumer's potable water system.

"**Backflow assembly tester**" is an individual certified by the department of health to perform tests to backflow assemblies.

"**Continuing education**" is approved plumbing and electrical courses for journeyman and residential specialty plumbers, to meet the requirements to maintain their plumbing certification and for trainees or individuals to become certified plumbers in Washington.

"**Continuing education course provider**" is an entity approved by the department, in consultation with the state advisory board of plumbers, to provide continuing education training for journeyman, specialty residential plumbers and trainees. All training course providers must comply with the requirements in WAC 296-400A-028.

"**Continuity affidavit**" is a form developed by the department that is used to verify whether medical gas pipe installation work (brazing process) has been performed biannually. This form is provided to the department annually by the person holding the medical gas piping installer endorsement and requires the signature of the employer of the medical gas piping installer or another qualified verifier as determined by the department. Continuity is a visual examination by the employer of the brazing that was performed.

"**Contractor**" means any person, corporate or otherwise, who engages in, or offers or advertises to engage in, any work covered by the provisions of chapter 18.106 RCW by way of trade or business, or any person, corporate or otherwise, who employs anyone, or offers or advertises to employ anyone, to engage in any work covered by the provisions of chapter 18.106 RCW and is registered as a contractor under chapter 18.27 RCW.

"**Dispatcher**" means the contractor's employee who authorized the work assignment of the person employed in violation of chapter 18.106 RCW.

"**Department**" is the department of labor and industries.

"**Director**" is the director of the department of labor and industries.

"**Journeyman plumber**" is anyone who has learned the commercial plumbing trade and has been issued a journeyman certificate of competency by the department. A journeyman plumber may work on plumbing projects including residential, commercial and industrial worksite locations.

"**Medical gas piping installer**" is anyone who has been issued a medical gas piping installer endorsement of competency by the department.

"**Medical gas piping systems**" are piping systems that convey or involve oxygen, nitrous oxide, high pressure nitrogen, medical compressed air (~~and~~), or medical vacuum systems.

"**Plumbing**" is that craft involved in installing, altering, repairing and renovating potable water systems, liquid waste systems and medical gas piping systems within a building. The installation of water softening or water treatment equipment into a water system is not considered plumbing.

"**Records**" include, but are not limited to, all bids, invoices, billing receipts, time cards and payroll records that show the work was performed, advertised, or bid.

"**Specialty plumber**" is anyone who has been issued a specialty plumbers certificate of competency by the department limited to:

(a) Installation, maintenance and repair of plumbing for single-family dwellings, duplexes and apartment buildings which do not exceed three stories; or

(b) Maintenance and repair of backflow assemblies located within a residential or commercial building or structure. For the purposes of this subsection, "maintenance and repair" includes cleaning and replacing internal parts of an assembly, but does not include installing or replacing backflow assemblies.

"**Supervision**" for the purpose of these rules means within sight or sound. Supervision requirements are met when the supervising plumber is on the premises and within sight or sound of the individual who is being trained.

"**Training course provider**" is an entity approved by the department, in consultation with the state advisory board of plumbers, to provide medical gas piping installer training. All training course providers must comply with the requirements in WAC 296-400A-026.

"**Trainee plumber**" is anyone who has been issued a trainee certificate and is learning or being trained in the plumbing trade with direct supervision of either a journeyman plumber or specialty plumber working in their specialty.

AMENDATORY SECTION (Amending WSR 04-12-046, filed 5/28/04, effective 6/30/04)

WAC 296-400A-021 How do I obtain a medical gas piping installer endorsement? (Only journeyman plumbers holding active state of Washington certification may apply for this endorsement.)

You can obtain a medical gas piping installer endorsement by completing the following requirements:

- (1) Submit an application to the department; and
- (2) Pay the examination application fee shown in WAC 296-400A-045; and
- (3) Submit the required evidence of approved training to the department; and

(4) Pass the written and practical competency examination;*and

(5) Pay the endorsement issuance fee shown in WAC 296-400A-045 to the department.

~~((At the effective date of these medical gas piping installer rules, you may apply for the state of Washington medical gas piping installer endorsement in lieu of taking the medical gas piping installer examination, if you hold a current medical gas piping installers certificate issued by a department recognized training course provider. This opportunity to obtain your endorsement without taking the examination will expire one year from the effective date of these medical gas piping installer rules.))~~

*The written and practical competency examination is performed under contract with a nationally recognized testing agency. The results of the competency examination will be forwarded to the department for processing.

NEW SECTION

WAC 296-400A-022 What procedure is required for renewal of a journeyman medical gas endorsement? (1) Maintain an active Washington state journeyman certification;

(2) Submit affidavit of continuity;

(3) Submit affidavit of review of current medical gas code adopted by the Washington state building code council;

(4) Pay the appropriate fee: If renewal occurs before expiration of current endorsement, the renewal fee shown in WAC 296-400A-045; if renewal occurs within ninety days of expiration of current endorsement, you must pay a double renewal fee; if the current endorsement has been expired for ninety-one days or more, you must take an examination relating to medical gas installation administered by the department and pay the examination application fee shown in WAC 296-400A-045; and

(5) Contractors shall accurately verify and attest to brazing performed by the journeyman by sending an affidavit to the department.

AMENDATORY SECTION (Amending WSR 04-12-046, filed 5/28/04, effective 6/30/04)

WAC 296-400A-045 What fees will I have to pay? The following are the department's plumbers fees:

(1) Fees related to journeyman and specialty plumber certification:

<u>Type of Fee</u>	<u>Period Covered by Fee</u>	<u>Dollar Amount of Fee</u>
Examination application	Per examination	\$ ((115.30)) <u>118.70</u>
Reciprocity application*	Per application	\$ ((115.30)) <u>118.70</u>
Trainee certificate**	One year	\$ ((34.50)) <u>35.50</u>
Temporary permit (not applicable for backflow assembly maintenance and repair specialty)	90 days	\$ ((57.40)) <u>59.10</u>
Journeyman or residential specialty certificate***	Two years (fee may be prorated based on months)	\$ ((92.40)) <u>95.10</u>
Backflow assembly maintenance and repair specialty certificate	Two years (fee may be prorated based on months)	\$ ((63.80)) <u>65.70</u>
Medical gas endorsement ((examination)) application	Per application	\$ ((42.60)) <u>43.80</u>
Medical gas endorsement***	One year	\$ ((31.80)) <u>32.70</u>
Medical gas endorsement examination fee****		See note below.
Medical gas endorsement training course fee*****		See note below.
Reinstatement fee for residential and journeyman certificates		\$ ((184.90)) <u>190.50</u>
Reinstatement fee for backflow assembly maintenance and repair specialty certificates		\$ ((106.50)) <u>109.70</u>
Replacement fee for all certificates		\$ ((15.80)) <u>16.20</u>
Refund processing fee		\$ ((25.00)) <u>25.70</u>
Unsupervised trainee endorsement		\$ ((25.00)) <u>25.70</u>
Inactive status fee		\$ ((25.00)) <u>25.70</u>
Certified letter fee		\$ ((25.00)) <u>25.70</u>
Continuing education new course fee*****		\$ ((150.00)) <u>154.50</u>

PERMANENT

Continuing education renewal course fee*****

\$((75.00)) 77.20

Continuing education classes provided by the department

\$12 per continuing education training hour

\$8 per continuing education training hour for correspondence and internet courses

- * Reciprocity application is only allowed for applicants that are applying work experience toward certification that was obtained in state(s) with which the department has a reciprocity agreement.
- ** The trainee certificate shall expire one year from the date of issuance and must be renewed on or before the date of expiration.
- *** This fee applies to either the original issuance or a renewal of a certificate. If you have passed the plumbers certificate of competency examination or the medical gas piping installer endorsement examination and paid the certificate fee, you will be issued a plumber certificate of competency or a medical gas endorsement that will expire on your birth date.
The annual renewal of a Medical Gas Piping Installer Endorsement shall include a continuity affidavit verifying that brazing work has been performed ((within the past year)) biannually.
- **** This fee is paid directly to a nationally recognized testing agency under contract with the department. It covers the cost of preparing and administering the written competency examination and the materials necessary to conduct the practical competency examination required for the medical gas piping system installers endorsement. **This fee is not paid to the department.**
- ***** This fee is paid directly to a training course provider approved by the department, in consultation with the state advisory board of plumbers. It covers the cost of providing training courses required for the medical gas piping system installer endorsement. **This fee is not paid to the department.**
- ***** This fee is for a three-year period or code cycle.

(2) If your birth year is:

- (a) In an even-numbered year, your certificate will expire on your birth date in the next even-numbered year.
- (b) In an odd-numbered year, your certificate will expire on your birth date in the next odd-numbered year.

WSR 05-11-074
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed May 17, 2005, 4:30 p.m., effective July 1, 2005]

Effective Date of Rule: July 1, 2005.

Purpose: Amending WAC 388-418-0007 When do I have to report a change in my circumstances?, to reflect department policy regarding when people must report changes in their circumstances and to update a reference in the rule.

Citation of Existing Rules Affected by this Order: Amending WAC 388-418-0007.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.

Adopted under notice filed as WSR 05-08-120 on April 5, 2005.

Number of Sections Adopted in Order to Comply with 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: May 12, 2005.

Andy Fernando, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 04-19-134, filed 9/21/04, effective 10/1/04)

WAC 388-418-0007 When do I have to report changes in my circumstances? (1) If your household has a change of circumstances you are **not required to report** under WAC 388-418-0005, you do not need to contact the department about this change. If you tell us about this change, we take action based on the new information. This includes:

- (a) Requesting additional information we need to determine your eligibility and benefits under WAC 388-490-0005;
- (b) Increasing your benefits when we have proof of a change that makes you eligible for more benefits; or
- (c) Reducing or terminating your benefits based on the change.

(2) If you **are applying for** benefits and have had a change:

- (a) After the date you applied but before your interview, you must report the change at the time of your interview; or
- (b) After you have been interviewed, you must report changes required to be reported by someone receiving benefits as described under WAC 388-418-0005. You must report this change by the tenth day of the month following the month the change happened.

(3) If you **receive** cash assistance, medical, or Basic Food, you must report changes required under WAC 388-418-0005 by the tenth day of the month following the month the change happened.

(4) For a change in income, the date a change happened is the date you receive income based on this change. For example, the date of your first paycheck for a new job, or the date of a paycheck showing a change in your wage or salary.

(5) If we require you to complete a six-month report, you must complete the report to inform us of your circumstances as described under WAC ((388-418-0010)) 388-418-0011 in order to keep getting benefits.

PERMANENT

(6) If you get TANF/SFA, and you learn that a child in your assistance unit (AU) will be gone from your home longer than ninety days, you must report this information to us within five calendar days from the date you learn this information. If you do not report this within five days, the child's caretaker is not eligible for cash benefits for one month. We continue to budget the ineligible person's countable income as described in WAC 388-450-0162 while determining the benefits for the remaining people in the AU.

(7) If you report changes late, you may get the wrong amount or wrong type of benefits. If you get more benefits than you are eligible for, you may have to pay them back as described in chapter 388-410 WAC.

WSR 05-11-077
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Medical Assistance Administration)

[Filed May 17, 2005, 4:37 p.m., effective June 17, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To update and clarify policy regarding the diagnostic-related group (DRG) classification system for inpatient hospital services provided to medical assistance clients.

Citation of Existing Rules Affected by this Order: Amending WAC 388-550-3000 DRG payment system.

Statutory Authority for Adoption: RCW 74.04.050, 74.08.090.

Adopted under notice filed as WSR 05-07-096 on March 17, 2005.

Number of Sections Adopted in Order to Comply with 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: May 13, 2005.

Andy Fernando, Manager
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 99-06-046, filed 2/26/99, effective 3/29/99)

WAC 388-550-3000 ~~Payment method—DRG~~ ((~~payment system~~)). (1) ((~~Except where otherwise specified, MAA~~)) The medical assistance administration (MAA) uses

the diagnosis-related group (DRG) ((~~system, which categorizes patients into clinically coherent and homogenous groups with respect to resource use, as the reimbursement method for~~)) payment method to reimburse covered inpatient hospital services, except as specified in WAC 388-550-4300 and 388-550-4400.

(2) MAA uses the all-patient grouper (AP-DRG) to assign a DRG to each inpatient hospital stay. MAA periodically evaluates which ((~~all-patient grouper (AP-DRG) version~~)) version of the AP-DRG to use.

(3)((~~a~~)) MAA calculates the DRG payment for a particular hospital by multiplying the assigned DRG's relative weight, as determined in WAC 388-550-3100, for that admission by the hospital's cost-based conversion factor, as determined in WAC 388-550-3450.

(b) If the hospital is participating in the selective contracting program, the department multiplies the DRG relative weight for the admission by the hospital's negotiated conversion factor, as specified in WAC 388-550-4600(4).

(4)(a) MAA pays for a hospital readmission within seven days of discharge for the same client when department review concludes the readmission did not occur as a result of premature hospital discharge.

(b) ~~When a client is readmitted to the same hospital within seven days of discharge, and MAA review concludes the readmission resulted from premature hospital discharge, MAA treats the previous and subsequent admissions as one hospital stay and pay a single DRG for the combined stay~~) Δ DRG payment includes, but is not limited to:

(a) All covered hospital services provided to a client during the client's inpatient hospital stay.

(b) Outpatient hospital services, including preadmission, emergency room, and observation services related to an inpatient hospital admission and provided within one calendar day of a client's inpatient hospital admission. These outpatient services must be billed on the inpatient hospital claim (see WAC 388-550-6000 (3)(c)).

(c) Any specific service(s), treatment(s), or procedure(s) (such as renal dialysis services) that the admitting hospital is unable to provide and:

(i) The admitting hospital sends the client to another facility or provider for the service(s), treatment(s), or procedure(s) during the client's inpatient stay; and

(ii) The client returns as an inpatient to the admitting hospital.

(d) All transportation costs for an inpatient client when the client requires transportation to another facility or provider for a specific service(s), treatment(s), or procedure(s) that the admitting hospital is unable to provide and:

(i) The admitting hospital sends the client to another facility or provider for the service(s), treatment(s), or procedure(s); and

(ii) The client returns as an inpatient to the admitting hospital.

(4) MAA's DRG payment is determined by multiplying the assigned DRG's relative weight, as determined in WAC 388-550-3100, by the hospital's conversion factor. See WAC 388-550-3450 and 388-550-4600(4).

(5) ((~~If two different DRG assignments are involved in a readmission as described in subsection (4) of this section,~~

~~MAA reviews the hospital's records to determine the appropriate reimbursement.~~

~~(6) MAA recognizes Medicaid's DRG payment for a Medicare-Medicaid dually eligible client to be payment in full.~~

~~(a) MAA pays the Medicare deductible and co-insurance related to the inpatient hospital services provided to clients eligible for Medicare and Medicaid subject to the Medicaid maximum allowable limit set in WAC 388-550-1200(6).~~

~~(b) MAA ensures total Medicare and Medicaid payments to a provider for such client does not exceed Medicaid's maximum allowable charges.~~

~~(c) MAA pays for those allowed charges beyond the threshold using the outlier policy described in WAC 388-550-3700 in cases where:~~

~~(i) Such client's Medicare Part A benefits including lifetime reserve days are exhausted; and~~

~~(ii) The Medicaid outlier threshold status is reached))~~
MAA's DRG payments to hospitals may be adjusted when one or more of the following occur:

(a) A claim qualifies as a DRG high-cost or low-cost outlier (see WAC 388-550-3700);

(b) A client transfers from one acute care hospital or distinct unit to another acute care hospital or distinct unit (see WAC 388-550-3600);

(c) A client is not eligible for a medical assistance program on one or more of the days of the hospital stay;

(d) A client is eligible for Part B Medicare and Medicare has made a payment for the Part B hospital charges; or

(e) A client is discharged from an inpatient hospital stay and is readmitted as an inpatient within seven days. MAA or its designee performs a retrospective utilization review (see WAC 388-550-1700 (3)(b)(iii)) on the initial admission and the readmission(s) to determine which inpatient hospital stay(s) qualify for DRG payment.

WSR 05-11-078

PERMANENT RULES DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed May 17, 2005, 4:39 p.m., effective June 17, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To correct a typographical error in a cross-reference. The introduction to WAC 388-530-1280 refers to RCW 69.41.090; the correct reference is RCW 69.41.190.

Citation of Existing Rules Affected by this Order:
Amending WAC 388-530-1280.

Statutory Authority for Adoption: RCW 69.41.190, 70.14.050, and 74.08.090.

Adopted under notice filed as WSR 05-06-095 on March 1, 2005.

Number of Sections Adopted in Order to Comply with 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: May 10, 2005.

Andy Fernando, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 05-02-044, filed 12/30/04, effective 1/30/05)

WAC 388-530-1280 Preferred drug list(s). This section contains the medical assistance administration's (MAA) rules for preferred drug list(s) (PDL). Under RCW ((69.41.090)) 69.41.190 and 70.14.050, MAA and other state agencies cooperate in developing and maintaining preferred drug list(s).

(1) The Washington preferred drug list (PDL):

(a) Washington state contracts with evidence-based practice center(s) for systematic reviews of drug(s).

(b) The pharmacy and therapeutics (P&T) committee reviews and evaluates the safety, efficacy, and outcomes of prescribed drugs, using evidence-based information provided by the evidence-based practice center(s).

(c) The P&T committee makes recommendations to state agencies as to which drug(s) to include on the Washington PDL, under chapter 182-50 WAC.

(d) The appointing authority makes the final selection of drugs included on the Washington PDL.

(e) Nonpreferred drugs within a therapeutic class on the Washington PDL are subject to the therapeutic interchange program (TIP) according to WAC 388-530-1290.

(2) The medical assistance administration's (MAA's) PDL. Drugs on MAA's PDL:

(a) Are not part of the Washington PDL;

(b) Are not subject to TIP; and

(c) Continue to require prior authorization when they are designated as nonpreferred.

(3) Combination drugs that are not on the Washington PDL, that are not reviewed by the evidence-based practice center(s), and that are not subject to TIP under WAC 388-530-1290, are considered for coverage according to MAA's prior authorization program.

WSR 05-11-082
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed May 17, 2005, 4:45 p.m., effective June 17, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Adopting new chapter 388-106 WAC, Long-term care services, and revision of other rules are required to phase out rules that no longer apply, due to the implementation of the comprehensive assessment reporting and evaluation (CARE) tool. In addition, ADSA is reorganizing, amending, and streamlining rules to ensure that all rules are current and clear.

WAC Conversion Chart

This chart indicates the new WAC number or location which will replace those WACs being repealed in chapters 388-71 and 388-72A WAC, and WAC sections that will remain in chapter 388-71 WAC.

PREVIOUS SECTIONS IN CHAPTER 388-71 WAC	NEW WAC NUMBER, IF ANY
HOME AND COMMUNITY PROGRAMS	
388-71-0194 Home and community services—Nursing services.	388-106-0200, 388-106-0300, 388-106-0305, 388-106-0400, and 388-106-0500
388-71-0202 Long-term care services—Definitions.	388-71-0215
388-71-0203 Long-term care services—Assessment of task self-performance and determination of required assistance.	388-71-0230
388-71-0205 Long-term care services—Service plan.	388-71-0235
388-71-0400 What is the intent of the department's home and community programs?	Repealed - No new number.
388-71-0405 What are the home and community programs?	388-106-0015
388-71-0410 What services may I receive under HCP?	388-106-0300, 388-106-0305, 388-106-0400, 388-106-0500, and 388-106-0600
388-71-0415 What other services may I receive under the COPES program?	388-106-0300, 0305
388-71-0420 What services are not covered under HCP?	388-106-0020
388-71-0425 Who can provide HCP services?	388-106-0040
388-71-0430 Am I eligible for one of the HCP programs?	388-106-0210, 388-106-0310, 388-106-0410, 388-106-0510, and 388-106-0610
388-71-0435 Am I eligible for COPES-funded services?	388-106-0310
388-71-0440 Am I eligible for MPC-funded services?	388-106-0210
388-71-0442 Am I eligible for medically needy residential waiver services?	388-106-0410
388-71-0445 Am I eligible for Chore-funded services?	388-106-0610

PREVIOUS SECTIONS IN CHAPTER 388-71 WAC	NEW WAC NUMBER, IF ANY
388-71-0450 How do I remain eligible for services?	388-106-0220, 388-106-0320, 388-106-0420, 388-106-0520, and 388-106-0620
388-71-0455 Can my services be terminated if eligibility requirements for HCP change?	388-106-0220, 388-106-0320, 388-106-0420, 388-106-0520, and 388-106-0620
388-71-0460 Are there limitations to HCP services I can receive?	388-106-0130
388-71-0465 Are there waiting lists for HCP services?	388-106-0235, 388-106-0335, 388-106-0435, and 388-106-0535
388-71-0470 Who pays for HCP services?	388-106-0225, 388-106-0325, 388-106-0425, 388-106-0525, and 388-106-0625
388-71-0480 If I am employed, can I still receive HCP services?	388-106-0230, 388-106-0330, 388-106-0430, 388-106-0530, and 388-106-0630
INDIVIDUAL PROVIDER AND HOME CARE AGENCY PROVIDER QUALIFICATIONS	Kept in chapter 388-71 WAC
RESIDENTIAL CARE SERVICES	
388-71-0600 What are residential services?	388-106-0010
388-71-0605 Am I eligible for residential services?	388-106-0905
388-71-0610 Who pays for residential care?	388-106-0225, 388-106-0325, 388-106-0425, and 388-106-0525
388-71-0613 For what days will the department pay the residential care facility?	388-106-0225, 388-106-0325, 388-106-0425, and 388-106-0525
388-71-0615 If I leave a hospital, residential facility, or nursing facility, are there resources available to help me find a place to live?	388-106-0950
388-71-0620 Am I eligible for a residential discharge allowance?	388-106-0955
NURSING FACILITY CARE AND PAYMENT	
388-71-0700 What are the requirements for nursing facility eligibility, assessment, and payment?	388-106-0350, 388-106-0355, and 388-106-0360
ADULT DAY SERVICES (KEPT IN CHAPTER 388-71 WAC EXCEPT FOR THE FOLLOWING)	
388-71-0704 Adult day care—Services.	388-106-0800
388-71-0706 Adult day health—Services.	388-106-0805
388-71-0708 Adult day care—Eligibility.	388-106-0810
388-71-0710 Adult day health—Eligibility.	388-106-0815
PROGRAM OF ALL-INCLUSIVE CARE FOR THE ELDERLY (PACE)	
388-71-0800 What is PACE?	388-106-0015
388-71-0805 What services does PACE cover?	388-106-0700
388-71-0810 Who provides these services?	Repealed - No new number.
388-71-0815 Where are these services provided?	Repealed - No new number.

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PREVIOUS SECTIONS IN CHAPTER 388-71 WAC	NEW WAC NUMBER, IF ANY
388-71-0820 How do I qualify for Medicaid-funded PACE services?	388-106-0705
388-71-0825 What are my appeal rights?	388-106-1305
388-71-0830 Who pays the PACE provider?	388-106-0710
388-71-0835 How do I enroll into the PACE program?	388-106-0705
388-71-0840 How do I disenroll from the PACE program?	388-106-0715
388-71-0845 What are my rights as a PACE client?	388-106-1300
PRIVATE DUTY NURSING	
388-71-0900 What is the intent of WAC 388-71-0900 through 388-71-0960?	Kept in chapter 388-71 WAC
388-71-0905 What is private duty nursing (PDN) for adults?	Kept in chapter 388-71 WAC
388-71-0910 Am I financially eligible for Medicaid-funded private duty nursing services?	Kept in chapter 388-71 WAC
388-71-0915 Am I medically eligible to receive private duty nursing services?	Kept in chapter 388-71 WAC
388-71-0920 How is my eligibility determined?	Kept in chapter 388-71 WAC
388-71-0925 Am I required to pay participation toward PDN services?	Kept in chapter 388-71 WAC
388-71-0930 Are PDN costs subject to estate recovery?	Kept in chapter 388-71 WAC
388-71-0935 Who can provide my PDN services?	Kept in chapter 388-71 WAC
388-71-0940 Are there limitations or other requirements for PDN?	Kept in chapter 388-71 WAC
388-71-0945 What requirements must a home health agency meet in order to provide and get paid for my PDN?	Kept in chapter 388-71 WAC
388-71-0950 What requirements must a private RN or LPN meet in order to provide and get paid for my PDN services?	Kept in chapter 388-71 WAC
388-71-0955 Can I receive PDN in a licensed adult family home (AFH)?	Kept in chapter 388-71 WAC
388-71-0960 Can I receive services in addition to PDN?	Kept in chapter 388-71 WAC
388-71-0965 Can I choose to self-direct my care if I receive PDN?	Kept in chapter 388-71 WAC
SENIOR CITIZEN'S SERVICES	
388-71-1000 What is the Senior Citizens Services Act?	388-106-0015
388-71-1005 Who administers the Senior Citizens Services Act funds?	Repealed - No new number.
388-71-1010 What services does the SCSA fund?	388-106-1100
388-71-1015 How do I apply for SCSA-funded services?	388-106-1105
388-71-1020 Am I eligible for SCSA-funded services at no cost?	388-106-1110
388-71-1025 What income and resources are exempt when determining eligibility?	388-106-1115
388-71-1030 What if I am not eligible to receive SCSA-funded services at no cost?	388-106-1120
388-71-1035 What are my rights under SCSA?	388-106-1300

PREVIOUS SECTIONS IN CHAPTER 388-71 WAC	NEW WAC NUMBER, IF ANY
RESPITE CARE SERVICES	
388-71-1065 What is the purpose of the respite care program?	388-106-0015, 388-106-1205
388-71-1070 What definitions apply to respite care services?	388-106-1200
388-71-1075 Who is eligible to receive respite care services?	388-106-1210
388-71-1080 Who may provide respite care services?	388-106-1215
388-71-1085 How are respite care providers reimbursed for their services?	388-106-1220
388-71-1090 Are participants required to pay for the cost of their services?	388-106-1225
388-71-1095 Are respite care services always available?	388-106-1230
VOLUNTEER CHORE	
388-71-1100 What is volunteer chore services (VCS)?	388-106-0015, 388-106-0650
388-71-1105 Am I eligible to receive volunteer chore services?	388-106-0655
388-71-1110 How do I receive information on applying for volunteer chore services?	Repealed - No new number.

PREVIOUS SECTIONS IN CHAPTER 388-72A WAC	NEW WAC NUMBER, IF ANY
APPLICATION	
388-72A-0005 When do the rules in chapter 388-72A WAC apply to me?	Repealed - No new number
388-72A-0010 Does chapter 388-71 WAC apply to me?	Repealed - No new number.
388-72A-0015 If the department did not use the CARE tool for my last assessment, may I have my assessments done on the assessment form used for my last assessment?	Repealed - No new number.
ASSESSMENT AND SERVICE PLANNING	
388-72A-0020 What is an assessment?	388-106-005 [388-106-0005]
388-72A-0025 What is the process for conducting an assessment?	388-106-0065
388-72A-0030 What is the purpose of an assessment?	388-106-0055
388-72A-0035 What are personal care services?	388-106-0015
388-72A-0036 How are my needs for personal care services determined?	388-106-0075
388-72A-0037 How are self-performance and support provided for the activities of daily living (ADLs) scored?	388-106-0075
388-72A-0038 How are the ADLs bathing, body care, and medication management scored?	388-106-0075
388-72A-0039 How are self-performance and difficulty for the instrumental activities of daily living (IADLs) scored?	388-106-0075
388-72A-0042 How are ADLs and IADLs scored for children?	388-106-0213
388-72A-0043 How are other elements in CARE scored for children age seventeen and younger and foster care clients?	388-106-0213

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PREVIOUS SECTIONS IN CHAPTER 388-72A WAC	NEW WAC NUMBER, IF ANY
388-72A-0045 How will the department plan to meet my care needs?	Repealed - No new number.
388-72A-0050 What if I disagree with the result of the assessment or the decisions about what services I may receive?	388-106-1305
CARE ELIGIBILITY	
388-72A-0053 Am I eligible for one of the HCP programs?	388-106-0210, 388-106-0310, 388-106-0410, 388-106-0510, and 388-106-0610
388-72A-0055 Am I eligible for COPES-funded services?	388-106-0310
388-72A-0057 Am I eligible for medically needy residential waiver (MNRW)-funded services?	388-106-0410
388-72A-0058 Am I eligible for medically needy in-home wavier (MNIW)-funded services?	388-106-0510
388-72A-0060 Am I eligible for MPC-funded services?	388-106-0210
388-72A-0065 Am I eligible for Chore-funded services?	388-106-0610
388-72A-0069 How does CARE use the information the assessor gathers?	388-106-0055
CLASSIFICATION FOR IN-HOME AND RESIDENTIAL CARE	
388-72A-0070 What are the in-home hours and residential rate based on?	388-106-0080
388-72A-0080 What are the elements that the CARE tool evaluates for each of the criteria in WAC 388-72A-0075?	388-106-0085
388-72A-0081 How is cognitive performance measured in the CARE tool?	388-106-0090
388-72A-0082 How is clinical complexity measured within the CARE tool?	388-106-0095
388-72A-0083 How are mood and behaviors measured within the CARE tool?	388-106-0100
388-72A-0084 How are ADL scores measured within the CARE tool?	388-106-0105
388-72A-0085 How does the CARE tool evaluate for the two exceptional care classifications of in-home care?	388-106-0110
388-72A-0086 How is the information in WAC 388-72A-0081 through 388-72A-0084 used to determine the client's classification payment group for residential settings?	388-106-0115
388-72A-0087 How is the information in WAC 388-72A-0081 through 388-72A-0085 used to determine the classification payment group for in-home clients?	388-106-0125
PAYMENT METHODOLOGY FOR IN-HOME SERVICES	
388-72A-0090 What are the maximum hours that I can receive for in-home services?	388-106-0135
388-72A-0092 How are my in-home hours determined?	388-106-0130
388-72A-0095 What additional criteria are considered to determine the number of hours I will receive for in-home services?	388-106-0130

PREVIOUS SECTIONS IN CHAPTER 388-72A WAC	NEW WAC NUMBER, IF ANY
388-72A-0100 Are there other in-home services I may be eligible to receive in addition to those described in WAC 388-72A-0095(3)?	388-106-0300
388-72A-0105 What would cause a change in the maximum hours authorized?	388-106-0140
HOME AND COMMUNITY PAYMENT RATES	
388-72A-0110 How much will the department pay for my care?	388-106-0120
388-72A-0115 When the department adjusts an algorithm, when does the adjustment become effective?	Repealed - No new number.
388-72A-0120 When a client requests a fair hearing to have the client's CARE tool assessment results reviewed and there is (are) a more recent CARE assessment(s), which CARE tool assessment does the administrative law judge review in the fair hearing?	388-106-1310

Citation of Existing Rules Affected by this Order: Repealing WAC 388-71-0194 Home and community services—Nursing services, 388-71-0202 Long-term care services—Definitions, 388-71-0203 Long-term care services—Assessment of task self-performance and determination of required assistance, 388-71-0205 Long-term care services—Service plan, 388-71-0400 What is the intent of the department's home and community programs?, 388-71-0405 What are the home and community programs?, 388-71-0410 What services may I receive under HCP?, 388-71-0415 What other services may I receive under the waiver-funded programs?, 388-71-0420 What services are not covered under HCP?, 388-71-0425 Who can provide HCP services?, 388-71-0430 Am I eligible for one of the HCP programs?, 388-71-0435 Am I eligible for COPES-funded services?, 388-71-0440 Am I eligible for MPC-funded services?, 388-71-0442 Am I eligible for medically needy residential waiver services?, 388-71-0445 Am I eligible for Chore-funded services?, 388-71-0450 How do I remain eligible for services?, 388-71-0455 Can my services be terminated if eligibility requirements for HCP change?, 388-71-0460 Are there limitations to HCP services I can receive?, 388-71-0465 Are there waiting lists for HCP services?, 388-71-0470 Who pays for HCP services?, 388-71-0480 If I am employed, can I still receive HCP services?, 388-71-0600 What are residential services?, 388-71-0605 Am I eligible for residential services?, 388-71-0610 Who pays for residential care?, 388-71-0613 For what days will the department pay the residential care facility?, 388-71-0615 If I leave a hospital, residential facility, or nursing facility, are there resources available to help me find a place to live?, 388-71-0620 Am I eligible for a residential discharge allowance?, 388-71-0700 What are the requirements for nursing facility eligibility, assessment, and payment?, 388-71-0800 What is PACE?, 388-71-0805 What services does PACE cover?, 388-71-0810 Who provides these services?, 388-71-0815 Where are these services provided?, 388-71-0820 How do I qualify for Medicaid-funded PACE services?, 388-71-0825 What are my appeal rights?, 388-71-0830 Who pays the PACE provider?, 388-71-0835 How do I enroll into

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the PACE program?, 388-71-0840 How do I disenroll from the PACE program?, 388-71-0845 What are my rights as a PACE client?, 388-71-1000 What is the Senior Citizens Services Act?, 388-71-1005 Who administers the Senior Citizens Services Act funds?, 388-71-1010 What services does the SCSA fund?, 388-71-1015 How do I apply for SCSA-funded services?, 388-71-1020 Am I eligible for SCSA-funded services at no cost?, 388-71-1025 What income and resources are exempt when determining eligibility?, 388-71-1030 What if I am not eligible to receive SCSA-funded services at no cost?, 388-71-1035 What are my rights under SCSA?, 388-71-1065 What is the purpose of the respite care program?, 388-71-1070 What definitions apply to respite care services?, 388-71-1075 Who is eligible to receive respite care services?, 388-71-1080 Who may provide respite care services?, 388-71-1085 How are respite care providers reimbursed for their services?, 388-71-1090 Are participants required to pay for the cost of their services?, 388-71-1095 Are respite care services always available?, 388-71-1100 What is volunteer chore services (VCS)?, 388-71-1105 Am I eligible to receive volunteer chore services?, 388-71-1110 How do I receive information on applying for volunteer chore services?, 388-72A-0005 When do the rules in chapter 388-72A WAC apply to me?, 388-72A-0010 Do chapter 388-71 WAC and WAC 388-845-1300 apply to me?, 388-72A-0015 If the department did not use the CARE tool for my last assessment, may I have my assessments done on the assessment form used for my last assessment?, 388-72A-0020 What is an assessment?, 388-72A-0025 What is the process for conducting an assessment?, 388-72A-0030 What is the purpose of an assessment?, 388-72A-0035 What are personal care services?, 388-72A-0036 How are my needs for personal care services determined?, 388-72A-0037 How are self-performance and support provided for the activities of daily living (ADLs) scored?, 388-72A-0038 How are the ADLs bathing, body care, and medication management scored?, 388-72A-0039 How are self-performance and difficulty for the instrumental activities of daily living (IADLs) scored?, 388-72A-0041 How are status and assistance available scored for ADLs and IADLs?, 388-72A-0042 How are ADLs and IADLs scored for children?, 388-72A-0043 How are other elements in CARE scored for children age seventeen and younger and foster care clients?, 388-72A-0045 How will the department plan to meet my care needs?, 388-72A-0050 What if I disagree with the result of the assessment or the decisions about what services I may receive?, 388-72A-0053 Am I eligible for one of the HCP programs?, 388-72A-0055 Am I eligible for COPES-funded services?, 388-72A-0057 Am I eligible for medically needy residential waiver (MNRW)-funded services?, 388-72A-0058 Am I eligible for medically needy in-home wavier (MNIW)-funded services?, 388-72A-0060 Am I eligible for MPC-funded services?, 388-72A-0065 Am I eligible for Chore-funded services?, 388-72A-0069 How does CARE use the information the assessor gathers?, 388-72A-0070 What are the in-home hours and residential rate based on?, 388-72A-0080 What criteria does the CARE tool use to place a client in one of the classification groups?, 388-72A-0081 How is cognitive performance measured in the CARE tool?, 388-72A-0082 How is clinical complexity measured within the CARE tool?, 388-72A-0083

How are mood and behaviors measured within the CARE tool?, 388-72A-0084 How are ADL scores measured within the CARE tool?, 388-72A-0085 How does the CARE tool evaluate for the two exceptional care classifications of in-home care?, 388-72A-0086 How is the information in WAC 388-72A-0081 through 388-72A-0084 used to determine the client's classification payment group for residential settings?, 388-72A-0087 How is the information in WAC 388-72A-0081 through 388-72A-0085 used to determine the classification payment group for in-home clients?, 388-72A-0090 What are the maximum hours that I can receive for in-home services?, 388-72A-0092 How are my in-home hours determined?, 388-72A-0095 What additional criteria are considered to determine the number of hours I will receive for in-home services?, 388-72A-0100 Are there other in-home services I may be eligible to receive in addition to those described in WAC 388-72A-0095(3)?, 388-72A-0105 What would cause a change in the maximum hours authorized?, 388-72A-0110 How much will the department pay for my care?, 388-72A-0115 When the department adjusts an algorithm, when does the adjustment become effective? and 388-72A-0120 When a client requests a fair hearing to have the client's CARE tool assessment results reviewed and there is (are) a more recent CARE assessment(s), which CARE tool assessment does the administrative law judge review in the fair hearing?; and amending WAC 388-515-1540, 388-515-1550, 388-71-0500, 388-71-0515, 388-71-0520, 388-71-0540, 388-71-0704, 388-71-0706, 388-71-0708, 388-71-0710, 388-71-0716, and 388-71-0720.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520.

Other Authority: RCW 74.08.090, 74.09.520.

Adopted under notice filed as WSR 05-03-096 on January 18, 2005.

Changes Other than Editing from Proposed to Adopted Version: (1) The department has withdrawn proposed rules on private duty nursing, WAC 388-106-1000 through 388-106-1055. In addition, the private duty nursing sections in chapter 388-71 WAC will not be repealed (WAC 388-71-0900 through 388-71-0955).

(2) WAC 388-106-0010:

(a) The department has bolded all defined terms and used a consistent numbering format under each definition (i.e. a, b, c).

(b) The department has removed the sentence "In licensed boarding homes, this may include situations in which you cannot physically self-administer medications but can accurately direct others, per WAC 388-78A-0300" from the term "Assistance with medication management" (c). This WAC no longer exists.

(c) The department has clarified the "service summary" definition to more accurately describe its contents and to include relevant sections from WAC 388-71-0205: "CARE information which includes: contacts (e.g. emergency contact), services the client is eligible for, number of hours or residential rates, personal care needs, the list of formal and informal providers and what tasks they will provide, a provider schedule, referral needs/information, and dates and agreement to the services."

(3) WAC 388-106-0015:

(a) Language has been revised: "The department provides long-term care services through programs that are designed to help you remain in the community. These programs offer an alternative to nursing home care (which is described in WAC 388-106-0350 through 0360). You may receive services from any of the following:"

(b) Language has been removed from subsection (4), Medically Needy In-Home Waiver (MNIW): "Clients eligible for this program may receive personal care in their own home ~~or in a residential facility.~~"

(c) The WAC reference 388-820, cited in subsection (15), has been changed to 388-825.

(d) Nursing facility has been added to the list of services.

(4) WAC 388-106-0065: Replaced third party with third parties. "However, you have the right to request that third parties be present...."

(5) WAC 388-106-0305 and 388-106-0400, subsection (5)(c): The department has replaced the word "defined" with "described."

(6) WAC 388-106-1110(3) and 388-106-1225 (1). The language has been corrected to say "...income at or below forty percent of the state median income (SMI), based on family size."

(7) WAC 388-106-1210: To be consistent with (1)(b), the language in (3) has been updated to reinforce that the caregiver must provide 12 hours a day "...to become eligible for respite care services, as long as it is a minimum of twelve hours per day, as outlined in (1)(b) of this section."

(8) WAC 388-106-1305: The department has clarified that the decisions pertain to eligibility. "What if I disagree with the result of the CARE assessment and/or other eligibility decisions made by the department? You have a right to contest the result of your CARE assessment and/or other eligibility decisions made by 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 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 107, Amended 12, Repealed 96.

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 107, Amended 12, Repealed 96.

Date Adopted: May 10, 2005.

Andy Fernando, 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 05-13 issue of the Register.

WSR 05-11-084

PERMANENT RULES

GAMBLING COMMISSION

[Order 446—Filed May 17, 2005, 4:50 p.m., effective July 1, 2005.]

Effective Date of Rule: July 1, 2005.

Purpose: Currently, card room employees (CRE) are charged a transfer fee each time they begin working for a new card room. Transfer fees accrue and are due when the CRE renews their license. Staff spends a significant amount of time tracking these fees, and accrued fees can be a problem for CREs at license renewal time.

This amendment requires transfer fees to be paid at the time a change in employment takes place (pay-as-you-go), rather than at license renewal time. This should reduce staff time spent tracking fees.

Citation of Existing Rules Affected by this Order: Amending WAC 230-04-142.

Statutory Authority for Adoption: RCW 9.46.070.

Adopted under notice filed as WSR 05-07-118 on March 21, 2005, with a published date of April 6, 2005.

Changes Other than Editing from Proposed to Adopted Version: Language was amended to clarify the notification and transfer fee must be "submitted" prior to a CRE working at the new location, or when employment ends.

Number of Sections Adopted in Order to Comply with 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: May 17, 2005.

Susan Arland
Rules Coordinator

AMENDATORY SECTION (Amending Order 400, filed 2/9/01, effective 3/12/01)

WAC 230-04-142 Notification to the commission upon beginning, terminating, or changing employment—Public card room employees. A licensed public card room operator shall notify the commission in writing (~~when~~) before a card room employee (~~has begun~~) begins work in the card room or has terminated employment for any reason.

(1) The notification shall be submitted on a form provided by the commission.

(2) Each notification shall be (~~completed on or~~) submitted before the card room employee's first day of work or when the employer determines the card room employee will no longer be working, as applicable, and shall reach the administrative office of the commission in Lacey, not later

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than 5:00 p.m. on the seventh business day following the employee's first day of work or last day of work, as applicable.

(3) ~~((The fee for transferring, adding, or converting from Class III shall be set forth in WAC 230-04-204 and will be paid by the card room employee at the time of license renewal.))~~ A fee, the amount of which is set forth in WAC 230-04-204, must be submitted before a licensed card room employee or certified Class III employee begins working at another location.

(4) This rule shall not apply to persons operating a public card room under a Class B or Class D license only.

WSR 05-11-085

PERMANENT RULES

GAMBLING COMMISSION

[Order 445—Filed May 17, 2005, 4:51 p.m., effective July 1, 2005]

Effective Date of Rule: July 1, 2005.

Purpose: The commission established a \$15 nonsufficient fund check processing charge twenty-four years ago. Due to increasing costs of doing business, staff propose increasing the processing charge from \$15 to \$30. This is the average charged by retailers and banks in the Thurston County area.

Citation of Existing Rules Affected by this Order: Amending WAC 230-04-270.

Statutory Authority for Adoption: RCW 9.46.070.

Adopted under notice filed as WSR 05-07-117 on March 21, 2005, with a published date of April 6, 2005.

Number of Sections Adopted in Order to Comply with 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: May 17, 2005.

Susan Arland
Rules Coordinator

AMENDATORY SECTION (Amending Order 203, filed 1/18/90, effective 2/18/90)

WAC 230-04-270 Bad checks submitted as payment of fees. The payment of a license fee by a check, which for any reason is not promptly paid by the drawee bank, shall be grounds for immediate administrative closure of a new application, voiding of a temporary license, or revocation of a continuing license. If an application or license is administratively

closed, voided or revoked under this section, a new application must be submitted with fees payable only by certified check, money order, or cash. Upon notification that a check is not negotiable or when a check must be resubmitted for payment for any reason, the commission shall:

(1) Add a processing ~~((fee of fifteen))~~ charge of thirty dollars to the required license fee; and

(2) Notify the applicant by phone or in writing that payment in full, by certified check, money order, or cash, must be remitted within five days of the notification date. If the proper fee is not received within five days, the commission will proceed with appropriate administrative action.

WSR 05-11-086

PERMANENT RULES

GAMBLING COMMISSION

[Order 444—Filed May 17, 2005, 4:53 p.m., effective July 1, 2005]

Effective Date of Rule: July 1, 2005.

Purpose: The amendment will allow the director to issue temporary licenses to manufacturers and house-banked card room applicants.

Citation of Existing Rules Affected by this Order: Amending WAC 230-04-255.

Statutory Authority for Adoption: RCW 9.46.070.

Adopted under notice filed as WSR 05-07-115 on March 21, 2005, with a published date of April 6, 2005.

Number of Sections Adopted in Order to Comply with 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: May 17, 2005.

Susan Arland
Rules Coordinator

AMENDATORY SECTION (Amending Order 383, filed 4/14/00, effective 5/15/00)

WAC 230-04-255 Director may issue temporary licenses—Procedures—Restrictions. The director may issue a temporary license upon the administrative approval of the application. The following procedures ~~((and restrictions))~~ apply to temporary licenses:

- (1) ~~((The director shall not issue temporary licenses to:~~
(a) ~~Manufacturers; and~~
(b) ~~Applicants to operate house-banked card games;~~

~~(2))~~ Temporary licenses shall allow an applicant to conduct such activity for a period not to exceed sixty days.

~~((3))~~ (2) If the application is not approved by the commission during the sixty day period, the temporary license shall become void: Provided, That if the commission does not conduct a meeting within the sixty-day period, the director may approve an additional temporary license to expire no later than the day following the next scheduled public meeting;

~~((4))~~ (3) Once approved by the commission, a temporary license will be replaced with the issuance of a license to expire one year from the initial date of the temporary license.

WSR 05-11-088

PERMANENT RULES

GAMBLING COMMISSION

[Order 447—Filed May 17, 2005, 4:55 p.m., effective July 1, 2005]

Effective Date of Rule: July 1, 2005.

Purpose: Last year, \$2.5 million was transferred from our working capital balance to the state's general fund. To accommodate the reduced funds, the commission reduced the number of staff in the agency's financial reporting services unit from five to two. To accommodate reduced staffing, the number of times commercial card room, punchboard/pull-tab, manufacturer, distributor, and linked bingo prize provider licensees report their gambling activity each year will be reduced from four times to twice a year. We will continue collecting information needed to determine compliance with gambling rules and laws. Statistical reports for 2nd and 4th quarters will continue to be due at the same time they are now; thirty days after the end of the quarter (July 30 and January 30, respectively). Where you will notice a change is 1st and 3rd quarters' reports would be due three months later. What this means is that 1st quarter statistics would be due July 30, rather than April 30; and 3rd quarter statistics would be due January 30, rather than October 30.

Citation of Existing Rules Affected by this Order: Amending WAC 230-08-130, 230-08-140, 230-08-150, 230-08-160, 230-08-165, 230-08-305, and 230-08-310.

Statutory Authority for Adoption: RCW 9.46.070.

Adopted under notice filed as WSR 05-07-119 on March 21, 2005, with a published date of April 6, 2005.

Number of Sections Adopted in Order to Comply with 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 7, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 7, 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 7, Repealed 0.

Date Adopted: May 17, 2005.

Susan Arland
Rules Coordinator

AMENDATORY SECTION (Amending WSR 95-07-094, filed 3/17/95, effective 7/1/95)

WAC 230-08-130 (~~Quarterly~~) Activity reports by operators of punch boards and pull-tabs. Each licensee for the operation of punch boards and pull-tabs shall submit an activity report to the commission concerning the operation of the licensed activity and other matters set forth below:

(1) Reports shall be submitted (~~detailing activities occurring during each of the following periods of the year~~) as follows:

(a) Commercial licensees must report on activity occurring between:

(i) ~~January 1 (st through March 31st; (b) April 1st)~~ through June 30 ~~((th))~~ of each year; and ~~((e))~~ (ii) ~~July 1 (st through September 30th; and (d) October 1st)~~ through December 31 ~~((st))~~ of each year.

(b) Charitable/nonprofit licensees must report punch board/pull-tab activity in accordance with subsection (1) of this section, unless they are also licensed for Class D or above bingo.

(c) Class D or above bingo licensees with a punch board/pull-tab license must report punch board/pull-tab activity, on the combined quarterly report provided by the commission, to determine compliance with WAC 230-20-059.

(2) A report shall be submitted for any period of time the activity was operated or a license was valid. If a license is not renewed, a report for the period between the previous report filed and the expiration date shall be submitted;

(3) The report form shall be furnished by the commission and the completed report shall be received in the office of the commission or postmarked no later than thirty days following the end of the period for which it is made;

(4) The report shall be signed by the highest ranking executive officer or their designee. If the report is prepared by someone other than the licensee or an employee, the preparer shall print his/her name and phone number on the report;

(5) The report shall be completed in accordance with the related instructions furnished with the report. (~~The report shall include the following:~~

(a) ~~Gross gambling receipts from punch boards and from pull-tabs;~~

(b) ~~Total amount of cash prizes paid out and the cost to the licensee of all merchandise prizes paid out for punch boards and for pull-tabs;~~

(c) ~~Full details of all expenses related to the purchase and operation of punch boards and pull-tabs;~~

(d) ~~Total net gambling income;~~

(e) ~~The number of punch boards and the number of pull-tab series removed from play during the period; and~~

(f) ~~The number of punch boards and the number of pull-tab series purchased during the period, less all unplayed devices returned for credit during the period.))~~

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AMENDATORY SECTION (Amending WSR 94-01-033, filed 12/6/93, effective 1/6/94)

WAC 230-08-140 (~~Quarterly~~) **Activity reports by distributors.** Each licensed distributor shall submit an activity report to the commission concerning sales and services relating to gambling activities each quarter by completing a report form furnished by the commission. The following requirements shall be followed for completion and filing of activity reports:

(1) (~~Quarterly reporting periods are defined as~~) Licenses must report on activity occurring between:

(a) January 1(~~st through March 31st;~~
~~(b) April 1st~~) through June 30(~~(th))~~ of each year; and
~~((e))~~ (b) July 1((st through September 30th; and
~~(d) October 1st~~) through December 31(~~(st))~~ of each year.

(2) The completed report shall be received in the office of the commission or postmarked no later than thirty days following the end of the period for which it is made;

(3) The report shall be signed by the highest ranking executive officer or their designee. If the report is prepared by someone other than the licensee or their employee, then the preparer's name and business telephone number must be provided;

(4) The report shall (~~include, among other items, the following:~~

~~(a) The gross sales of gambling related supplies or equipment or merchandise of any kind which could be used to operate, or in connection with, punch boards, pull tabs, pull tab dispensing devices, bingo, or amusement games, where such sales are made in the state of Washington or for use or distribution within this state;~~

~~(b) The quantity of each specific type of device, equipment or merchandise sold within this state or for distribution and use within this state by the licensee;~~

~~(c) A listing of the name and address of each person who was a distributor's representative for the licensee during the three month period or who attempted to solicit sales of such devices, equipment or merchandise, either within the state of Washington or for use or distribution within the state; and~~

~~(d) The number of employees in the state of Washington other than those listed in (e) of this subsection)) be completed in accordance with the related instructions furnished with the report.~~

(5) Each distributor with an active license must submit a report regardless of the level of activity. If no activity was conducted during the period, a report stating "no activity" shall be submitted;

(6) If a licensee does not renew their license, then they shall file a report for the period between the previous report filed and the expiration date of the license.

AMENDATORY SECTION (Amending Order 251, filed 5/17/94, effective 7/1/94)

WAC 230-08-150 (~~Quarterly~~) **Activity reports by manufacturers.** Each licensed manufacturer shall submit an activity report to the commission concerning all sales and services relating to gambling activities each quarter by completing a report form furnished by the commission. The fol-

lowing requirements shall be followed for completion and filing of activity reports:

(1) (~~Quarterly reporting periods are defined as~~) Licenses must report on activity occurring between:

(a) January 1(~~st through March 31st;~~
~~(b) April 1st~~) through June 30(~~(th))~~ of each year; and
~~((e))~~ (b) July 1((st through September 30th; and
~~(d) October 1st~~) through December 31(~~(st))~~ of each year.

(2) The completed report shall be received in the office of the commission or postmarked no later than thirty days following the end of the period for which it is made;

(3) The report shall be signed by the highest ranking executive officer or their designee. If the report is prepared by someone other than the licensee or their employee, then the preparer shall print his/her name and phone number on the report;

(4) The report shall (~~include, among other items, the following:~~

~~(a) The gross sales of gambling related supplies or equipment, or merchandise of any kind which could be used to operate, or in connection with, punch boards, pull tabs, pull tab dispensing devices, bingo, or amusement games, when such sales are made in the state of Washington or for distribution or use within the state of Washington;~~

~~(b) The quantity of each specific type of such device, equipment, or merchandise sold within the state or for distribution or use within the state of Washington by the licensee;~~

~~(c) A listing of the name and address of each person who was a manufacturer's representative for the licensee or who solicited sales of such devices or equipment for or on behalf of the licensee within the state of Washington or for use or distribution within the state; and~~

~~(d) The number of employees in the state of Washington other than those listed in (e) of this subsection)) be completed in accordance with the related instructions furnished with the report.~~

(5) Each manufacturer with an active license must submit a report regardless of the level of activity. If no activity was conducted during the period, a report stating "no activity" shall be submitted;

(6) If a licensee does not renew their license, then they shall file a report for the period between the previous report filed and the expiration date of the license.

AMENDATORY SECTION (Amending Order 383, filed 4/14/00, effective 5/15/00)

WAC 230-08-160 (~~Quarterly~~) **Activity reports by operators of social and public card rooms.** Each licensee for the operation of social or public card rooms shall submit an activity report to the commission concerning the operation of the licensed activity and other matters set forth below: Provided, That persons licensed under Class "D" - general, no fee charged, are exempt from all portions of this section:

(1) (~~Reports shall be submitted detailing activities occurring during each of the following periods of the year~~) Licenses must report on activity occurring between:

(a) January 1(~~st through March 31st;~~
~~(b) April 1st~~) through June 30(~~(th))~~ of each year; and

~~((e)) (b) July 1 (st through September 30th; and (d) October 1st)) through December 31 (st) of each year.~~

(2) A report shall be submitted for any period of time the activity was operated or a license was valid. If a license is not renewed, a report for the period between the previous report filed and the expiration date shall be submitted;

(3) The report form shall be furnished by the commission and the completed report shall be received in the office of the commission or postmarked no later than thirty days following the end of the period for which it is made;

(4) The report shall be signed by the highest ranking executive officer or their designee. If the report is prepared by someone other than the licensee or an employee, the preparer shall print his/her name and phone number on the report;

(5) The report shall ~~((be completed in accordance with the related instructions furnished with the report. The report shall include the following:~~

~~(a) Gross gambling receipts;~~

~~(b) Full details of all compensation paid by the licensee to each person for any work connected with the management, promotion, conduct or operation of the card room;~~

~~(c) Full details of all other expenses related to the operation of the card room;~~

~~(d) Net gambling income or loss from the operation of the card room for the reporting period;~~

~~(e) The normal days and times of operation of the card room; and~~

~~(f) The total hours the card room was open during the period)) be completed in accordance with the related instructions furnished with the report.~~

AMENDATORY SECTION (Amending Order 369, filed 12/1/98, effective 1/1/99)

WAC 230-08-165 ~~((Quarterly))~~ **Activity reports by linked bingo prize providers.** Each licensed linked bingo prize provider shall submit an activity report to the commission concerning sales and services relating to gambling activities each quarter by completing a report form furnished by the commission. The following requirements shall be followed for completion and filing of activity reports:

(1) ~~((Quarterly reporting periods are defined as))~~ **Licensees must report on activity occurring between:**

~~(a) January 1 (st through March 31st;~~

~~(b) April 1st)) through June 30 (th) of each year; and~~

~~((e)) (b) July 1 (st through September 30th; and~~

~~(d) October 1st)) through December 31 (st) of each year;~~

(2) The completed report shall be received in the office of the commission or postmarked no later than thirty days following the end of the period for which it is made;

(3) The report shall be signed by the highest ranking executive officer or their designee. If the report is prepared by someone other than the licensee or their employee, then the preparer's name and business telephone number must be provided;

(4) The report shall ~~((include, among other items, the following:~~

~~(a) The gross sales of gambling related supplies or equipment or merchandise of any kind which could be used to operate, or in connection with bingo games where such sales are made in the state of Washington or for use or for distribution within this state;~~

~~(b) The quantity of each specific type of device, equipment or merchandise sold within this state or for distribution and use within this state by the licensee;~~

~~(c) A listing of the name and address of each person who was a linked bingo prize provider's representative for the licensee during the three month period or who attempted to solicit sales of such devices, equipment or merchandise, either within the state of Washington or for use or distribution within the state;~~

~~(d) The number of employees in the state of Washington other than those listed in (c) of this subsection;~~

~~(e) The gross prizes disbursed for all linked bingo prizes managed;~~

~~(f) The balance of linked bingo prizes accrued; and~~

~~(g) A list of bingo licensees participating in linked bingo prizes managed)) be completed in accordance with the related instructions furnished with the report;~~

(5) Each linked bingo prize provider with an active license must submit a report regardless of the level of activity. If no activity was conducted during the period, a report stating "no activity" shall be submitted; and

(6) If a licensee does not renew their license, then they shall file a report for the period between the previous report filed and the expiration date of the license.

AMENDATORY SECTION (Amending Order 420, filed 5/15/03, effective 7/1/03)

WAC 230-12-305 Licensee required to submit updated documents or information. In addition to any other requirements set forth in these rules, persons licensed by the commission shall submit any new or updated documents or information including, but not limited to, the following:

(1) Articles of incorporation or by laws, or any other documents which set out the organizational structure and purposes;

(2) Internal Revenue Service tax exemption status (charitable/nonprofit organizations only);

(3) All contracts and agreements, whether oral or written which relate to gambling activities or alter the organizational structure of the licensee or its business activities in Washington state; and

(4) All cash or asset contributions, draws from lines of credit, and loans, from other than recognized financial institutions, which individually or collectively exceed a total of ten thousand dollars during any calendar year: Provided, That cash or asset contributions do not include donations to licensed charitable or nonprofit organizations.

Submission timeline.

(5) The new or updated documents and/or information shall be submitted to the commission ~~((by notation on the next quarterly activity report filed, and by attaching all details concerning each transaction: Provided, That licensees not~~

required to submit quarterly activity reports shall submit the required information)) no later than sixty days following the transaction(s) date.

AMENDATORY SECTION (Amending Order 382, filed 4/14/00, effective 5/15/00)

WAC 230-12-310 Licensees to report to the commission civil, criminal and administrative actions filed against them. (1) Each licensee shall report to the commission within fourteen days, all criminal actions filed against the licensee or the licensee's president, chief executive officer, chairman of the board, treasurer (chief financial officer), partner, person holding a substantial interest or manager of the licensed gambling activity. The final disposition of the case must be received by the commission within thirty days after the final disposition.

(2) Each licensee shall report to the commission within thirty days, all civil and administrative actions filed by or against persons listed in subsection (1) of this section that involve ownership or control of the business, dissolutions, actions significantly affecting business interests, such as patent or copyright infringement and all administrative actions from other gambling regulatory agencies, including those from other countries and Indian tribes. The final disposition of the case must be received by the commission within thirty days of ((their receipt of notice of the action filed and within thirty days after)) the final disposition.

(3) The report shall consist of a complete copy of the original documents filed. The licensee shall notify the commission of the final disposition of the case and include a copy of the final documents filed including, but not limited to, settlement agreements.

(4) The director may exempt reporting specific types of civil actions upon written request and for good cause shown.

WSR 05-11-110

PERMANENT RULES

STATE BOARD OF HEALTH

[Filed May 18, 2005, 11:23 a.m., effective June 18, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: These rules expand access to HIV testing, increase efforts to notify exposed partners of their exposure to HIV infection, and encourage services to meet the HIV prevention needs of HIV-infected persons. There are public health, personal health, and cost-savings benefits to early knowledge of HIV infection status. These include reduced risk behaviors, improved health outcomes, and potential for reduced infectiousness for those on antiretroviral treatment.

Citation of Existing Rules Affected by this Order: Amending WAC 246-100-011, 246-100-072, 246-100-206,

246-100-207, 246-100-208, 246-100-209, 246-101-505, and 246-101-520.

Statutory Authority for Adoption: RCW 70.24.130.

Other Authority: RCW 70.24.380.

Adopted under notice filed as WSR 05-06-123 on March 2, 2005.

Changes Other than Editing from Proposed to Adopted Version: Only editorial changes were made. Specifically, in WAC 246-100-207 (1)(b) the word "explicitly" was inserted between "information" and "provide." In WAC 246-100-207 (1)(c) the word "explicit" was inserted between "ensure" and "verbal," and the word "specific" was deleted between "informed" and "consent."

A final cost-benefit analysis is available by contacting John F. Peppert, P.O. Box 7840, Olympia, WA 98504-7840, phone (360) 236-3427, fax (360) 236-3400, e-mail john.peppert@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 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 4, Amended 8, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 4, 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 4, Amended 8, Repealed 0.

Date Adopted: April 13, 2005.

Craig McLaughlin
Executive Director

AMENDATORY SECTION (Amending WSR 03-06-003, filed 2/19/03, effective 2/19/03)

WAC 246-100-011 Definitions. The following definitions shall apply in the interpretation and enforcement of chapter 246-100 WAC:

(1) "Acquired immunodeficiency syndrome (AIDS)" means illness, disease, or conditions defined and described by the Centers for Disease Control, U.S. Public Health Service, Morbidity and Mortality Weekly Report (MMWR), December 18, 1992, Volume 41, Number RR-17. A copy of this publication is available for review at the department and at each local health department.

(2) "AIDS counseling" means counseling directed toward:

(a) Increasing the individual's understanding of acquired immunodeficiency syndrome; and

(b) Assessing the individual's risk of HIV acquisition and transmission; and

(c) Affecting the individual's behavior in ways to reduce the risk of acquiring and transmitting HIV infection.

(3) "Anonymous HIV testing" means that the name or identity of the individual tested for HIV will not be recorded

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or linked to the HIV test result. However, once the individual testing positive receives HIV health care or treatment services, reporting of the identity of the individual to the state or local public health officer is required.

(4) "Board" means the Washington state board of health.

((4)) (5) "Case" means a person, alive or dead, having been diagnosed to have a particular disease or condition by a health care provider with diagnosis based on clinical or laboratory criteria or both.

((5)) (6) "Child day care facility" means an agency regularly providing care for a group of children for less than twenty-four hours a day and subject to licensing under chapter 74.15 RCW.

((6)) (7) "Communicable disease" means an illness caused by an infectious agent which can be transmitted from one person, animal, or object to another person by direct or indirect means including transmission via an intermediate host or vector, food, water, or air.

((7)) (8) "Confidential HIV testing" means that the name or identity of the individual tested for HIV will be recorded and linked to the HIV test result, and that the name of the individual testing positive for HIV will be reported to the state or local health officer in a private manner.

(9) "Contaminated" or "contamination" means containing or having contact with infectious agents or chemical or radiological materials that pose an immediate threat to present or future public health.

((8)) (10) "Contamination control measures" means the management of persons, animals, goods, and facilities that are contaminated, or suspected to be contaminated, in a manner to avoid human exposure to the contaminant, prevent the contaminant from spreading, and/or effect decontamination.

((9)) (11) "Department" means the Washington state department of health.

((10)) (12) "Detention" or "detainment" means physical restriction of activities of an individual by confinement for the purpose of controlling or preventing a serious and imminent threat to public health and may include physical plant, facilities, equipment, and/or personnel to physically restrict activities of the individual to accomplish such purposes.

((11)) (13) "Disease control measures" means the management of persons, animals, goods, and facilities that are infected with, suspected to be infected with, exposed to, or suspected to be exposed to an infectious agent in a manner to prevent transmission of the infectious agent to humans.

((12)) (14) "Health care facility" means:

(a) Any facility or institution licensed under chapter 18.20 RCW, boarding home, chapter 18.46 RCW, birthing centers, chapter 18.51 RCW, nursing homes, chapter 70.41 RCW, hospitals, or chapter 71.12 RCW, private establishments, clinics, or other settings where one or more health care providers practice; and

(b) In reference to a sexually transmitted disease, other settings as defined in chapter 70.24 RCW.

((13)) (15) "Health care provider" means any person having direct or supervisory responsibility for the delivery of health care who is:

(a) Licensed or certified in this state under Title 18 RCW; or

(b) Is military personnel providing health care within the state regardless of licensure.

((14)) (16) "HIV testing" means conducting a laboratory test or sequence of tests to detect the human immunodeficiency virus (HIV) or antibodies to HIV performed in accordance with requirements to WAC 246-100-207. To assure that the protection, including but not limited to, pre- and post-test counseling, consent, and confidentiality afforded to HIV testing as described in chapter 246-100 WAC also applies to the enumeration of CD4 + (T4) lymphocyte counts (CD4 + counts) and CD4 + (T4) percents of total lymphocytes (CD4 + percents) when used to diagnose HIV infection, CD4 + counts and CD4 + percents will be presumed HIV testing except when shown by clear and convincing evidence to be for use in the following circumstances:

(a) Monitoring previously diagnosed infection with HIV;

(b) Monitoring organ or bone marrow transplants;

(c) Monitoring chemotherapy;

(d) Medical research; or

(e) Diagnosis or monitoring of congenital immunodeficiency states or autoimmune states not related to HIV.

The burden of proving the existence of one or more of the circumstances identified in (a) through (e) of this subsection shall be on the person asserting such existence.

((15)) (17) "Infectious agent" means an organism such as a virus, rickettsia, bacteria, fungus, protozoan, or helminth that is capable of producing infection or infectious disease.

((16)) (18) "Isolation" means the separation, for the period of communicability or contamination, of infected or contaminated persons or animals from others in such places and under such conditions as to prevent or limit the direct or indirect transmission of the infectious agent or contaminant from those infected or contaminated to those who are susceptible or who may spread the agent or contaminant to others.

((17)) (19) "Local health department" means the city, town, county, or district agency providing public health services to persons within the area, as provided in chapter 70.05 RCW and chapter 70.08 RCW.

((18)) (20) "Local health officer" means the individual having been appointed under chapter 70.05 RCW as the health officer for the local health department, or having been appointed under chapter 70.08 RCW as the director of public health of a combined city-county health department, or his or her delegee appointed by the local board of health.

((19)) (21) "Nosocomial infection" means an infection acquired in a hospital or other health care facility.

((20)) (22) "Outbreak" means the occurrence of cases of a disease or condition in any area over a given period of time in excess of the expected number of cases.

((21)) (23) "Post-test counseling" means counseling after the HIV test when results are provided and directed toward:

(a) Increasing the individual's understanding of human immunodeficiency virus (HIV) infection;

(b) Affecting the individual's behavior in ways to reduce the risk of acquiring and transmitting HIV infection;

(c) Encouraging the individual testing positive to notify persons with whom there has been contact capable of spreading HIV;

(d) Assessing emotional impact of HIV test results; and

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(e) Appropriate referral for other community support services.

~~((22))~~ (24) "Pretest counseling" means counseling provided prior to HIV testing and aimed at:

(a) Helping an individual to understand:

(i) Ways to reduce the risk of human immunodeficiency virus (HIV) transmission;

(ii) The nature, purpose, and potential ramifications of HIV testing;

(iii) The significance of the results of HIV testing; and

(iv) The dangers of HIV infection; and

(b) Assessing the individual's ability to cope with the results of HIV testing.

~~((23))~~ (25) "Principal health care provider" means the attending physician or other health care provider recognized as primarily responsible for diagnosis and treatment of a patient or, in the absence of such, the health care provider initiating diagnostic testing or therapy for a patient.

~~((24))~~ (26) "Quarantine" means the limitation of freedom of movement of such well persons or domestic animals as have been exposed to, or are suspected to have been exposed to, an infectious agent, for a period of time not longer than the longest usual incubation period of the infectious agent, in such manner as to prevent effective contact with those not so exposed.

~~((25))~~ (27) "School" means a facility for programs of education as defined in RCW 28A.210.070 (preschool and kindergarten through grade twelve).

~~((26))~~ (28) "Sexually transmitted disease (STD)" means a bacterial, viral, fungal, or parasitic disease or condition which is usually transmitted through sexual contact, including:

- (a) Acute pelvic inflammatory disease;
- (b) Chancroid;
- (c) Chlamydia trachomatis infection;
- (d) Genital and neonatal herpes simplex;
- (e) Genital human papilloma virus infection;
- (f) Gonorrhea;
- (g) Granuloma inguinale;
- (h) Hepatitis B infection;
- (i) Human immunodeficiency virus infection (HIV) and acquired immunodeficiency syndrome (AIDS);
- (j) Lymphogranuloma venereum;
- (k) Nongonococcal urethritis (NGU); and
- (l) Syphilis.

~~((27))~~ (29) "Spouse" means any individual who is the marriage partner of an HIV-infected individual, or who has been the marriage partner of the HIV-infected individual within the ten-year period prior to the diagnosis of HIV-infection, and evidence exists of possible exposure to HIV.

~~((28))~~ (30) "State health officer" means the person designated by the secretary of the department to serve as state-wide health officer, or, in the absence of such designation, the person having primary responsibility for public health matters in the state.

~~((29))~~ (31) "Suspected case" or "suspected to be infected" means the local health officer, in his or her professional judgment, reasonably believes that infection with a particular infectious agent is likely based on signs and symp-

toms, laboratory evidence, or contact with an infected individual, animal, or contaminated environment.

~~((30))~~ (32) "Veterinarian" means an individual licensed under provisions of chapter 18.92 RCW, veterinary medicine, surgery, and dentistry and practicing animal health 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.

AMENDATORY SECTION (Amending WSR 99-17-077, filed 8/13/99, effective 9/1/99)

WAC 246-100-072 Rules for notification of partners at risk of HIV infection. ~~((1) A health care provider may consult with the local health officer or an authorized representative about an HIV-infected individual.~~

~~(2) Only under the specific circumstances listed below, a principal health care provider shall report the identity of sex or injection equipment sharing partners, including spouses, of an HIV-infected individual to the local health officer or an authorized representative:~~

~~(a) After being informed of the necessity to notify sex and injection equipment sharing partners, including spouses, and confirm notification to the health care provider, the HIV-infected individual either refuses or is unable to notify partners that partners:~~

~~(i) May have been exposed to and infected with HIV; and~~

~~(ii) Should seek HIV pretest counseling and consider HIV testing; and~~

~~(b) The HIV-infected individual neither accepts assistance nor agrees to referral to the local health officer or an authorized representative for assistance in notifying partners.~~

~~(3) Only in the specific circumstances listed below, shall a principal health care provider notify the local health officer or an authorized representative to directly contact the HIV-infected person for the purpose of partner notification:~~

~~(a) The HIV-infected person agrees to meet with the local health officer or authorized representative; or~~

~~(b) The principal health care provider provided pretest counseling as described in WAC 246-100-209(1) before the individual was tested; and~~

~~(c) The principal health care provider made efforts, but was unable to meet face to face with the individual to notify the individual of the HIV test result and to provide post test counseling as required in WAC 246-100-209 in order to assure partner notification.)~~ (1) A local health officer or authorized representative shall:

(a) Within seven days of receipt of a report indicative of a previously unreported case of HIV infection, contact the principal health care provider to determine the best means and the necessity of conducting a partner notification case investigation; and

(b) Contact the HIV-infected person for the purpose of providing assistance in notifying sex or injection equipment-sharing partners, including spouses, that they may have been exposed to and infected with HIV and that they should seek HIV pretest counseling and HIV testing, unless:

(i) The principal health care provider recommends that the state or local health officer not meet with the HIV-

infected individual for the purpose of notifying partners, including spouses; or

(ii) The local health officer determines a partner notification case investigation is not necessary;

(c) Provide assistance notifying partners in accordance with the "HIV Partner Counseling and Referral Services—Guidance" as published by the Centers for Disease Control and Prevention, December 1998.

(2) If the local health officer decides to conduct the partner notification case investigation, the principal health care provider:

(a) May provide recommendations to the state or local health officer on the best means of contacting the HIV-infected individual for the purpose of notifying sex or injection equipment-sharing partners, including spouses, that partners may have been exposed to and infected with HIV and that partners should seek HIV pretest counseling and HIV testing; and

(b) Shall inform the HIV-infected person that the local health officer or authorized representative will contact the HIV-infected person for the purpose of providing assistance with the notification of partners.

(3) If the principal health care provider recommends that the state or local health officer not meet with the HIV-infected individual for the purpose of notifying partners, including spouses, the principal health care provider shall:

(a) Inform the HIV-infected individual of the necessity to notify sex and injection equipment-sharing partners, including spouses, that they have been exposed to and may be infected with HIV and should seek HIV testing; and

(b) Provide assistance notifying partners in accordance with the "HIV Partner Counseling and Referral Services—Guidance" as published by the Centers for Disease Control and Prevention, December 1998; and

(c) Inform the local health officer or an authorized representative of the identity of sex or injection equipment-sharing partners known to the provider when the HIV-infected individual either refuses or is unable to notify such partners and confirm notification to the health care provider; and

(d) Upon request of the state or local health officer, report the number of exposed partners, including spouses that have been contacted and offered HIV testing.

(4) A health care provider shall not disclose the identity of an HIV-infected individual or the identity of sex and injection equipment-sharing partners, including spouses, at risk of HIV infection, except as authorized in RCW 70.24.105((;)) or WAC 246-100-072((; or 246-100-076)).

(5) Local health officers and authorized representatives shall:

~~(a) ((Confirm conditions in subsections (2) and (3) of this section were met prior to initiating partner notification or receiving referral of identity of an HIV-infected individual; and~~

~~(b)) Use identifying information, provided according to this section, on HIV-infected individuals only for;~~

~~(i) Contacting the HIV-infected individual to provide post-test counseling or to contact sex and injection equipment-sharing partners, including spouses; or~~

~~(ii) Carrying out an investigation of conduct endangering the public health or of behaviors presenting an imminent dan-~~

ger to the public health pursuant to RCW 70.24.022 or 70.24.024; and

~~((e)) (b) Destroy documentation of referral information established under this subsection, containing identities and identifying information on the HIV-infected individual and at-risk partners of that individual, immediately after notifying partners or within three months of the date information was received, whichever occurs first unless such documentation is being used in an active investigation of conduct endangering the public health or of behaviors presenting an imminent danger to the public health pursuant to RCW 70.24.022 or 70.24.024.~~

~~(6) A health care provider may consult with the local health officer or an authorized representative about an HIV-infected individual and the need for notification of partners at any time.~~

NEW SECTION

WAC 246-100-202 Special diseases—Sexually transmitted diseases—Duties and authorities. (1) Health care providers shall:

(a) Report each case of sexually transmitted disease as required in chapter 246-101 WAC; and

(b) At each medical encounter, when providing treatment for an infectious sexually transmitted disease, provide instruction, appropriate to each patient regarding:

(i) Communicability of the disease; and

(ii) Requirements to refrain from acts that may transmit the disease to another; and

(c) Ensure completion of a prenatal serologic test for syphilis in each pregnant woman pursuant to RCW 70.24.090 including:

(i) Submitting a blood sample for syphilis to a laboratory approved to perform prenatal serologic tests for syphilis, as required in RCW 70.24.090, at the time of the first prenatal visit; and

(ii) Deciding whether or not to omit the serologic test for syphilis if the test was performed elsewhere during the current pregnancy; and

(d) When diagnosing or caring for a patient with gonococcal or chlamydial ophthalmia neonatorum, reporting the case to the local health officer or local health department in accordance with the provisions of chapter 246-101 WAC; and

(e) When attending or assisting in the birth of any infant or caring for an infant after birth, ensure instillation of a department-approved prophylactic ophthalmic agent into the conjunctival sacs of the infant within the time frame established by the department in policy statement of ophthalmia agents approved for the prevention of ophthalmia neonatorum in the newborn, issued June 19, 1981.

(2) Laboratories, health care providers, and other persons shall deny issuance of a certificate or statement implying an individual is free from sexually transmitted disease.

(3) State and local health officers or their authorized representatives shall have authority to conduct or cause to be conducted an interview and investigation of persons infected or reasonably believed to be infected with a sexually transmitted disease.

(a) For the purpose of this section, "reasonable belief" and "reasonably believed" shall mean a health officer's belief based upon a credible report from an identifiable individual indicating another person is likely to have a sexually transmitted disease (STD) or to have been exposed to a STD;

(b) Investigations shall be conducted using procedures and measures described in WAC 246-100-036(4).

(4) Local health officers, health care providers, and others shall comply with the provisions in chapter 70.24 RCW, in addition to requirements in chapters 246-100 and 246-101 WAC.

(5) Any person who violates a rule adopted by the board for the control and treatment of a sexually transmitted disease is subject to penalty under RCW 70.24.080.

NEW SECTION

WAC 246-100-203 Special diseases—Sexually transmitted diseases—Health officer orders. (1) A state or local health officer within his or her jurisdiction may, in accordance with RCW 70.24.024, issue orders for medical examination, testing, and/or counseling, as well as orders to cease and desist specific activities, when he or she knows or has reason to believe that a person has a sexually transmitted disease and is engaging in conduct endangering the public health.

(a) For purposes of this section, "reason to believe" means a health officer's belief that is based on:

(i) Laboratory test results confirming or suggestive of a STD; or

(ii) A health care provider's direct observation of clinical signs confirming an individual has or is likely to have a STD; or

(iii) Information obtained directly from an individual infected with a STD about the identity of his or her sexual or needle-sharing contacts when:

(A) Contact with the infected individual occurred during a period when the disease may have been infectious; and

(B) The contact was sufficient to transmit the disease; and

(C) The infected individual is, in the health officer's judgment, credible and believable.

(b) "Conduct endangering the public health" for the purposes of RCW 70.24.024 and this section, means:

(i) Anal, oral, or vaginal intercourse for all sexually transmitted diseases;

(ii) For HIV and Hepatitis B:

(A) Anal, oral, or vaginal intercourse; and/or

(B) Sharing of injection equipment; and/or

(C) Donating or selling blood, blood products, body tissues, or semen; and

(iii) Activities described in (b)(i) and (ii) of this subsection resulting in introduction of blood, semen, and/or vaginal fluids to:

(A) Mucous membranes;

(B) Eyes;

(C) Open cuts, wounds, lesions; or

(D) Interruption of epidermis.

(c) State and local health officers and their authorized representatives shall have authority to issue written orders for

medical examination, testing, and/or counseling under chapter 70.24 RCW, only after:

(i) All other efforts to protect public health have failed, including reasonable efforts to obtain the voluntary cooperation of the person to be affected by the order; and

(ii) They have sufficient evidence to "reasonably believe" the individual to be affected by the order:

(A) Has a sexually transmitted disease; and

(B) Is engaging in "conduct endangering public health"; and

(iii) They have investigated and confirmed the existence of "conduct endangering the public health" by:

(A) Interviewing sources to assess their credibility and accuracy; and

(B) Interviewing the person to be affected by the order; and

(iv) They have incorporated all information required in RCW 70.24.024 in a written order.

(d) State and local health officers and their authorized representatives shall have authority to issue written orders for treatment under RCW 70.24.022 only after laboratory test results or direct observation of clinical signs or assessment of clinical data by a physician confirm the individual has, or is likely to have, a sexually transmitted disease.

(e) State and local health officers and their authorized representatives shall have authority to issue written orders to cease and desist from specified activities under RCW 70.24.024 only after:

(i) They have determined the person to be affected by the order is engaging in "conduct endangering public health"; and

(ii) Laboratory test results, or direct observation of clinical signs or assessment of clinical data by a physician, confirm the individual has, or is likely to have, a sexually transmitted disease; and

(iii) They have exhausted procedures described in subsection (8)(a) of this section; and

(iv) They have enlisted, if appropriate, court enforcement of the orders described in (c) and (d) of this subsection.

(f) Written orders to cease and desist from specified activities shall be for an initial period of time not to exceed three months, and may be renewed by the health officer for periods of time not to exceed three months provided all requirements of RCW 70.24.024 regarding notification, confidentiality, right to a judicial hearing, and right to counsel are met again at the time of renewal.

(2) A state or local health officer within his or her jurisdiction may, in accordance with RCW 70.24.034, bring action in superior court to detain a person in a designated or approved facility when he or she knows or has reason to believe that person has a sexually transmitted disease and continues to engage in behaviors that present an imminent danger to the public health.

(a) "Behaviors that present an imminent danger to public health" or "BPID" for the purposes of detention in accordance with RCW 70.24.034 and this section means the following activities, under conditions specified below, performed by an individual with a laboratory-confirmed HIV infection:

- (i) Anal or vaginal intercourse without a latex condom; or
- (ii) Shared use of blood-contaminated injection equipment;
- (iii) Donating or selling HIV-infected blood, blood products, or semen; and
- (iv) Activities described in (a)(i) and (ii) of this subsection constitute BPID only if:
 - (A) The infected individual received post-test counseling as described in WAC 246-100-209 prior to repeating activities; and
 - (B) The infected individual did not inform the persons with whom the activities occurred of his or her infectious status.
- (b) State and local health officers and their authorized representatives shall have authority to seek court orders for detainment under RCW 70.24.034 only for persons infected with HIV and only after:
 - (i) Exhausting procedures described in subsection (1) of this section; and
 - (ii) Enlisting, if appropriate, court enforcement of orders to cease and desist; and
 - (iii) Having sufficient evidence to "reasonably believe" the person is engaging in BPID.
- (c) A local health officer may notify the state health officer if he or she determines:
 - (i) The criteria for BPID are met by an individual; and
 - (ii) Such individual fails to comply with a cease and desist order affirmed or issued by a court.
- (d) A local or state health officer may request the prosecuting attorney to file an action in superior court to detain an individual specified in this subsection. The requesting local or state health officer or authorized representative shall:
 - (i) Notify the department prior to recommending the detainment setting where the individualized counseling and education plan may be carried out consistent with subsection (9)(d), (e), and (f) of this section;
 - (ii) Make a recommendation to the court for placement of such individual consistent with (e), (f), and (g) of this subsection; and
 - (iii) Provide to the court an individualized plan for education and counseling consistent with (f) of this subsection.
- (e) State board of health requirements for detainment of individuals demonstrating BPID include:
 - (i) Sufficient number of staff, caregivers, and/or family members to:
 - (A) Provide round-the-clock supervision, safety of detainee, and security; and
 - (B) Limit and restrict activities to prevent BPID; and
 - (C) Make available any medical, psychological, or nursing care when needed; and
 - (D) Provide access to AIDS education and counseling; and
 - (E) Immediately notify the local or state health officer of unauthorized absence or elopement; and
 - (ii) Sufficient equipment and facilities to provide:
 - (A) Meals and nourishment to meet nutritional needs; and
 - (B) A sanitary toilet and lavatory; and
 - (C) A bathing facility; and

- (D) Bed and clean bedding appropriate to size of detainee; and
- (E) A safe detention setting appropriate to chronological and developmental age of detainee; and
- (F) A private sleeping room; and
- (G) Prevention of sexual exploitation;
- (iii) Sufficient access to services and programs directed toward cessation of BPID and providing:
 - (A) Linguistically, socially, culturally, and developmentally appropriate ongoing AIDS education and counseling; and
 - (B) Psychological and psychiatric evaluation and counseling; and
 - (C) Implementation of court-ordered plan for individualized counseling and education consistent with (g) of this subsection;
 - (iv) If required, provide access to isolation and/or restraint in accordance with restraint and seclusion rules in WAC 275-55-263 (2)(c);
 - (v) Maintain a safe, secure environment free from harassment, physical danger, and sexual exploitation.
 - (f) Washington state board of health standards for an individualized counseling and education plan for a detainee:
 - (i) Consideration of detainee's personal and environmental characteristics, culture, social group, developmental age, and language;
 - (ii) Identification of habitual and addictive behavior and relapse pattern;
 - (iii) Identification of unique risk factors and possible cross-addiction leading to behavior presenting imminent danger to public health;
 - (iv) Identification of obstacles to behavior change and determination of specific objectives for desired behavior;
 - (v) Provision of information about acquisition and transmission of HIV infection;
 - (vi) Teaching and training of individual coping skills to prevent relapse to BPID;
 - (vii) Specific counseling for chemical dependency, if required;
 - (viii) Identification of and assistance with access to community resources, including social services and self-help groups appropriate to provide ongoing support and maintenance of behavior change; and
 - (ix) Designation of a person primarily responsible for counseling and/or education who:
 - (A) Completed pretest and post-test counselor training approved by the office on AIDS; and
 - (B) Received training, as approved by the office on AIDS, focused on facilitating behavior change related to preventing BPID; and
 - (C) Has a postgraduate degree in social work, psychology, counseling, psychosocial nursing, or other allied profession; and
 - (D) Completed at least one year clinical experience after postgraduate education with a primary focus on individualized behavior change; and
 - (E) Is a certified counselor under chapter 18.19 RCW;
 - (x) Designation and provision of a qualified counselor under WAC 275-19-145 when the detainee is assessed to have a drug or alcohol problem.

(g) The state board of health designates the following settings appropriate for detainment provided a setting meets requirements in (e)(i), (ii), (iii), (iv), and (v) of this subsection:

(i) Homes, care facilities, or treatment institutions operated or contracted by the department;

(ii) Private homes, as recommended by the local or state health officer;

(iii) Boarding homes licensed under chapter 18.20 RCW;

(iv) Nursing homes licensed under chapter 18.51 RCW;

(v) Facilities licensed under chapter 71.12 RCW, including:

(A) Psychiatric hospitals, per chapter 246-322 WAC;

(B) Alcoholism treatment centers if certified for substance use under chapter 275-19 WAC;

(C) Adult residential rehabilitation centers, per chapter 246-325 WAC;

(D) Private adult treatment homes, per chapter 246-325 WAC;

(E) Residential treatment facilities for psychiatrically impaired children and youth, per chapter 246-323 WAC;

(vi) A hospital licensed under chapter 70.41 RCW.

NEW SECTION

WAC 246-100-204 Special diseases—Human immunodeficiency virus (HIV)—Absence of HIV as an occupational qualification. For the purpose of RCW 49.60.172 concerning the absence of HIV infection as a bona fide occupational qualification only, "significant risk" means a job qualification which requires person-to-person contact likely to result in direct introduction of blood into the eye, an open cut or wound, or other interruption of the epidermis, when:

(1) No adequate barrier protection is practical; and

(2) Determined only on case-by-case basis consistent with RCW 49.60.180.

NEW SECTION

WAC 246-100-205 Special diseases—HIV—Testing and counseling following occupational exposure. A person who has experienced a substantial exposure to another person's bodily fluids in a manner that presents a possible risk of transmission of HIV, and who is exposed while engaged in a category of employment determined to be at risk of substantial exposure to HIV, may ask a state or local health officer to order pretest counseling, HIV testing, and post-test counseling of the person who was the source of the bodily fluids in accordance with RCW 70.24.340.

(1) Substantial exposure that presents a possible risk of transmission shall be limited to:

(a) A physical assault upon the exposed person involving blood or semen;

(b) Intentional, unauthorized, nonconsensual use of needles or sharp implements to inject or mutilate the exposed person; or

(c) An accidental parenteral or mucous membrane or nonintact skin exposure to blood, semen, or vaginal fluids.

(2) The alleged exposure must have occurred on the job while the individual was employed or acting as an authorized

volunteer in one of the following employment categories that are at risk of substantial exposure to HIV:

(a) Law enforcement officer;

(b) Fire fighter;

(c) Health care provider;

(d) Staff of health care facilities;

(e) Funeral director; or

(f) Embalmer.

(3) The health officer shall:

(a) Determine that the alleged exposure meets the criteria established in this section for substantial exposure that presents a possible risk of transmission; and

(b) Ensure that pretest counseling of the individual to be tested, or a legal representative, occurs; and

(c) Arrange for testing of the individual who is the source of the exposure to occur within seven days of the request from the person exposed; and

(d) Ensure that records on HIV testing ordered by a health officer are maintained only by the ordering health officer.

(4) The health officer, as a precondition for ordering counseling and testing of the person who was the source of the bodily fluids, may require that the exposed individual agree to be tested for HIV if such testing is determined appropriate by the health officer.

(5) This section does not apply to the department of corrections or to inmates in its custody or subject to its jurisdiction.

AMENDATORY SECTION (Amending WSR 02-12-106, filed 6/5/02, effective 7/6/02)

WAC 246-100-206 Special diseases—(~~Sexually transmitted diseases~~) HIV—Testing and counseling of ~~inmate~~ detainees. (~~(1) Any person who violates a rule adopted by the board for the control and treatment of a sexually transmitted disease is subject to penalty under RCW 70.24.080.~~

~~(2) Definitions:~~

~~(a) "Anonymous HIV testing" means that the name or identity of the individual tested for HIV will not be recorded or linked to the HIV test result. However, once the individual testing positive receives HIV health care or treatment services, reporting of the identity of the individual to the state or local public health officer is required.~~

~~(b) "Behaviors presenting imminent danger to public health (BPID)" means the following activities, under conditions specified below, performed by an individual with a laboratory confirmed HIV infection:~~

~~(i) Anal or vaginal intercourse without a latex condom; or~~

~~(ii) Shared use of blood-contaminated injection equipment;~~

~~(iii) Donating or selling HIV-infected blood, blood products, or semen; and~~

~~(iv) Under the following specified conditions:~~

~~(A) The infected individual received post test counseling as described in WAC 246-100-209 prior to repeating activities in subsection (2)(b)(i) and (ii) of this section; and~~

(B) The infected individual did not inform the persons, with whom activities described in subsection (2)(b)(i) and (ii) of this section occurred, of his or her infectious status.

(c) "Behaviors presenting possible risk" means:

(i) Actual actions resulting in "exposure presenting a possible risk" limited to:

(A) Anal, oral, or vaginal intercourse excluding conjugal visits; or

(B) Physical assault; or

(C) Sharing of injection equipment or sharp implements; or

(D) Throwing or smearing of blood, semen, or vaginal fluids; or

(ii) Threatened action if:

(A) The threatening individual states he or she is infected with HIV; and

(B) The threatened behavior is listed in subsection (2)(b)(i)(A), (B), (C), and (D) of this section; and

(C) The threatened behavior could result in "exposure presenting a possible risk."

(d) "Conduct endangering public health" means:

(i) Anal, oral, or vaginal intercourse for all sexually transmitted diseases;

(ii) For HIV and Hepatitis B:

(A) Anal, oral, or vaginal intercourse; and/or

(B) Sharing of injection equipment; and/or

(C) Donating or selling blood, blood products, body tissues, or semen; and

(iii) Activities described in subsection (2)(d)(i) and (ii) of this section resulting in introduction of blood, semen, and/or vaginal fluids to:

(A) Mucous membranes;

(B) Eyes;

(C) Open cuts, wounds, lesions; or

(D) Interruption of epidermis.

(e) "Confidential HIV testing" means that the name or identity of the individual tested for HIV will be recorded and linked to the HIV test result, and that the name of the individual testing positive for HIV will be reported to the state or local health officer in a private manner.

(f) "Exposure presenting possible risk" means one or more of the following:

(i) Introduction of blood, semen, or vaginal fluids into:

(A) A body orifice or a mucous membrane;

(B) The eye; or

(C) An open cut, wound, lesion, or other interruption of the epidermis.

(ii) A needle puncture or penetrating wound resulting in exposure to blood, semen, and/or vaginal fluids.

(g) "Reasonably believed" or "reason to believe," in reference to a sexually transmitted disease, means a health officer's belief which:

(i) For the purpose of investigating the source and spread of disease, is based upon a credible report from an identifiable individual indicating another person is likely to have a sexually transmitted disease (STD) or to have been exposed to a STD; and

(ii) For the purpose of issuing a written order for an individual to submit to examination, counseling, or treatment is based upon:

(A) Laboratory test results confirming or suggestive of a STD; or

(B) A health care provider's direct observation of clinical signs confirming an individual has or is likely to have a STD; or

(C) Obtaining information directly from an individual infected with a STD about the identity of his or her sexual or needle-sharing contacts when:

(I) Contact with the infected individual occurred during a period when the disease may have been infectious; and

(II) The contact was sufficient to transmit the disease; and

(III) The infected individual is, in the health officer's judgment, credible and believable.

(h) "Substantial exposure" means physical contact resulting in exposure presenting possible risk, limited to:

(i) A physical assault upon the exposed person involving blood or semen;

(ii) Intentional, unauthorized, nonconsensual use of needles or sharp implements to inject or mutilate the exposed person;

(iii) An accidental parenteral or mucous membrane or nonintact skin exposure to blood, semen, or vaginal fluids.

(3) Health care providers shall:

(a) Report each case of sexually transmitted disease as required in chapter 246-100 WAC; and

(b) Instruct each patient regarding:

(i) Communicability of the disease, and

(ii) Requirements to refrain from acts that may transmit the disease to another.

(c) Ensure completion of a prenatal serologic test for syphilis in each pregnant woman pursuant to RCW 70.24.090 including:

(i) Submission of a blood sample for syphilis to a laboratory approved to perform prenatal serologic tests for syphilis; as required in RCW 70.24.090, at the time of the first prenatal visit; and

(ii) Decide whether or not to omit the serologic test for syphilis if the test was performed elsewhere during the current pregnancy.

(4) Laboratories, health care providers, and other persons shall deny issuance of a certificate or statement implying an individual is free from sexually transmitted disease.

(5) Local health officers, health care providers, and others, in addition to requirements in chapter 246-100 WAC, shall comply with the provisions in chapter 70.24 RCW.

(6) Prevention of ophthalmia neonatorum:

(a) Health care providers diagnosing or caring for a patient with gonococcal or chlamydial ophthalmia neonatorum shall report the case to the local health officer or local health department in accordance with the provisions of this chapter.

(b) The principal health care provider attending or assisting in the birth of any infant or caring for an infant after birth, shall ensure instillation of a department approved prophylactic ophthalmic agent into the conjunctival sacs of the infant within the time frame established by the department in policy statement of ophthalmia agents approved for the prevention of ophthalmia neonatorum in the newborn, issued June 19, 1981.

(7) State and local health officers or their authorized representatives shall:

(a) Have authority to conduct or cause to be conducted an interview and investigation of persons infected or reasonably believed to be infected with a sexually transmitted disease; and

(b) Use procedures and measures described in WAC 246-100-036(4) in conducting investigations.

(8) State and local health officers and their authorized representatives shall have authority to:

(a) Issue written orders for medical examination, testing, and/or counseling under chapter 70.24 RCW, only after:

(i) All other efforts to protect public health have failed, including reasonable efforts to obtain the voluntary cooperation of the person to be affected by the order; and

(ii) Having sufficient evidence to "reasonably believe" the individual to be affected by the order:

(A) Has a sexually transmitted disease; and

(B) Is engaging in "conduct endangering public health"; and

(iii) Investigating and confirming the existence of "conduct endangering public health" by:

(A) Interviewing sources to assess their credibility and accuracy; and

(B) Interviewing the person to be affected by the order; and

(iv) Including in a written order all information required in RCW 70.24.024.

(b) Issue written orders for treatment under RCW 70.24.022 only after laboratory test results, or direct observation of clinical signs or assessment of clinical data by a physician, confirm the individual has, or is likely to have, a sexually transmitted disease;

(c) Issue written orders to cease and desist from specified activities, under RCW 70.24.024 only after:

(i) Determining the person to be affected by the order is engaging in "conduct endangering public health"; and

(ii) Laboratory test results, or direct observation of clinical signs or assessment of clinical data by a physician, confirm the individual has, or is likely to have, a sexually transmitted disease; and

(iii) Exhausting procedures described in subsection (8)(a) of this section; and

(iv) Enlisting, if appropriate, court enforcement of the orders described in subsection (8)(a) and (b) of this section; and

(d) Seek court orders for detainment under RCW 70.24.034, only for persons infected with HIV and only after:

(i) Exhausting procedures described in subsection (8)(a), (b), and (c) of this section; and

(ii) Enlisting, if appropriate, court enforcement of orders to cease and desist; and

(iii) Having sufficient evidence to "reasonably believe" the person is engaging in "behaviors presenting an imminent danger to public health."

(9) Conditions for detainment of individuals infected with sexually transmitted disease:

(a) A local health officer may notify the state health officer if he or she determines:

(i) The criteria for "behaviors presenting imminent danger to public health (BPID)" are met by an individual; and

(ii) Such individual fails to comply with a cease and desist order affirmed or issued by a court.

(b) A local or state health officer may request the prosecuting attorney to file an action in superior court to detain an individual specified in subsection (9)(a) of this section.

(c) The requesting local or state health officer or authorized representative shall:

(i) Notify the department prior to recommending the detainment setting where the individualized counseling and education plan may be carried out consistent with subsection (9)(d), (e), and (f) of this section;

(ii) Make a recommendation to the court for placement of such individual consistent with subsection (9)(d) and (f) of this section; and

(iii) Provide to the court an individualized plan for education and counseling consistent with subsection (9)(e) of this section.

(d) State board of health requirements for detainment of individuals demonstrating BPID:

(i) Sufficient number of staff, caregivers, and/or family members to:

(A) Provide round the clock supervision, safety of detainee, and security; and

(B) Limit and restrict activities to prevent BPID; and

(C) Make available any medical, psychological, or nursing care when needed; and

(D) Provide access to AIDS education and counseling; and

(E) Immediately notify the local or state health officer of unauthorized absence or elopement; and

(ii) Sufficient equipment and facilities to provide:

(A) Meals and nourishment to meet nutritional needs; and

(B) A sanitary toilet and lavatory; and

(C) A bathing facility; and

(D) Bed and clean bedding appropriate to size of detainee; and

(E) A safe detention setting appropriate to chronological and developmental age of detainee; and

(F) A private sleeping room; and

(G) Prevention of sexual exploitation.

(iii) Sufficient access to services and programs directed toward cessation of BPID and providing:

(A) Linguistically, socially, culturally, and developmentally appropriate ongoing AIDS education and counseling; and

(B) Psychological and psychiatric evaluation and counseling; and

(C) Implementation of court ordered plan for individualized counseling and education consistent with subsection (9)(e) of this section.

(iv) If required, provide access to isolation and/or restraint in accordance with restraint and seclusion rules in WAC 275-55-263 (2)(e);

(v) Maintain a safe, secure environment free from harassment, physical danger, and sexual exploitation.

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(e) Washington state board of health standards for an individualized counseling and education plan for a detainee include:

(i) Consideration of detainee's personal and environmental characteristics, culture, social group, developmental age, and language;

(ii) Identification of habitual and addictive behavior and relapse pattern;

(iii) Identification of unique risk factors and possible cross-addiction leading to behavior presenting imminent danger to public health;

(iv) Identification of obstacles to behavior change and determination of specific objectives for desired behavior;

(v) Provision of information about acquisition and transmission of HIV infection;

(vi) Teaching and training of individual coping skills to prevent relapse to BPID;

(vii) Specific counseling for chemical dependency, if required;

(viii) Identification of and assistance with access to community resources, including social services and self-help groups appropriate to provide ongoing support and maintenance of behavior change; and

(ix) Designation of a person primarily responsible for counseling and/or education who:

(A) Completed pretest and post-test counselor training approved by the office on AIDS; and

(B) Received training, as approved by the office on AIDS, focused on facilitating behavior change related to preventing BPID; and

(C) Has a post-graduate degree in social work, psychology, counseling, psychosocial nursing, or other allied profession; and

(D) Completed at least one year clinical experience after post-graduate education with a primary focus on individualized behavior change; and

(E) Is a certified counselor under chapter 18.19 RCW.

(x) Designation and provision of a qualified counselor under WAC 275-19-145 when the detainee is assessed to have a drug or alcohol problem.

(f) The state board of health designates the following settings appropriate for detainment provided a setting meets requirements in subsection (9)(d)(i), (ii), (iii), (iv), and (v) of this section:

(i) Homes, care facilities, or treatment institutions operated or contracted by the department;

(ii) Private homes, as recommended by the local or state health officer;

(iii) Boarding homes licensed under chapter 18.20 RCW;

(iv) Nursing homes licensed under chapter 18.51 RCW;

(v) Facilities licensed under chapter 71.12 RCW, including:

(A) Psychiatric hospitals, per chapter 246-322 WAC;

(B) Alcoholism treatment centers if certified for substance use under chapter 275-19 WAC;

(C) Adult residential rehabilitation centers, per chapter 246-325 WAC;

(D) Private adult treatment homes, per chapter 246-325 WAC;

(E) Residential treatment facilities for psychiatrically impaired children and youth, per chapter 246-323 WAC;

(vi) A hospital licensed under chapter 70.41 RCW.

(10) Jail administrators may order pretest counseling, post-test counseling, and HIV testing of persons detained in jail according to RCW 70.24.360 only under the following conditions:

(a) The jail administrator documents and reports to the local health officer, within seven days after the incident, any incident perceived to be actual or threatened "behaviors presenting possible risk"; and

(b) The local health officer:

(i) Determines the documented behavior or behaviors meet the criteria established in the definition of "behaviors presenting a possible risk"; and

(ii) Interviews the detained individual to evaluate the factual basis for alleged actual or threatened behavior; and

(iii) Makes a fact determination, based upon the documented behavior, the interview with the detained individual, and/or independent investigation, that sufficient factual evidence exists to support the allegation of actual or threatened "behaviors presenting possible risk"; and

(iv) Arranges for testing of the individual who is the source of the behavior to occur within seven days of the request from the jail administrator; and

(v) Reviews with the detained individual who is the source of the behavior the documentation of the actual or threatened behavior to try to assure understanding of the basis for HIV testing; and

(vi) Provides written approval of the jail administrator's order prior to HIV testing in accordance with subsection (7)(a)(i) of this section.

(e) The jail administrator maintains HIV test results and identity of the tested individual as a confidential, nondisclosable record, as provided in RCW 70.24.105.

(11) When an individual experiences a substantial exposure to another individual's body fluids and requests HIV testing of that other individual, the state and local health officers have authority to order pretest counseling, HIV testing, and post-test counseling of that other individual providing:

(a) The alleged exposure occurred when the individual was employed or acting as an authorized volunteer in one of the following employment categories:

(i) Law enforcement officer;

(ii) Firefighter;

(iii) Health care provider;

(iv) Staff of health care facilities;

(v) Funeral director;

(vi) Embalmer; and

(b) The alleged substantial exposure occurred on the job; and

(c) The request to the health officer for testing and counseling of the individual was made within seven days of the occurrence of the alleged exposure; and

(d) The local health officer:

(i) Determines that the alleged exposure meets the criteria established in the definition of "substantial exposure"; and

(ii) Ensures that pretest counseling of the individual to be tested, or a legal representative, occurs; and

(iii) Arranges for testing of the individual who is the source of the exposure to occur within seven days of the request from the person exposed; and

(e) The exposed individual agrees to be tested for HIV if such testing is determined appropriate by the health officer; and

(f) Records on HIV testing ordered by a health officer are maintained only by the ordering health officer.

(12) For the purpose of RCW 49.60.172 concerning the absence of HIV infection as a bona fide occupational qualification only, "significant risk" means a job qualification which requires person to person contact likely to result in direct introduction of blood into the eye, an open cut or wound, or other interruption of the epidermis, when:

(a) No adequate barrier protection is practical; and

(b) Determined only on case-by-case basis consistent with RCW 49.60.180.) Jail administrators, with the approval of the local public health officer, may order pretest counseling, HIV testing and post-test counseling of a jail detainee in accordance with RCW 70.24.360, provided that the local public health officer determines that the detainee's actual or threatened behavior presents a possible risk to the staff, general public, or other persons.

(1) Actual behaviors present a possible risk if they result in "exposure presenting a possible risk" and involve one of the following actions:

(a) Anal, oral, or vaginal intercourse excluding conjugal visits; or

(b) Physical assault; or

(c) Sharing of injection equipment or sharp implements;

or
(d) Throwing or smearing of blood, semen, or vaginal fluids; or

(2) Threatened behaviors present a "possible risk" if:

(a) The threatening individual states he or she is infected with HIV; and

(b) The threatened behavior is listed in subsection (1)(a), (b), (c), or (d) of this section; and

(c) The threatened behavior could result in "exposure presenting a possible risk."

(3) For purposes of subsections (1) and (2) of this section, "exposure presenting possible risk" means one or more of the following:

(a) Introduction of blood, semen, or vaginal fluids into:

(i) A body orifice or a mucous membrane;

(ii) The eye; or

(iii) An open cut, wound, lesion, or other interruption of the epidermis.

(b) A needle puncture or penetrating wound resulting in exposure to blood, semen, and/or vaginal fluids.

(4) Jail administrators may order pretest counseling, post-test counseling, and HIV testing only under the following conditions:

(a) The jail administrator documents and reports to the local health officer, within seven days after the incident, any incident perceived to be actual or threatened "behaviors presenting possible risk"; and

(b) The local health officer:

(i) Determines the documented behavior or behaviors meet the criteria established in this section for behaviors presenting a "possible risk"; and

(ii) Interviews the detained individual to evaluate the factual basis for alleged actual or threatened behavior; and

(iii) Makes a fact determination, based upon the documented behavior, the interview with the detained individual, and/or independent investigation, that sufficient factual evidence exists to support the allegation of actual or threatened "behaviors presenting possible risk"; and

(iv) Arranges for testing of the individual who is the source of the behavior to occur within seven days of the request from the jail administrator; and

(v) Reviews with the detained individual who is the source of the behavior the documentation of the actual or threatened behavior to try to assure understanding of the basis for HIV testing; and

(vi) Provides written approval of the jail administrator's order prior to HIV testing.

(c) The jail administrator maintains HIV test results and identity of the tested individual as a confidential, nondisclosable record, as provided in RCW 70.24.105.

AMENDATORY SECTION (Amending WSR 02-12-106, filed 6/5/02, effective 7/6/02)

WAC 246-100-207 Human immunodeficiency virus (HIV) testing—Ordering—Laboratory screening—Interpretation—Reporting. (1) Any person ordering or prescribing an HIV test for another, except for seroprevalent studies under chapter 70.24 RCW or provided under subsections (2) and (3) of this section or provided under WAC 246-100-208(1), shall:

(a) Provide ((or refer for pretest counseling described under WAC 246-100-209)) a brief evaluation of both behavioral and clinical HIV risk factors; and

(b) Unless the person has been previously tested and declines receipt of information, explicitly provide verbal or written information that is culturally, linguistically, developmentally and, medically appropriate to the individual being tested regarding HIV including:

(i) The benefits of learning HIV status and the potential dangers of the disease; and

(ii) A description of ways in which HIV is transmitted and ways in which it can be prevented; and

(iii) The meaning of HIV test results and the importance of obtaining test results; and

(iv) As appropriate, the availability of anonymous HIV testing and the differences between anonymous testing and confidential testing; and

(c) Obtain or ensure explicit verbal or written informed ((specific)) consent of the individual to be tested ((separate from other consents)) prior to ordering or prescribing an HIV test, unless excepted under provisions in chapter 70.24 RCW and document the consent of the individual being tested; and

((e) Inform, orally or in writing, the individual to be tested of the availability of anonymous HIV testing and of the differences between "anonymous HIV testing" and "confidential HIV testing"; and))

(d) Recommend and offer or refer for pretest counseling described under WAC 246-100-209 to any person requesting pretest counseling and to any person determined to be at increased risk for HIV as defined by Federal Centers for Disease Control and Prevention published in Revised Guidelines for HIV Counseling, Testing and Referral, November 9, 2001. The individual's decision to refuse pretest counseling is not grounds for denying HIV testing; and

(e) Provide or refer for other appropriate prevention, support or medical services, including Hepatitis services; and

(f) Provide or ((refer)) ensure successful completion of referral for post-test counseling described under WAC 246-100-209 if the HIV test is positive for or suggestive of HIV infection; and

(g) In the event that the individual tests positive, had a confidential test, and fails to return for post-test counseling, provide the name of the individual and locating information to the local health officer for follow-up to provide post-test counseling as required by WAC 246-100-209(2).

(2) Any person authorized to order or prescribe an HIV test for another may offer anonymous HIV testing without restriction.

(3) Blood banks, tissue banks, and others collecting or processing blood, sperm, tissues, or organs for transfusion/transplanting shall:

(a) Obtain or ensure informed specific consent of the individual prior to ordering or prescribing an HIV test, unless excepted under provisions in chapter 70.24 RCW;

(b) Explain that the reason for HIV testing is to prevent contamination of the blood supply, tissue, or organ bank donations;

(c) At the time of notification regarding a positive HIV test, provide or ensure at least one individual counseling session; and

(d) Inform the individual that the name of the individual testing positive for HIV infection will be confidentially reported to the state or local health officer.

(4) Persons subject to regulation under Title 48 RCW and requesting an insured, subscriber, or potential insured or subscriber to furnish the results of an HIV test for underwriting purposes, as a condition for obtaining or renewing coverage under an insurance contract, health care service contract, or health maintenance organization agreement shall:

(a) Before obtaining a specimen to perform an HIV test, provide written information to the individual tested explaining:

(i) What an HIV test is;

(ii) Behaviors placing a person at risk for HIV infection;

(iii) The purpose of HIV testing in this setting is to determine eligibility for coverage;

(iv) The potential risks of HIV testing; and

(v) Where to obtain HIV pretest counseling.

(b) Obtain informed specific written consent for an HIV test. The written informed consent shall include:

(i) An explanation of confidential treatment of test result reports limited to persons involved in handling or determining applications for coverage or claims for the applicant or claimant; and

(ii) That the name of the individual testing positive for HIV infection will be confidentially reported to the state or local health officer; and

(iii) Requirements under subsection (4)(c) of this section.

(c) Establish procedures to inform an applicant of the following:

(i) Post-test counseling specified under WAC 246-100-209((4))(2) is required if an HIV test is positive or indeterminate;

(ii) Post-test counseling is done at the time any positive or indeterminate HIV test result is given to the tested individual;

(iii) The applicant is required to designate a health care provider or health care agency to whom positive or indeterminate HIV test results are to be provided for interpretation and post-test counseling; and

(iv) When an individual applicant does not identify a designated health care provider or health care agency and the applicant's HIV test results are positive or indeterminate, the insurer, health care service contractor, or health maintenance organization shall provide the test results to the state or local health department for interpretation and post-test counseling.

(5) Laboratories and other places where HIV testing is performed ~~((shall))~~ must demonstrate ~~((complete and satisfactory participation in an HIV proficiency testing program approved by the Department Laboratory Quality Assurance Section, Mailstop K179, 1610 N.E. 150th, Seattle, Washington 98155))~~ compliance with all of the requirements in the Medical test site rules, chapter 246-338 WAC.

(6) The department laboratory quality assurance section shall accept substitutions for EIA screening only as approved by the United States Food and Drug Administration (FDA) and a published list or other written FDA communication.

(7) Persons informing a tested individual of positive laboratory test results indicating HIV infection shall do so only when:

(a) ~~((HIV is isolated by viral culture technique; or~~

~~(b) HIV nucleic acid (RNA or DNA) is detected; or~~

~~(c) HIV is detected through a P24 antigen (neutralizable) test; or~~

~~(d) HIV antibodies are identified by a sequence of tests which are reactive and include:~~

~~(i) A repeatedly reactive screening test such as the enzyme immunoassay (EIA); and~~

~~(ii) An additional, more specific, assay such as a positive western blot assay (WBA) or other tests as approved by the United States Food and Drug Administration (FDA) in a published list or other written FDA communication.~~

(e)) The test or sequence of tests has been approved by the United States Food and Drug Administration (FDA) or the Federal Centers for Disease Control and Prevention as a confirmed positive test result; and

(b) Such information consists of relevant, pertinent facts communicated in such a way that it will be readily understood by the recipient.

(8) Persons may inform a tested individual of the unconfirmed reactive results of an FDA-approved rapid HIV test provided the test result is interpreted as preliminarily positive for HIV antibodies, and the tested person is informed that:

(a) Further testing is necessary to confirm the reactive screening test result;

(b) The meaning of reactive screening test result is explained in simple terms, avoiding technical jargon;

(c) The importance of confirmatory testing is emphasized and a return visit for confirmatory test results is scheduled; and

(d) The importance of taking precautions to prevent transmitting infection to others while awaiting results of confirmatory testing is stressed.

AMENDATORY SECTION (Amending WSR 02-12-106, filed 6/5/02, effective 7/6/02)

WAC 246-100-208 Counseling standard—AIDS counseling. (1) Principal health care providers shall counsel or ensure AIDS counseling for each pregnant woman continuing the pregnancy. This subsection shall not apply when health care is sought in order to terminate a pregnancy or as a result of a terminated pregnancy. "AIDS counseling" for a pregnant woman means:

(a) Performing a risk screening that includes an assessment of sexual and drug use history as part of the intake process;

(b) Providing written or verbal information on HIV infection that at a minimum includes:

(i) All pregnant women are recommended to have an HIV test;

(ii) HIV is the cause of AIDS and how HIV is transmitted;

(iii) A woman may be at risk for HIV infection, and not know it;

(iv) The efficacy of treatments to reduce vertical transmission;

(v) The availability of anonymous testing, and why confidential testing is recommended for pregnant women;

(vi) The need to report HIV infection;

(vii) Public funds are available to assist eligible HIV-infected women receive medical care and other assistance; and

(viii) Women who decline testing will not be denied care for themselves or their infants;

(c) Obtaining the informed consent of the pregnant woman, separately or as part of the consent for a battery of other routine tests provided that the woman is specifically informed in writing or verbally that a test for HIV is included;

(d) Providing HIV testing unless the pregnant woman refuses to give consent;

(e) If the pregnant woman refuses a confidential test, discussing and addressing reasons for refusal and document in the medical record that refusal and the provision of education on the benefits of HIV testing;

(f) If the risk screening indicates, providing or referring for behavioral change counseling for women who:

(i) Have or recently have had a sexual partner(s) who is known to be HIV infected or is a man who has sex with another man or is an injection drug user;

(ii) Uses or recently have used injection drugs;

(iii) ~~((Has))~~ Have signs or symptoms of HIV seroconversion;

(iv) Currently have or ~~((has))~~ recently have exchanged sex for drugs or money or had a sexually transmitted disease or had multiple sex partners; or

(v) Express~~((es))~~ a need for further, more intensive counseling; and

(g) Basing the behavioral change counseling on the standards defined in WAC 246-100-209 and the recommendations of the federal Centers for Disease Control and Prevention published in *Revised Guidelines for HIV Counseling, Testing and Referral*, and *Revised Recommendations for HIV Screening of Pregnant Women, November 9, 2001*; and

(h) Offering referrals and providing follow-up to other necessary medical, social and HIV prevention services.

(2) Health care providers may obtain a sample brochure addressing the elements of subsection (1)(b) of this section by contacting the department of health's HIV prevention program at P.O. Box 47840, Olympia, WA 98504-7840.

(3) Principal health care providers shall counsel or ensure AIDS counseling as defined in WAC 246-100-011(2) and offer and encourage HIV testing for each patient seeking treatment of a sexually transmitted disease.

(4) Drug treatment programs under chapter 70.96A RCW shall provide or ensure provision of AIDS counseling as defined in WAC 246-100-011(2) for each person in a drug treatment program.

(5) Health care providers, persons, and organizations providing AIDS counseling in subsections (3) and (4) of this section shall:

(a) Assess the behaviors of each individual counseled for risk of acquiring and transmitting human immunodeficiency virus (HIV);

(b) Maintain a nonjudgmental environment during counseling which:

(i) Considers the individual's particular circumstances; and

(ii) Is culturally, ~~((socially,))~~ linguistically, and developmentally appropriate to the individual being counseled.

(c) Focus counseling on behaviors increasing the risk of HIV acquisition and transmission;

(d) Offer or refer for HIV testing and provide or ensure provision of personalized risk reduction education to individuals who~~((:~~

~~((i) Are men who had sex with other men at any time since 1977;~~

~~((ii) Used intravenous substances at any time since 1977;~~

~~((iii) Engaged in sex for money or drugs at any time since 1977;~~

~~((iv) Have had sexual and/or injection equipment sharing contact with persons listed in (d)(i), (ii), and (iii) of this subsection;~~

~~((v) Have been exposed to or known to have had a sexually transmitted disease at any time since 1977;~~

~~((vi) Are at increased risk of HIV infection by definition of United States Public Health Service, Centers for Disease Control and Prevention;~~

~~((vii) Are enrolled in a drug treatment program under chapter 69.54 RCW; or~~

~~((viii) Received multiple transfusions of blood, plasma, or blood products from 1977 to 1985.~~

~~(e) Encourage individuals assessed to be at other than virtually no risk of HIV infection to:~~

- ~~(i) Receive AIDS risk reduction counseling;~~
- ~~(ii) Consider information about the nature, purpose, and potential ramifications of HIV testing;~~
- ~~(iii) Receive pretest counseling;~~
- ~~(iv) Consider confidential or anonymous voluntary HIV testing if appropriate and understand the differences between "anonymous HIV testing" and "confidential HIV testing"; and~~

~~(v) "Virtually no risk of HIV infection" means persons with medical histories absent of and reporting none of the following factors:~~

- ~~(A) Transfusion with blood or blood products at any time since 1977;~~
- ~~(B) Residence at any time in countries where HIV is considered endemic since 1977;~~
- ~~(C) Unprotected sex between men at any time since 1977;~~
- ~~(D) Use of intravenous substances at any time since 1977, especially when sharing injection equipment;~~
- ~~(E) Engagement in sex for money or drugs at any time since 1977;~~
- ~~(F) Sexual and/or injection equipment sharing contacts at any time since 1977 with persons listed in (e)(v)(C), (D), and (E) of this subsection;~~
- ~~(G) Exposure to a sexually transmitted disease; and~~
- ~~(H) Increased risk of HIV infection by definition of United States Public Health Service, Centers for Disease Control and Prevention)) are determined to be at increased risk for HIV as defined by Federal Centers for Disease Control and Prevention published in Revised Guidelines for HIV Counseling, Testing and Referral, November 9, 2001.~~

~~(6) Persons and organizations providing AIDS counseling may provide additional or more comprehensive counseling than required in this section.~~

AMENDATORY SECTION (Amending WSR 99-17-077, filed 8/13/99, effective 9/1/99)

WAC 246-100-209 Counseling standards—Human immunodeficiency virus (HIV) pretest counseling—HIV post-test counseling. (1) Health care providers and other persons providing pretest counseling shall(:

- ~~(a)) assess the individual's risk of acquiring and transmitting HIV by evaluating information about the individual's possible risk behaviors(;~~
- ~~(b) Provide at least one individual counseling session prior to HIV testing;~~
- ~~(c) Inform in writing or orally any individual planning to be tested for HIV that:~~
 - ~~(i) Anonymous HIV testing is available through the local health department, home testing kits, or may be available through other community sources, and explain the differences between "anonymous HIV testing" and "confidential HIV testing"; and~~
 - ~~(ii) If the test result is positive, sex and injection equipment sharing partners, including spouses must be notified that they:~~

~~(A) May have been exposed to and infected with HIV; and~~

~~(B) Should seek HIV pretest counseling and consider HIV testing; and~~

~~(iii) The principal health care provider is required to refer identities of at risk partners to the local health officer or authorized representative if:~~

~~(A) The HIV infected individual either refuses or is unable to notify partners of exposure, possible infection, and need for pretest counseling and HIV testing; or~~

~~(B) The HIV infected individual neither accepts assistance nor agrees to referral to the local health officer or an authorized representative for assistance in notifying partners; and~~

~~(iv) Unless HIV testing is anonymous, the principal health care provider is required to confidentially refer the identity of the individual testing positive to the local health officer or an authorized representative.~~

~~(2) When an individual is assessed by a counselor or health care provider as "virtually no risk of HIV infection," as defined in WAC 246-100-208 (3)(e)(v) a counselor or the health care provider shall, in addition to subsection (1)(a) of this section:~~

~~(a) Maintain a nonjudgmental environment during counseling which:~~

~~(i) Considers the individual's particular circumstances; and~~

~~(ii) Is culturally, socially, linguistically, and developmentally appropriate to the individual being counseled.~~

~~(b) Explain the nature, purpose, value, and reason for the HIV tests;~~

~~(c) In writing or orally, inform the individual to be tested that anonymous HIV testing is available through the local health department, home testing kits, or may be available through other community sources, and explain the differences between "anonymous HIV testing" and "confidential HIV testing;"~~

~~(d) Explain the possible effect of HIV testing and a positive HIV test result related to employment, insurance, housing, and other potential legal, social, and personal consequences;~~

~~(e) Develop and maintain a system of referral and make referrals that:~~

- ~~(i) Are accessible and confidential for those counseled;~~
- ~~(ii) Are acceptable to and supportive of those counseled;~~
- ~~(iii) Provide assistance to those counseled in maintaining risk reduction behaviors.~~

~~(f) Provide at least one individual counseling session at the time HIV test results are disclosed to individuals testing positive; and~~

~~(g) Maintain disclosure and confidentiality requirements in WAC 246-100-016.~~

~~(3) If the individual is assessed by a health care provider to be other than "virtually no risk of HIV infection," as defined in WAC 246-100-208 (3)(e)(v), the person providing pretest counseling shall maintain requirements in subsection (1) and (2) of this section and:~~

~~(a) Focus counseling on behaviors increasing the risk of HIV acquisition and transmission;~~

(b) Provide personalized risk reduction education to individuals who:

(i) Are men engaging in unprotected intercourse with other men at any time since 1977;

(ii) Used intravenous substances at any time since 1977, especially those sharing injection equipment;

(iii) Engaged in sex for money or drugs at any time since 1977;

(iv) Have had sexual and/or injection equipment sharing contacts at any time since 1977 with persons listed in subsection (3)(b)(i), (ii), and (iii) of this section;

(v) Have been exposed to or diagnosed with a sexually transmitted disease;

(vi) Are at increased risk of HIV infection by definition of United States Public Health Services, Centers for Disease Control;

(vii) Are required by RCW 70.24.095 and 70.24.340 to receive HIV counseling and testing.

(c) Inform any individual planning to be tested for HIV of the need to notify sexual and injection equipment sharing partners, including spouses, if test results are positive;

(d) Advise individuals listed in subsection (3)(b)(i), (ii), and (iii) of this section not to donate or sell blood, blood products, semen, organs, or other body tissues; and

(e) Emphasize or reemphasize the following counseling messages:

(i) The following will eliminate or decrease the risk of HIV infection:

(A) Sexual abstinence;

(B) A mutually monogamous relationship between uninfected people; and

(C) Following safer sex guidelines.

(ii) Do not share intravenous drugs and injection equipment;

(iii) Do not engage in behaviors in which blood, vaginal fluid, or semen is exchanged;

(iv) Condoms, even if used properly, do not supply absolute protection from HIV infection;

(v) Condoms may reduce risk of HIV infection if the condom is:

(A) Latex and used with a water-based lubricant rather than an oil-based lubricant, if a lubricant is used;

(B) Used in conjunction with spermicide during vaginal or anal intercourse; and

(C) Worn from start to finish of vaginal, oral, and anal intercourse.

(vi) Dental dams may reduce risk of HIV infection if the dental dam is:

(A) Latex; and

(B) Used from start to finish of oral intercourse.

(vii) The sexual behaviors having highest risk for HIV infection are those involving the exchange of blood or semen, especially receptive anal and vaginal intercourse;

(viii) Anal intercourse may increase the risk of condom failure and HIV infection;

(ix) Infected women should postpone pregnancy until more is known about how to prevent prenatal and perinatal transmission of HIV infection;

(x) Sexual negotiation skills can be learned to enhance risk reduction; and

(xi) Other sexually transmitted diseases, especially those causing genital ulcers, may increase the risk of acquiring or transmitting HIV infection.

(f) Make those counseled aware HIV retesting at a later date may be necessary or recommended)) and unique circumstances, and as appropriate;

(a) Base counseling on the recommendations of the Federal Centers for Disease Control and Prevention as published in the Revised Guidelines for HIV Counseling, November 2001; and

(b) Assist the individual to set a realistic behavior-change goal and establish strategies for reducing their risk of acquiring or transmitting HIV; and

(c) Provide appropriate risk reduction skills-building opportunities to support the behavior change goal; and

(d) Provide or refer for other appropriate prevention, support or medical services, including those services for other bloodborne pathogens.

((4)) (2) Health care providers and other persons providing post-test counseling shall:

(a) ((Follow)) For all individuals tested for HIV, offer at least one individual counseling session at the time HIV test results are disclosed consistent with the requirements in subsection (1) of this section; and

(b) ((Provide at least one individual counseling session at the time HIV test results are disclosed for individuals:

(i) Testing positive for HIV; or

(ii) Reporting practice of behaviors listed in (3)(b)(i), (ii), and (iii) of this section.

(e)) If the individual being counseled tested positive for HIV infection:

(i) Provide or arrange for at least one individual in-person counseling session consistent with the requirements in subsection (1) of this section;

(ii) Unless testing was anonymous, ((remind)) inform the individual that the identity of the individual testing positive for HIV infection will be confidentially reported to the state or local health officer;

((iii) Provide assistance to persons in notifying partners, including spouses, and confirm those partners including spouses have been notified; and/or)

(iii) ((Seek agreement to refer the name of the individual to the local health officer for assistance in notifying partners; and/or)) Ensure compliance with the partner notification provisions contained in WAC 246-100-072, and inform the tested person of those requirements;

(iv) ((Offer to refer partners for counseling and testing; and

(v)) Develop or adopt a system to avoid documenting the names of referred partners in the permanent record of the individual being counseled; and

((vi)) (v) Offer referral for alcohol and drug and mental health counseling, including suicide prevention, if appropriate; and

((vii)) (vi) Provide or refer for medical evaluation ((and)) including services for other bloodborne pathogens, antiretroviral treatment, HIV prevention and other support services; and

((viii)) (vii) Provide or refer for tuberculosis screening.

AMENDATORY SECTION (Amending WSR 03-06-003, filed 2/19/03, effective 2/19/03)

WAC 246-101-505 Duties of the local health officer or the local health department. Local health officers or the local health department shall:

(1) Review and determine appropriate action for:

(a) Each reported case or suspected case of a notifiable condition;

(b) Any disease or condition considered a threat to public health; and

(c) Each reported outbreak or suspected outbreak of disease, requesting assistance from the department in carrying out investigations when necessary;

(2) Establish a system at the local health department for maintaining confidentiality of written records and written and telephoned notifiable conditions case reports;

(3) Notify health care providers, laboratories, and health care facilities within the jurisdiction of the health department of requirements in this chapter;

(4) Notify the department of cases of any condition notifiable to the local health department (except animal bites) upon completion of the case investigation;

(5) Distribute appropriate notification forms to persons responsible for reporting;

(6) Notify the principal health care provider(++)

~~(a))~~, if possible, prior to initiating a case investigation by the local health department(~~++and~~

~~(b) For HIV infection, not contact the HIV-infected person directly without considering the recommendations of the principal health care provider on the necessity and best means for conducting the case investigation, unless:~~

~~(i) The principal health care provider cannot be identified; or~~

~~((ii) Reasonable efforts to reach the principal health care provider over a two-week period of time have failed;))~~

~~(7) Carry out the HIV partner notification requirements of WAC 246-100-072.~~

~~(8) Allow laboratories to contact the health care provider ordering the diagnostic test before initiating patient contact if requested and the delay is unlikely to jeopardize public health;~~

~~((8)) (9) Conduct investigations and institute control measures in accordance with chapter 246-100 WAC;~~

~~((9)) (10) The local health department may ((negotiate)) adopt alternate arrangements for meeting the reporting requirements under this chapter through cooperative agreement between the local health department and any health care provider, laboratory or health care facility;~~

~~((10)) (11) Each local health officer has the authority to:~~

~~(a) Carry out additional steps determined to be necessary to verify a diagnosis reported by a health care provider;~~

~~(b) Require any person suspected of having a reportable disease or condition to submit to examinations required to determine the presence of the disease or condition;~~

~~(c) Investigate any case or suspected case of a reportable disease or condition or other illness, communicable or otherwise, if deemed necessary;~~

(d) Require the notification of additional conditions of public health importance occurring within the jurisdiction of the local health officer.

AMENDATORY SECTION (Amending WSR 00-23-120, filed 11/22/00, effective 12/23/00)

WAC 246-101-520 Special conditions—AIDS and HIV. (1) The local health officer and local health department personnel shall maintain individual case reports for AIDS and HIV as confidential records consistent with the requirements of this section. The local health officer and local health department personnel shall:

(a) Use identifying information on HIV-infected individuals only:

(i) For purposes of contacting the HIV-positive individual to provide test results and post-test counseling; or

(ii) To contact persons who have experienced substantial exposure, including sex and injection equipment-sharing partners, and spouses; or

(iii) To link with other name-based public health disease registries when doing so will improve ability to provide needed care services and counseling and disease prevention; or

(iv) As specified in WAC 246-100-072.

(b) Destroy case report identifying information on asymptomatic HIV-infected individuals received as a result of this chapter within three months of receiving a complete case report.

(c) Destroy documentation of referral information established in WAC 246-100-072 and this subsection containing identities and identifying information on HIV-infected individuals and at-risk partners of those individuals immediately after notifying partners or within three months, whichever occurs first unless such documentation is being used in an investigation of conduct endangering the public health or of behaviors presenting an imminent danger to the public health pursuant to RCW 70.24.022 or 70.24.024.

(d) Not disclose identifying information received as a result of this chapter unless:

(i) Explicitly and specifically required to do so by state or federal law; or

(ii) Authorized by written patient consent.

(2) Local health department personnel are authorized to use HIV identifying information obtained as a result of this chapter only for the following purposes:

(a) Notification of persons with substantial exposure, including sexual or syringe-sharing partners;

(b) Referral of the infected individual to social and health services; ~~((and))~~

(c) Linkage to other public health data bases, provided that the identity or identifying information on the HIV-infected person is not disclosed outside of the health department; and

(d) Investigations pursuant to RCW 70.24.022 or 70.24.024.

(3) Public health data bases do not include health professions licensing records, certifications or registries, teacher certification lists, other employment rolls or registries, or data bases maintained by law enforcement officials.

(4) Local health officials will report asymptomatic HIV infection cases to the state health department according to a standard code developed by the state health department.

(5) Local health officers shall require and maintain signed confidentiality agreements with all health department employees with access to HIV identifying information. These agreements will be renewed at least annually and include reference to criminal and civil penalties for violation of chapter 70.24 RCW and other administrative actions that may be taken by the department.

(6) Local health officers shall investigate potential breaches of the confidentiality of HIV identifying information by health department employees. All breaches of confidentiality shall be reported to the state health officer or their designee for review and appropriate action.

WSR 05-11-005
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 05-82—Filed May 4, 2005, 3:23 p.m., effective May 4, 2005]

Effective Date of Rule: Immediately.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-33-01000B; and amending WAC 220-33-010.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Sets the initial opener for the spring season select areas fisheries. These fisheries are reduced in time and area compared to those originally scheduled at the January 28th compact hearing. The modified fisheries will allow limited access to select area spring chinook while minimizing risk to nonlocal stocks. Further delays of the commercial fisheries will likely reduce economic benefit of the select area spring fisheries due to increased straying of and decreasing fish quality. The select area fisheries in Deep River and Blind Slough/Knappa Slough are part of an ongoing BPA funded study to design fisheries in areas outside of the mainstem Columbia River. Several stocks of salmon have been released from net pens in these select areas to provide for fisheries. All salmon returning to these net pens are harvestable. Impacts to ESA-listed stocks in these fisheries are covered under the biological opinion for the interim management agreement. This rule is consistent with actions of the Columbia River compact hearings of May 3rd and January 28, 2005, and conforms Washington and Oregon state rules. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: May 4, 2005.

J. P. Koenings
 Director

NEW SECTION

WAC 220-33-01000B Columbia River gillnet seasons below Bonneville. Notwithstanding the provisions of WAC 220-33-010, WAC 220-33-020, and WAC 220-33-030, it is unlawful for a person to take or possess salmon, sturgeon, and shad, taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E except during the times and conditions listed:

1. Blind Slough Select Area

a) Area: markers at the mouth of Gnat Creek located approximately 1/2 mile upstream of the county road bridge, downstream to markers at the mouth of Blind Slough. Concurrent Washington/Oregon waters extend downstream of the railroad bridge.

b) Dates: 6:00 p.m. through 11:59 p.m. Thursday May 5th, 2005.

c) Gear: 8-inch maximum mesh. Mono-filament gill nets are allowed. Nets restricted to 100 fathoms in length with no weight restriction on leadline. Use of additional weights or anchors attached directly to the leadline is allowed.

d) Allowable Sale: Salmon, sturgeon, shad.

e) Special transportation permits are not required to take fish outside the fishing area. Permanent transportation regulations will be in effect.

f) Other: Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

2) Deep River Select Area

a) Area: From the markers at USCG navigation marker #16 upstream to the Highway 4 Bridge.

b) Dates: 6:00 p.m. through 11:59 p.m. Thursday May 5th, 2005.

c) Gear: 8-inch maximum mesh size. Nets restricted to a maximum length of 100 fathoms and no weight restriction on leadline. Use of additional weights or anchors attached directly to the leadline is allowed. Nets cannot be tied off of any stationary structures. Nets may not fully cross the navigation channel.

d) Allowable sale: salmon, sturgeon and shad.

e) Miscellaneous: Transportation or possession of fish outside the fishing area is unlawful. An exception to the rule would allow fishers to transport their catch out of the fishing area with a permit issued by an authorized agency employee after examining the catch.

f) Other: Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. May 6, 2005:

WAC 220-33-01000B

Columbia River below Bonneville.

WSR 05-11-006
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 05-83—Filed May 4, 2005, 3:24 p.m., effective May 5, 2005, 12:01 a.m.]

Effective Date of Rule: May 5, 2005, 12:01 a.m.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 232-28-61900R.

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: Reopens the sport fishery in concurrent waters consistent with the opening of commercial fishing periods in the select areas. Additional impacts to upriver spring chinook are expected to be minimal and most likely zero. Permanent regulations are reinstated.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 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: May 4, 2005.

J. P. Koenings
 Director

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. May 5, 2005:

WAC 232-28-61900R	Exceptions to statewide rules—Deep River (Wahkiakum Co.) (05-71)
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WSR 05-11-017

EMERGENCY RULES
EMPLOYMENT SECURITY DEPARTMENT

[Filed May 9, 2005, 4:42 p.m., effective May 9, 2005]

Effective Date of Rule: Immediately.

Purpose: To implement changes to the unemployment insurance program adopted by 2ESB 6097, passed by the 2003 legislature. The rules clarify issues related to part-time workers, predecessor/successor employers, and employer penalties. The rules also describe how the department will calculate the industry average array factor rate and graduated social cost factor rate that will be paid by employers. House-keeping changes are made to other rules consistent with current law and policy.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 192-320-060; and amending WAC 192-110-015, 192-300-050, 192-310-010, 192-310-030, and 192-320-050.

Statutory Authority for Adoption: RCW 50.12.010, 50.12.040, 50.12.042.

Other Authority: RCW 50.20.010.

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: Several sections of 2ESB 6097 were effective January 2, 2005. The department has begun the rule-making process, holding several meetings with stakeholders and interested parties. Additional stakeholder meetings are scheduled this month and we anticipate filing proposed rules when those meetings are completed. In the interim, emergency rules are necessary to provide guidance to employers, unemployment insurance claimants, and the general public of the department's interpretation of the changes to the statute.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 7, Amended 5, Repealed 1.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 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 7, Amended 5, Repealed 1.

Date Adopted: May 9, 2005.

May 9, 2005
 Karen T. Lee
 Commissioner

AMENDATORY SECTION (Amending WSR 99-08-073, effective 5/6/99)

WAC 192-110-015 Applications by ((partially unemployed or)) standby workers—RCW ((50.04.310,)) 50.20.010((,)) and 50.20.130. (1) ((Definitions:

(a) "Employer" means any person or business for which you work in exchange for wages.

(b) "Partially unemployed" means that during a week:

(i) You worked for your regular employer less than full time because of lack of work; and

(ii) You earned less than one and one-third times your weekly benefit amount plus five dollars.

(e)) "Standby" means you are temporarily unemployed due to lack of work but expect to return to work with your regular employer. You do not have to register for work or look for other work while on standby but must be available for all hours of work offered by your regular employer.

(2) ~~(Your rights when you are partially unemployed:~~

~~(a) You may file your application or claim for benefits as many as five weeks after your hours are reduced without it being considered late.~~

~~(b) You do not have to register for work, however, you must accept all hours offered by your regular employer.~~

~~(3) (Your rights when you are on))~~ **Duration of standby:**

(a) You can ask to be on standby for up to four weeks.

~~(b) (You do not have to register for work.~~

(e)) We will ask your employer to verify that you are on standby and your expected return to work date:

(i) If your employer does not respond, you can be on standby for up to four weeks;

(ii) If your employer confirms you are on standby, you can be on standby for up to four weeks or until the return to work date given by your employer, whichever is earlier;

(iii) If your employer responds that you are not on standby or do not have a return to work date within eight weeks, you will be required to immediately register for work and to look for work.

~~((d))~~(c) Your regular employer ~~((must))~~ may request to extend your standby status for more than four, but no more than eight, weeks in any benefit year, except as provided in subsection (2)(d). This request is subject to approval by the department. We will consider the following before deciding whether to extend standby status for more than four weeks:

(i) How long you have been out of work;

(ii) Whether other suitable work is available;

(iii) The impact on you and your employer if you accept other work; and

(iv) Other factors that apply to your situation.

(d) At his or her discretion, the commissioner may grant standby for more than eight weeks in a benefit year. The employer must apply in writing and demonstrate there are conditions that apply to his or her business that are so unique or unusual that having their employees on standby for more than eight weeks is justified.

(e) You can be granted standby if you have obtained a new job that has a definite start date within four weeks.

(3) The following conditions apply to a request for standby:

(a) You must have a definite date by which you will return to work for your regular employer;

(b) Standby will not be granted if you only have prospects of future work with the employer or a promise of more work at some unspecified date, or when the return to work date depends on conditions beyond the employer's control, such as weather;

(c) Except for claimants who qualify as part-time eligible workers under RCW 50.20.119, standby will not be granted if you regularly work fewer than forty hours each week for the employer; and

(d) Except as provided in subsection (2)(d), standby will not be granted for more than eight weeks in any benefit year. Any week(s) in which you do not qualify for benefits because of excess earnings will not be considered as part of the eight weeks. After eight consecutive weeks of unemployment, the department will no longer consider you attached to that employer.

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 192-110-017 Applications by partially unemployed workers—RCW 50.04.310. If you are partially unemployed as defined in WAC 192-180-013, you may file your application for benefits as many as five weeks after your hours are reduced without it being considered late.

NEW SECTION

WAC 192-170-060 Availability requirements for part-time eligible workers—RCW 50.20.119. (1) If you are a part-time eligible worker as defined in RCW 50.20.119, you may limit your availability for work to 17 or fewer hours per week. You may refuse any job that is for 18 or more hours per week.

(2) You must be available for work during the hours that are customary to your occupation. For example, if your occupation normally requires both day and evening hours of work, you must be available for work both day and evening hours.

(3) You must be available for work all days of the week that are customary for your occupation, even if you have not worked those days in the past. If you are unavailable for work on any day that is a customary day of work for your occupation, your benefits will be reduced as provided in RCW 50.20.130. For example, your occupation customarily works Monday through Friday, although you normally have worked weekends only. If you are unavailable for work Monday through Friday, your benefits will be reduced as provided in RCW 50.20.130.

NEW SECTION

WAC 192-180-013 Job search requirements for individuals working less than full-time. (1) "Partially unemployed" workers are those individuals:

(a) Who were hired to work full time,

(b) Whose weekly hours of work have been temporarily reduced to less than full time by their employer,

(c) Who earn less than one and one-third times their weekly benefit amount plus five dollars during a week, and

(d) Who are expected to return to full time work for their employer within six months.

These workers are considered to be employer attached and are not required to register for or seek work. They must be available for all work offered by their regular employer.

(2) "**Part time**" workers are individuals who normally work less than full time, or who accept work that is less than full time. To be eligible for benefits, these workers must be available for and actively seeking full time work, and their job search is subject to review. If they obtain part time work, they must continue to seek full time work or benefits will be denied as provided in RCW 50.20.010 (1)(c). This definition of "part time" workers addresses individuals who work part time, but do not meet the requirements of RCW 50.20.119.

(3) "**Part time eligible**" workers are individuals who have worked no more than 17 hours in any week of their base year and are eligible for benefits under RCW 50.20.119. These individuals may seek work for 17 or fewer hours per week and their job search is subject to review. If they obtain work of 17 or fewer hours per week, they are considered to be employer attached and are no longer required to look for work, nor are they subject to the job search monitoring program.

AMENDATORY SECTION (Amending WSR 04-23-058, effective 12/16/04)

WAC 192-300-050 Predecessor-successor relationship defined. This section applies only to those individuals and organizations that meet the definition of an employer contained in RCW 50.04.080.

(1) **Predecessor.** You are a "predecessor" if, during any calendar year, you transfer any of the following to another individual or organization:

(a) All, or a portion, of your operating assets as defined in subsection (3) below; or

(b) A separate unit or branch of your trade or business.

(2) **Successor.** You are a "successor" if, during any calendar year, you acquire substantially all of a predecessor employer's operating assets. You are a "partial successor" if, during any calendar year, you acquire:

(a) A portion of a predecessor employer's operating assets, or

(b) A separate unit or branch of a predecessor employer's trade or business.

(3) **Operating assets.** "Operating assets" include the properties you use in the normal course of business operations to generate your operating income. They may include properties that are real or personal, and tangible or intangible. Examples include land, buildings, machinery, equipment, stock of goods, merchandise, fixtures, employees, or goodwill. (~~Employees are not operating assets.~~)

(4) **Transfer of assets.** Transfers from a predecessor to a successor employer may occur by sale, lease, gift, or any legal process, except those listed in subsection (6) below.

(5) **Simultaneous acquisition.** For purposes of successor simultaneous acquisition, the term "simultaneous" means all transfers that occurred as a result of the business acquisition or reorganization, beginning when the acquisition started and ending when the primary entity is transferred.

(6) **Exceptions.** A predecessor-successor relationship will not exist:

(a) For the purposes of chapter 50.24 RCW (payment of taxes), when the property is acquired through court proceedings, including bankruptcies, to enforce a lien, security inter-

est, judgment, or repossession under a security agreement unless the court specifies otherwise;

(b) For the purposes of chapter 50.29 RCW (experience rating), when any four consecutive quarters, one of which includes the acquisition date, pass without reportable employment by either the predecessor, successor, or a combination of both.

AMENDATORY SECTION (Amending WSR 04-23-058, effective 12/16/04)

WAC 192-310-010 Employer reports—RCW 50.12.070. (1) **Master application.** Every person or entity, which has one or more individuals performing services for it in the state of Washington, must file a master application with the department in a format prescribed by the commissioner.

(2) **Quarterly tax and wage reports:**

(a) **Tax report.** Each employer must file a quarterly tax report with the commissioner listing the total wages paid to all individuals in its employ during that calendar quarter.

(b) **Report of employee's wages.** Each employer must file a quarterly report of employee's wages with the commissioner. This report must list each employee by name, social security number, total hours worked for the quarter, and wages paid during that calendar quarter.

(i) Social security numbers are required for persons working in the United States:

(ii) If an individual has a social security card, he or she must present the card to the employer at the time of hire or shortly thereafter, except agricultural workers who, under federal rules, are permitted to show their social security card on the first day they are paid:

(iii) If the individual does not have a social security card, Internal Revenue Service rules permit an employer to hire the individual with the clear understanding that the individual will apply for a social security number within seven days of beginning work for the employer. The individual must provide the employer with a document showing they have applied for a social security card and, upon receipt, a copy of the card itself. An employer should retain copies of the document(s) for his or her records; and

(iv) If the employee does not show his or her social security card or application for a card within the seven day window allowed by the Internal Revenue Service and the employer continues to employ the worker, the employer does not meet the reporting requirements of this section and no waiver of the incomplete report penalty will be granted (see WAC 192-310-010).

(c) **Format.** The quarterly tax and wage reports must be filed in one of the following formats:

(i) Electronically, using the current version of UIFast-Tax, UIWebTax, or ICESA Washington; or

(ii) Paper forms supplied by the department (or a certified version of those forms).

(d) **Due dates.** The quarterly tax and wage reports are due by the last day of the month following the end of the calendar quarter being reported. Calendar quarters end on March 31, June 30, September 30 and December 31 of each year. Therefore, reports are due by April 30, July 31, October 31,

and January 31, respectively. If these dates fall on a Saturday, Sunday, or holiday, reports are due the next business day. Exceptions to the time and manner of filing the report must be approved in advance by the commissioner.

(e) Termination of business. Each employer who ceases business or whose account is closed by the department must immediately file:

(i) A tax report for the current calendar quarter which covers tax payments due to the date such account is closed;

(ii) A report of employee's wages for the current calendar quarter which includes all wages paid to the date such account is closed.

AMENDATORY SECTION (Amending WSR 04-23-058, effective 12/16/04)

WAC 192-310-030 Reports and tax payments subject to penalty. (1) Penalty for ~~(L)~~late tax reports. An employer who files a tax report as described in WAC 192-310-010 (2)(a) but does not file it within the time frame prescribed in WAC 192-310-010 (2)(c) is subject to a penalty of twenty-five dollars per violation, unless the penalty is waived by the department.

(2) Definition of ~~(I)~~incomplete ~~(T)~~tax ~~(R)~~reports. An employer is required to file the report required by WAC 192-310-010 in a complete manner and in the format required by the commissioner.

(a) An "incomplete report" is defined as any report submitted by either a contributory or reimbursable employer or their agent where:

(i) The entire wage report is not submitted timely; or

(ii) A required element is not reported (social security number, name, hours worked, or wages paid); or

(iii) A significant number of employees are not reported; or

(iv) A significant number of any given element is not reported such as, but not limited to, missing social security numbers, names, hours, wages; or

(v) Either the employer reference number or Unified Business Identifier (UBI) number is not included with the tax or wage report~~(-);~~; or

(vi) The report includes duplicate social security numbers, or impossible social security numbers as indicated by the Social Security Administration (such as 999-99-9991, 999-99-9992, etc.).

(b) An "incorrect format" means any report that is not submitted in the format required by the commissioner under WAC 192-310-010(c).

(c) For purposes of this section, the term "significant" means an employer who has:

(i) Two to 19 employees and reports incomplete wage records for two or more employees; or

(ii) Twenty to 49 employees and reports incomplete wage records for three or more employees; or

(iii) Fifty or more employees and reports incomplete wage records for four or more employees.

(3) Penalty for filing an incomplete or incorrect format tax report. An employer who files an incomplete or incorrectly formatted tax and wage fails to file a report as required by RCW 50.12.070 will receive a warning letter for

the first occurrence. For subsequent occurrences the employer is subject to penalty as follows:

(a) ~~((Incomplete tax report. The penalty for filing an incomplete tax report will be €))~~ Two hundred fifty dollars or ten percent of the quarterly contributions for each occurrence, whichever is less.

(b) When no quarterly tax is due and an employer has submitted an incomplete report or filed the report in an incorrect format, the following schedule will apply after the initial warning letter:

(i)	1st Occurrence	\$75.00
(ii)	2nd Occurrence	\$150.00
(iii)	3rd and subsequent occurrences	\$250.00

~~((b) Filing tax report in an incorrect format. The penalty for filing a tax report in an incorrect format will be two hundred fifty dollars or ten percent of the quarterly contributions for each occurrence, whichever is less. When no quarterly tax is due and an employer has submitted a tax report in an incorrect format, the following schedule will apply:~~

(i)	1st Occurrence	\$150.00
(ii)	2nd and subsequent occurrences	\$250.00

(4) Penalty for ~~(K)~~knowingly misrepresenting amount of payroll. If an employer knowingly misrepresents to the department the amount of his or her payroll, upon which contributions under this title are based, the employer is liable for a penalty of ten times the difference between the contributions paid, if any, and the amount of contributions the employer should have paid for the period. This penalty is in addition to the amount the employer should have paid. The employer is also liable to the department for the reasonable expenses of auditing his or her books and collecting such sums as provided in WAC 192-340-100.

(5) ~~((Report of employee's wages))~~ Authority to assess penalty. Any decision to assess a penalty for filing a late or incomplete report of employee's wages as described in WAC 192-310-010 (2)(b) will be made on an individual basis by the chief administrative officer of the tax branch as provided in RCW 50.12.220.

(6) ~~((Delinquent))~~ Late tax payments. For purposes of RCW 50.12.220, tax payments are delinquent as provided in WAC 192-310-020 and RCW 1.12.070. If taxes are not paid on time, a penalty of five percent of the tax due will be assessed for the first month, a penalty of ten percent of the tax due will be assessed for the second month, and a penalty of twenty percent of the tax due will be assessed for the third month. The minimum penalty for late tax payments will be ten dollars. This penalty is in addition to the interest charged per RCW 50.24.040.

(7) Late filing and late payment Ppenalty waivers. The department may waive penalties for late filing of a report and late payment of taxes(-) for good cause if the commissioner determines that the failure to timely file reports or pay taxes was not the employer's fault.((-waive penalties in the following situations:-))

(a) The department may waive late penalties if it finds there are circumstances beyond the control of the employer. These circumstances must actually cause the late report or

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payment. "Circumstances beyond the control of the employer" are generally those which are immediate, unexpected, or in the nature of an emergency. Such circumstances must result in the employer not having reasonable time or opportunity to obtain an extension of the due date, or otherwise timely file and pay. Circumstances beyond the control of the employer include, but are not necessarily limited to, the following:

(i) The return was filed on time with payment but inadvertently mailed to another agency;

((b)) (ii) The delinquency was due to an action of an employee of the department, such as providing incorrect information to the employer when the source can be identified, or not furnishing proper forms to permit the filing of tax reports or the payment of taxes on time);

((e)) (iii) The delinquency was caused by the death or serious illness, before the filing deadline, of the employer, a member of the employer's immediate family, the employer's accountant, or a member of the accountant's immediate family;

(iv) The delinquency was caused by the unavoidable absence of the employer or key employee prior to the filing date. "Unavoidable absence" does not include absences because of business trips, vacations, personnel turnover, or terminations;

((d)) (v) The delinquency was caused by the accidental destruction of the employer's place of business or business records; ((e))

(vi) The delinquency was caused by an act of fraud, embezzlement, theft, or conversion on the part of the employer's employee or other persons contracted with the employer, which the employer could not immediately detect or prevent, provided that reasonable safeguards or internal controls were in place; or

(vii) The employer, prior to the time for filing the return, filed a timely request with the department's central office or with a district tax office for proper forms, and the forms were not furnished in sufficient time to permit the completed report to be filed and paid before the due date. "Timely request" does not mean the date the report is due, but must be at least three days in advance of the due date.

((e)) (b) The department may waive late penalties if it finds the employer to be out of compliance during an employer-requested audit, but the department determines the employer made a good faith effort to comply with all applicable laws and rules((-)); and

(c) The department will not consider waiver of late penalties if the employer has been untimely with filing or with payment in any of the last eight consecutive quarters immediately preceding the period covered by the return for which a waiver is requested. If an employer has been in business for fewer than the eight preceding quarters, then all preceding quarters must have been filed and paid timely and a one-time only waiver may be granted.

(8) **Incomplete reports or incorrect format penalty waivers.** For good cause, the department may waive penalties for incomplete reports or incorrect format one time only when the report was in an incorrect format and the employer can demonstrate making a good faith attempt to correct the

problem in a timely manner after the department provided notification of the problem;

((b)) (9) **Missing and Impossible Social Security Numbers.** When a social security number is impossible or missing, the department may waive penalties for incomplete reports only once for each worker, and only when:

(a) The report was incomplete due to the inclusion of impossible social security numbers, but the employer can demonstrate that the impossible social security numbers were provided to the employer by the employees; or

(b) The report was incomplete due to missing social security numbers, but the employer can demonstrate that the employee did not work for the employer after failing to provide a valid social security card or application for social security number within seven days of employment.

((9)) (10) **Waiver requests.** A request for a waiver of penalties must be written, contain all pertinent facts, be accompanied by available proof, and be filed through a tax office. In all cases the burden of proving the facts is on the employer.

((9)) (11) **Extensions.** The department, for good cause, may extend the due date for filing a report. The employer must make a deposit with the department in an amount equal to the estimated tax liability for the reporting period or periods for which the extension is granted. This deposit will be credited to the employer's account and applied to the employer's debt. The amount of the deposit is subject to approval by the department.

(12) **Billing statements.** The department will not mail billing statements to employers who owe amounts of less than \$5.00. Amounts due will be accrued until they total \$5.00 at which time a billing statement will be mailed to the employer.

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 192-320-005 Experience defined—RCW 50.29.021. As used in this chapter, the term "experience" includes factors that bear a direct relation to the risk of unemployment. Any benefits paid which are based on wages paid by the employer and chargeable under RCW 50.29.020 are considered experience.

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 192-320-010 Experience transferred to successor employer—Definition. (1) Any benefits paid which are based on wages paid by the predecessor employer prior to the transfer of ownership must be charged to the successor employer. Just as the successor employer acquires the organization, trade, business, assets, and experience of a predecessor employer as of the date of transfer, it must also acquire the benefit charges for past, current, or future claims related to the predecessor employer (or segregable part of the predecessor employer) prior to the transfer.

(2) Once experience has been transferred, it becomes the successor employer's experience. It must be used in determining the successor's rates for any rate year that follows the year in which the transfer occurs. (There is an exception when, following the transfer, the successor still does not have sufficient experience to meet the definition of a qualified employer in RCW 50.29.010(6).) Since the transferred experience belongs to the successor employer, it may no longer be used to compute rates for the predecessor employer for subsequent rate years.

NEW SECTION

WAC 192-320-020 Calculation of industry average—RCW 50.29.025. (1) As used in this title, the term "NAICS" is an abbreviation for North American Industry Classification System.

(2) When calculating the industry average array calculation factor rate and the industry average graduated social cost factor rate, the department will use the first four digits of the NAICS code to determine the industry that is being calculated.

(3) Industry average array calculation factor rate.

(a) The department will calculate the industry average array calculation factor rate as follows:

(i) A matrix will be prepared that contains each of the 40 rate classes;

(ii) For each rate class, all qualified employers assigned to that rate class and assigned the NAICS code being calculated will have their taxable payrolls multiplied by the appropriate array calculation factor rate, totaled and displayed;

(iii) The sum of the 40 rate class array calculation factor rates will be divided by the total of all payrolls used in the calculation; and

(iv) The result will be increased by fifteen percent and expressed as a percentage rounded to two decimal places.

(b) The calculated industry average array calculation factor rate shall be no less than 1.00 percent or greater than 5.4 percent.

(4) Industry average graduated social cost factor rate.

(a) The department will calculate the industry average graduated social cost factor rate as follows:

(i) The industry average matrix of the 40 rate classes will display the graduated social cost factor rate for each of the 40 rate classes;

(ii) The payroll sum in each rate class will be multiplied by the corresponding graduated social cost factor rate for that rate class, totaled and displayed;

(iii) The sum of the 40 rate class array calculation factor rates shall be divided by the total of all payrolls used in the calculation; and

(iv) The result will be increased by fifteen percent and expressed as a percentage rounded to two decimal places.

(b) The calculated industry average graduated social cost factor rate shall be no greater than the graduated social cost factor rate assigned rate class 40.

(4) If no qualified employers are in the four digit level of the NAICS code, the rates shall be calculated at the corresponding three digit level and the result assigned to the four

digit level. If no qualified employers are in the three digit level, the rates shall be calculated at the corresponding two digit level and the result assigned to both the three and four digit levels.

AMENDATORY SECTION (Amending WSR 00-05-068, effective 3/17/00)

WAC 192-320-050 Requirements of partial successors—Chapter 50.29 RCW. (1) If you are a partial successor, both you and the predecessor employer must return the partial transfer of experience letter provided to you by the department within thirty days of the mailing date. Your response must indicate the percentage of operating assets transferred to you as the partial successor. Operating assets include the employees of the business.

(2) If you ~~((do not return the letter within thirty days,))~~ are an employer at the time of the transfer, you will keep your rate class for the remainder of the current rate year. If you are not an employer when you acquire the predecessor's business, you will keep the ((tax)) rate class that was assigned to the predecessor employer for the remainder of the rate year. ((However, in the following calendar year you will receive the average industry rate. You will keep this rate until you qualify for a different rate in your own right.))

(3) If a response is not received, for subsequent rate years the commissioner will estimate the percentage of employees transferred based on employment reports filed. That percentage will transfer unless and until compelling evidence is provided to change the estimate.

(4) Changes in rate class are effective for the rate year the information was provided and for subsequent rate years only.

NEW SECTION

WAC 192-320-051 Requirements of partial predecessors—Chapter 50.29 RCW. (1) If you are a partial predecessor, both you and the successor employer must return the partial transfer of experience letter provided to you by the department within thirty days of the mailing date. Your response must indicate the percentage of operating assets transferred by you as the partial successor. Operating assets include the employees of the business.

(2) If you do not return the letter within thirty days, you will keep the tax rate class assigned for the remainder of the rate year.

(3) If a response is not received, for subsequent rate years the commissioner will estimate the percentage of employees transferred based on employment reports filed. That percentage will transfer unless and until compelling evidence is provided to change the estimate.

(4) Changes in rate class are effective for the rate year the information was provided and for subsequent rate years only.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 192-320-060 Delinquent predecessor taxes.

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: May 10, 2005.

Janis P. Bianchi, Manager
Interpretations and Technical Advice Unit

WSR 05-11-020**EMERGENCY RULES****DEPARTMENT OF REVENUE**

[Filed May 10, 2005, 10:30 a.m., effective May 10, 2005]

Effective Date of Rule: Immediately.

Purpose: In order to take certain tax credits and deferrals ("tax adjustments"), taxpayers must file an annual survey with the Department of Revenue containing certain information about their business activities and employment. The purpose of WAC 458-20-268 Annual surveys for certain tax adjustments, is to explain the survey requirements for tax adjustments provided to the high technology industry and the manufacturing industry located in rural areas. This rule explains who is required to file an annual survey, how to file a survey, and what information must be included in the surveys.

Statutory Authority for Adoption: RCW 82.32.300 and 82.01.060(2).

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 rule is necessary to provide guidance to taxpayers on who is required to file the annual surveys, how to file them, and what information to be included in them. This rule was previously adopted on an emergency basis effective January 7, 2005 (WSR 05-03-017), and the department is currently in the rule-making process for the purpose of adopting a permanent Rule 268. A second emergency adoption of this rule is necessary because a permanent rule cannot be adopted at this time. There have been no changes to the rule being adopted with this filing. Adoption of this rule will continue to provide information to taxpayers, tax practitioners, and department staff to use in determining the requirements for the annual surveys.

Number of Sections Adopted in Order to Comply with 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 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

NEW SECTION

WAC 458-20-268 Annual surveys for certain tax adjustments. (1) Introduction. In order to take certain tax credits and deferrals ("tax adjustments"), taxpayers must file an annual survey with the department of revenue (the "department") containing certain information about their business activities and employment. This rule explains the survey requirements for tax adjustments provided to the high technology industry and the manufacturing industry located in rural areas. This rule explains who is required to file an annual survey, how to file a survey, and what information must be included in the surveys.

This rule provides examples that identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The tax results of other situations must be determined after a review of all of the facts and circumstances.

(2) Who is required to file the annual survey?

(a) A person claiming the B&O tax credit provided by RCW 82.04.4452 for persons engaged in qualified research and development is required to file an annual survey. If the person has assigned its entire B&O tax credit provided by RCW 82.04.4452 to another person, the person/assignor is not required to file an annual survey. In such an instance, the assignee of a B&O tax credit provided by RCW 82.04.4452 is required to file an annual survey. If the person has assigned a portion of its B&O tax credit provided by RCW 82.04.4452 to another person, both the assignor and the assignee is required to file an annual survey. A separate annual survey must be filed for each tax reporting account that claims the B&O tax credit provided by RCW 82.04.4452.

(b) An applicant for deferral of taxes under chapter 82.60 RCW for sales and use taxes on an eligible investment project is required to file an annual survey. A separate annual survey must be filed for each deferral certificate issued.

(c) An applicant for deferral of taxes under chapter 82.63 RCW for sales and use taxes on an eligible investment project is required to file an annual survey. A separate annual survey must be filed for each deferral certificate issued.

(d) A lessee of an eligible investment project under chapters 82.60 and 82.63 RCW (as defined in RCW 82.60.020 (4)(b)(ii) or 82.63.010 (7)(b)) who receives the economic benefit of the deferral and agrees in writing with the department to complete the annual survey is required to file an annual survey. A lessor, by written contract, must agree to pass the economic benefit of the deferral to its lessee. The economic benefit of the deferral to the lessee must be no less than the amount of tax deferred by lessors and is evidenced by written documentation of any type of payment, credit, or other financial arrangement between lessors or owners of the

qualified building and lessees. An applicant who is a lessor of an eligible investment project that received a deferral of taxes under chapters 82.60 and 82.63 RCW and who meets these requirements is not required to complete and file an annual survey.

(3) How to file annual surveys.

(a) Forms. The department has developed a survey form that taxpayers must use to complete the annual survey unless a person obtains prior written approval from the department to file the annual survey in an alternative format. Contact the special programs division at the address below to request the use of an alternative format. The form may be obtained by downloading from the department's website (www.dor.wa.gov). The form may also be obtained at department district offices, by telephoning the telephone information center (800-647-7706), or by contacting the department's special programs division at:

Department of Revenue
Special Programs Division
Post Office Box 47477
Olympia, WA 98504-7477
Fax: 360-586-2163

(b) Due date. For persons taking the B&O tax credit provided by RCW 82.04.4452, the survey must be filed or postmarked by March 31st following any calendar year in which the credit is taken against taxes due. For applicants of sales tax deferrals issued under chapters 82.60 and 82.63 RCW, the survey must be filed or postmarked by March 31st of the year following the calendar year in which an eligible investment project is certified by the department as being operationally complete and the seven succeeding calendar years.

(c) Examples.

(i) Advanced Computing, Inc. qualifies for the B&O tax credit provided by RCW 82.04.4452 and applied it against taxes due in calendar year 2004. Advanced Computing, Inc. must file an annual survey with the department by March 31, 2005.

(ii) In 1999, Biotechnology, Inc. applied for and received a sales and use tax deferral under chapter 82.63 RCW for an eligible investment project in qualified research and development. The eligible investment project was certified by the department as being operationally complete in 2001. Biotechnology, Inc. must file its annual survey with the department for the 2004 calendar year by March 31, 2005. A survey is due from Biotechnology, Inc. by March 31st each following year, with its last survey due March 31, 2009.

(iii) Advanced Materials, Inc. is a manufacturer located in Walla Walla, WA. Since 2002, manufacturing activities have been conducted in a building leased from Property Management Services. Property Management Services is a recipient of a deferral under chapter 82.60 RCW, and the building has been operationally complete since 2002. In order to pass on the entire economic benefit of the deferral, Property Management Services charges Advanced Materials, Inc. \$5,000 less in rent each year. Assuming all the requirements of RCW 82.60.020 (4)(b)(ii) are met, Advanced Materials, Inc. must file its annual survey with the department for the 2004 calendar by March 31, 2005. A survey is due from Advanced

Materials, Inc. by March 31st each following year, with its last survey due by March 31, 2010.

(4) What information is required to be completed in the annual survey? The annual survey requests information about the following:

(a) Amount of tax deferred under chapter 82.60 or 82.63 RCW, or the amount of B&O tax credit taken under RCW 82.04.4452;

(b) The number of new products or research projects by general classification;

(c) The number of trademarks, patents, and copyrights associated with activities at the investment project.

(d) The following information for employment positions in Washington:

(i) The total number of employment positions;

(ii) Full-time, part-time, and temporary employment positions as a percent of total employment. Refer to subsection (7) of this rule for information about full-time, part-time, and temporary employment positions;

(iii) The number of employment positions according to the wage bands of less than \$30,000; \$30,000 or greater, but less than \$60,000; and \$60,000 or greater. A wage band containing fewer than three individuals may be combined with the next lowest wage band; and

(iv) The number of employment positions that have employer-provided medical, dental, and retirement benefits, by each of the wage bands; and

(e) Additional information the department requests that is necessary to measure the results of the tax adjustments as provided in RCW 82.04.4452 (7)(c), 82.60.070 (1)(c), and 82.63.020 (2)(c).

(5) What is total employment in the annual survey?

(a) The annual survey covers all full-time, part-time, and temporary employment positions located in Washington state on December 31st of the calendar year covered by the report. Total employment includes persons who are on leaves of absence such as sick leave, vacation, disability leave, jury duty, military leave, and workers compensation leave, regardless of whether those persons are receiving wages. Leaves of absence do not include separations of employment such as layoffs or reductions in force. Vacant positions are also not included in total employment.

(b) Examples. Assume these facts for the following examples. National Construction Equipment (NCE) manufactures bulldozers, cranes, and other earth-moving equipment in Ridgefield, WA and Kennewick, WA. In 2003, NCE received a deferral of taxes under chapter 82.60 RCW for sales and use taxes on its new manufacturing site in Kennewick, WA.

(i) NCE's Ridgefield, WA location employs two hundred workers manufacturing construction cranes. NCE's Kennewick, WA location employs two hundred fifty workers manufacturing bulldozers and other earth-moving equipment. Although NCE's Ridgefield, WA location does not qualify for any tax adjustments, NCE's annual survey must report a total of four hundred fifty employment positions. The annual survey includes all Washington state employment positions, which includes employment positions engaged in activities that do not qualify for tax adjustments.

(ii) On November 20th, seventy-five NCE workers are laid off due to slow sales. NCE has informed the workers that they will be rehired in the spring once the construction season begins. NCE notifies ten of the laid off workers on December 20th that they will be rehired and begin work on January 2nd. The seventy-five employment positions are excluded in NCE's annual survey, because a separation of employment has occurred. Although NCE intends to rehire ten employees, those employment positions are vacant on December 31st.

(iii) On December 31st, NCE has one hundred workers on vacation leave, five employees on sick leave, one employee on military leave, one employee who is scheduled to retire as of January 1st, and three vacant employment positions. The employment positions of workers on leave are included in NCE's annual survey. The worker scheduled to retire is included in the annual survey because the employment position is filled on December 31st. The vacant positions are not included in the annual survey.

(iv) In June, NCE hires two individuals from a local college to intern in its engineering department. When the academic year begins in September, one individual ends the internship. NCE allows the other individual to continue the internship until the following June. NCE should report one employment position on the annual survey, representing the one intern employed on December 31st.

(6) When is an employment position located in Washington state? An employment position is located in Washington state if:

(a) The service of the employee is performed entirely within the state;

(b) The service of the employee is performed both within and without the state, but the service performed without the state is incidental to the employee's service within the state;

(c) The service of the employee is performed both within and without the state, and the employee's base of operations is within the state;

(d) The service of the employee is performed both within and without the state, but the service is directed or controlled in this state; or

(e) The service of the employee is performed both within and without the state and the service is not directed or controlled in this state, but the employee's individual residence is in this state.

(f) **Examples.** Assume these facts for the following examples. Acme Computer, Inc. develops computer software. Acme Computer claims the B&O tax credit provided by RCW 82.04.4452 for its research and development spending. Acme Computer employs one thousand people in a variety of activities at four locations in Washington state. Acme Computer's headquarters are located in California. Acme Computer also has offices in Oregon and Texas.

(i) Ed is a software engineer in Acme Computer's Vancouver office. Ed occasionally works at Acme Computer's Portland, Oregon office when other software engineers are on leave. Ed is included in the amount of total employment in Washington state that Acme Computer reports on the annual survey. Ed performs services both within and without the state, but the services performed without the state are incidental to the employee service within Washington state.

(ii) John is an Acme Computer salesperson. John travels throughout the states of Washington, Oregon, and Idaho introducing new Acme Computer products to retailers. John's activities are controlled by Acme Computer's Spokane office. John is included in the amount of total employment in Washington state that Acme Computer reports on the annual survey. John performs services both within and without the state, but the services are directed or controlled in Washington state.

(iii) Jane works in Acme Computer's Portland, Oregon office. Jane is Acme Computer's vice-president for product development. Jane regularly often travels to Seattle, WA to review the progress of research and development projects conducted in Washington state. Jane is not included in the amount of total employment in Washington state that Acme Computers reports on the annual survey. Although Jane regularly performs services within Washington state, her services are directed or controlled in Oregon.

(iv) Roberta is an Acme Computer service technician and travels throughout the United States servicing Acme Computer products. Roberta's activities are directed from Acme Computer's corporate offices in California. Roberta works out of a home office in Tacoma, WA. Roberta is included in the amount of total employment in Washington state that Acme Computer reports on the annual survey. Roberta performs services both within and without the state and the service is not directed or controlled in this state, but the employee's individual residence is in Washington state.

(7) What are full-time, part-time and temporary employment positions? The survey must state the number of full-time, part-time, and temporary employment positions as a percent of total employment.

(a) **Full-time and part-time employment positions.** In order for a position to be treated as full-time or part-time, the employer must intend for the position to be filled for at least fifty-two consecutive weeks or twelve consecutive months, excluding any leaves of absence. A full-time position is a position that requires the employee to work, excluding overtime hours, thirty-five hours per week for fifty-two consecutive weeks, four hundred fifty-five hours a quarter, or one thousand eight hundred twenty hours during a period of twelve consecutive months. A part-time position is a position in which the employee may work less than the hours required for a full-time position. In some instances, an employee may not be required to work the hours required for full-time employment because of paid rest and meal breaks, health and safety laws, disability laws, shift differentials, or collective bargaining agreements. If, in the absence of these factors, the employee would be required to work the number of hours for a full-time position to receive their current wage, the position should be reported as a full-time employment position.

(b) **Temporary positions.** A temporary position is a position that is intended to be filled for a period of less than fifty-two consecutive weeks or twelve consecutive months. Positions in seasonal employment are temporary positions. Temporary positions include persons obtained through temporary agencies.

(c) **Examples.** Assume these facts for the following examples. Worldwide Materials, Inc. develops materials used in the aerospace manufacturing industry at a facility

located in Everett, WA. Worldwide Materials claims the B&O tax credit provided by RCW 82.04.4452 for its research and development spending. Worldwide Materials employs one hundred individuals.

(i) On December 31st, Worldwide Materials has five employees on workers compensation leave. At the time of work-related injury, the employees worked forty hours a week and were expected to work for fifty-two consecutive weeks. Worldwide Materials should report these employees as being employed in a full-time position. Although the employees are not currently working, Worldwide Materials intended for the full-time positions to be filled for at least fifty-two consecutive weeks.

(ii) In September, Worldwide Materials hires two individuals on a full-time basis for a two-year project to design composite materials to be used in a new airplane model. Because the position is intended to be filled for a period exceeding twelve consecutive months, Worldwide Materials should report these positions as two full-time positions.

(iii) Worldwide Materials has two employees who clean laboratories during the evenings. The employees regularly work 5:00 p.m. to 11:00 p.m., Monday through Friday, fifty-two weeks a year. Because the employees work less than thirty-five hours a week, the employment positions are reported as part-time positions.

(iv) On November 1st, a Worldwide Materials engineer begins twelve weeks of family and medical leave. The engineer was expected to work forty hours a week for fifty-two consecutive weeks. While the engineer is on leave, Worldwide Materials hires an individual through a temporary staffing business to complete the engineer's projects. Worldwide Materials should report the engineer as a full-time position on the annual report. Worldwide Materials should also report the engineer hired through the temporary staffing business as a temporary employment position on the annual survey.

(v) Worldwide Materials allows three of its research employees to work on specific projects with a flexible schedule. These employees are not required to work a set amount of hours each week, but are expected to work twelve consecutive months. The three research employees are paid the same wage as other research employees who are required to work a set schedule of forty hours a week. Although the three research employees may work fewer hours, they are receiving identical wages as other research employees working forty hours a week. Worldwide Materials should report these positions as full-time employment positions, because the position is equivalent to a full-time employment position.

(vi) Worldwide Materials has a large order to fulfill and hires ten employees for the months of June and July. Five of the employees leave at the end of July. Worldwide Materials decides to have the remaining five employees work on an on-call basis for the remainder of the year. As of December 31st, three of the employees are working for Worldwide Materials on an on-call basis. Worldwide Materials should report three temporary employment positions on the annual survey.

(8) **What are wages?** For the purposes of the annual survey, "wages" means compensation paid to an individual for personal services, whether denominated as wages, salary, commission, or otherwise as reported on the W-2 forms of employees. Stock options granted as compensation to

employees are wages to the extent they are reported on the W-2 forms of the employees and are taken as a deduction for federal income tax purposes by the employer. The compensation of a proprietor or a partner is determined in one of two ways:

(a) If there is net income for federal income tax purposes, the amount reported subject to self-employment tax is the compensation.

(b) If there is no net income for federal income tax purposes, reasonable cash withdrawals or cash advances is the compensation.

(9) **What are employer-provided benefits?** The annual survey requires persons to report the number of employees that have employer-provided medical, dental, and retirement benefits, by each of the wage bands. An employee has employer-provided medical, dental, and retirement benefits if the employee is currently enrolled in or currently receiving the benefit. A benefit is "employer-provided" if the medical, dental, and retirement benefit is dependent on the employer's establishment or administration of the benefit. A benefit that is equally available to employees and the general public is not an "employer-provided" benefit.

(a) **What are medical benefits?** "Medical benefits" mean compensation, not paid as wages, in the form of a health plan offered by an employer to its employees. A "health plan" means any plan, fund, or program established, maintained, or funded by an employer for the purpose of providing for its employees or their beneficiaries, through the purchase of insurance or otherwise, health care services. Health plans include any "employee welfare benefit plan" as defined by the Employee Retirement Income Security Act (ERISA), any "health plan" or "health benefit plan" as defined in RCW 48.43.005, any self-funded multiple employer welfare arrangement as defined in RCW 48.125-010, any "qualified health insurance" as defined in Section 35 of the Internal Revenue Code, an "Archer MSA" as defined in Section 220 of the Internal Revenue Code, a "health savings plan" as defined in Section 223 of the Internal Revenue Code, any "health plan" qualifying under Section 213 of the Internal Revenue Code, governmental plans, and church plans. "Health care services" means services offered or provided by health care facilities and health care providers relating to the prevention, cure, or treatment of illness, injury, or disease.

(b) **What are dental benefits?** "Dental benefits" means a dental health plan offered by an employer as a benefit to its employees. "Dental health plan" has the same meaning as "health plan" in subsection (9)(a) of this rule, but is for the purpose of providing for its employees or their beneficiaries, through the purchase of insurance or otherwise, dental care services. "Dental care services" means services offered or provided by health care facilities and health care providers relating to the prevention, cure, or treatment of illness, injury, or disease of human teeth, alveolar process, gums, or jaw.

(c) **What are retirement benefits?** "Retirement benefits" mean compensation, not paid as wages, in the form of a retirement plan offered by an employer to its employees. A "retirement plan" means any plan, account, deposit, annuity, or benefit, other than a life insurance policy, that provides for retirement income or deferred income to employees for periods extending to the termination of employment or beyond.

The term includes pensions, annuities, stock bonus plans, employee stock ownership plans, profit sharing plans, self-employed retirement plans, individual retirement accounts, individual retirement annuities, and retirement bonds, as well as any other plan or program, without regard to its source of funding, and without regard to whether the retirement plan is a qualified plan meeting the guidelines established in the Employee Retirement Income Security Act of 1974 (ERISA) and the Internal Revenue Code.

(d) **Examples.** Assume these facts for the following examples. Medical Resource, Inc. is a pharmaceutical manufacturer located in Spokane, WA. Medical Resource, Inc. claims the B&O tax credit provided by RCW 82.04.4452 for its research and development spending. Medical Resource, Inc. employs two hundred full-time employees, fifty part-time employees, and fifty temporary employees in research and manufacturing of pharmaceutical products.

(i) Medical Resource, Inc. offers its employees two different health plans. Health Plan A is available at no cost to full-time employees. Employees are not eligible to participate in Health Plan A until they have worked thirty days with the company. Health Plan B costs employees \$200 each month. Full-time and part-time employees are eligible for Health Plan B after they have worked thirty days with the company. All Medical Resource's full-time and part-time employees are eligible for Health Plans A or B. Two hundred thirty employees are enrolled in Health Plans A or B. Medical Resource, Inc. must report two hundred thirty employees as having employer-provided health benefits, because this is the number of employees enrolled in the health plans it offers.

(ii) Medical Resource, Inc. does not offer a health plan to its temporary employees. However, twenty-five of the temporary employees have enrolled in a health plan through the temporary agency that Medical Resource, Inc. used to acquire the employees. Medical Resource, Inc. must report these twenty five-employment positions as having employer-provided medical benefits.

(iii) Medical Resource, Inc. does not offer its employees dental insurance, but has arranged with a group of dental providers to provide all Medical Resource, Inc. employees with a 30% discount on any dental care service. No action, other than Medical Resource, Inc. employment, is required by employees to receive this benefit. Medical Resource, Inc. must report three hundred employment positions as having dental benefits, because this is the number of employees enrolled in this dental plan.

(iv) Medical Resource, Inc. offers a 401(k) Plan to its full-time and part-time employees after the employee has worked for the company for six months. Medical Resource, Inc. makes matching contributions to an employee's 401(k) Plan when an employee has worked for the company two years. On December 31st, two hundred and twenty-five workers are eligible to participate in the 401(k) Plan. Two hundred workers are enrolled in the 401(k) Plan, with one hundred workers receiving matching contributions. Medical Resource, Inc. must report two hundred employment positions as having employer-provided retirement benefits, because this is the number of employees enrolled in the

401(k) Plan. An employer contribution to the retirement plan is not required for a retirement plan to be employer provided.

(v) Medical Resource, Inc. coordinates with a bank to insert information in employee paycheck envelopes on the bank's Individual Retirement Account (IRA) options offered to bank customers. Employees who open an IRA with the bank can arrange to have their contributions directly deposited from their paychecks into their accounts. Fifty employees open IRAs with the bank. Medical Resource, Inc. cannot report that these fifty employees have employer-provided retirement benefits. The establishment of the IRAs offered by the bank was not dependent on Medical Resource, Inc.'s participation or sponsorship of the benefit.

(10) **What additional information is the department requesting?** The department is required to provide two reports to the legislature measuring the effect of the tax adjustments on job creation, the number of jobs created for Washington residents, company growth, the introduction of new products, the diversification of the state's economy, growth in research and development investment, the movement of firms or the consolidation of firms' operations into the state, and such other factors as the department selects. See RCW 82.04.4452(9), 82.60.020 (1)(f), and 82.63.020(4). The department has included additional questions related to measuring these effects. In addition, the department has included questions related to a person's use of the sales and use tax exemption for machinery and equipment used in manufacturing provided in RCW 82.08.02565 and 82.12.02565. Lastly, the department is requiring persons to report the Unified Business Identifier used with the Washington state employment security department and all employment security department reference numbers used on quarterly tax reports that cover the employment positions reported in the annual survey.

(11) **Is the annual survey confidential?** Yes, the annual survey is subject to the confidentiality provisions of RCW 82.32.330. However, information on the amount of tax adjustment taken is not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request. In the case of a person taking less than \$10,000 of the B&O tax credit under RCW 82.04.4452 during the period covered by the survey, the person may request the department to treat the tax credit amount as confidential under RCW 82.32.330. The request must be made for each survey in writing, dated and signed by the owner, corporate officer, partner, guardian, executor, receiver, administrator, or trustee of the business, and filed with the department's special programs division at the address provided above in subsection (3) of this rule.

(12) **What are the consequences for failing to file a complete annual survey?**

(a) **High technology business and occupation (B&O) tax credit.** If a person claiming the B&O tax credit provided by RCW 82.04.4452 for persons engaged in qualified research and development fails to file a complete annual survey by the date due, the person entitled to the credit is not eligible to take or assign the credit in the year the person failed to complete the annual survey. See RCW 82.04.4452. If a person claims the B&O tax credit during this period of ineligibility, the department shall declare the amount of taxes for

which the credit was claimed during the period of ineligibility to be immediately due and payable with interest and penalties, as provided in chapter 82.32 RCW.

(b) **Tax deferrals for investment projects in rural counties.** If a recipient of the deferral fails to file a complete annual survey required under RCW 82.60.070 by the date due, 12.5% of the total deferred tax shall be immediately due and payable with interest and penalties, as provided in chapter 82.32 RCW. If the economic benefits of the deferral are passed to a lessee as provided in RCW 82.60.020(4), the lessee shall be responsible for payment to the extent the lessee has received the economic benefit. See RCW 82.60.070.

(c) **Tax deferrals for investment projects for high technology businesses.** If a recipient of the deferral fails to file a complete annual survey required under RCW 82.63.020 by the date due, 12.5% of the total deferred tax shall be immediately due with interest and penalties, as provided in chapter 82.32 RCW. If the economic benefits of the deferral are passed to a lessee as provided in RCW 82.63.010(7), the lessee shall be responsible for payment to the extent the lessee has received the economic benefit. See RCW 82.63.045.

WSR 05-11-025
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 05-88—Filed May 10, 2005, 2:13 p.m., effective May 10, 2005]

Effective Date of Rule: Immediately.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-32500X; and amending WAC 220-56-325.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation is needed to ensure an orderly fishery, manage within court-ordered sharing requirements, and to ensure conservation. The state recreational share of spot prawns has been taken in Marine Area 11. 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: May 10, 2005.

J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 220-56-32500Y Shrimp—Areas and seasons. Notwithstanding the provisions of WAC 220-56-325:

1) Effective immediately, until further notice, it is unlawful to fish for or possess shrimp taken for personal use in all waters of Marine Area 11.

2) Effective immediately, until further notice, it is unlawful to fish for or possess shrimp taken for personal use in all waters of the Port Townsend Shrimp District, except as provided for in this section:

(a) Open on Saturdays and Wednesdays only, from 7:00 a.m. to 3:00 p.m., south of a line from Kala Point to Walan Point.

(b) It is unlawful to possess spot shrimp and all spot shrimp must immediately be returned to the water unharmed.

3) Effective immediately, it is lawful for divers using scuba gear to capture and possess shrimp in Marine Area 8-2 from 7:00 p.m. to 11:59 p.m. on the following dates: May 11, 14, and 18, 2005.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-32500X Shrimp—Areas and season
(05-80)

WSR 05-11-026
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 05-87—Filed May 10, 2005, 2:14 p.m., effective May 10, 2005]

Effective Date of Rule: Immediately.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-44-05000E; and amending WAC 220-44-050.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: These rules were adopted by the Pacific Fisheries Management Council and provide harvest of available stocks of bottomfish, while reserving brood

stock for future fisheries. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: May 10, 005 [2005].

J. P. Koenings
 Director
 by Larry Peck

NEW SECTION

WAC 220-44-05000F Coastal bottom fish catch limits. Notwithstanding the provisions of WAC 220-44-050, effective immediately until further notice:

(1) It is unlawful to possess, transport through the waters of the state, or land into any Washington port bottom fish taken from Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A-1, 59A-2, 60A-1, 60A-2, 61, 62, or 63 in excess of the amounts or less than the minimum sizes, or in violation of any gear, handling or landing requirement, established by the Pacific Fisheries Management Council and published in the Federal Register, Volume 70, No. 86, published May 5, 2005. Therefore, persons must consult the federal regulations, which are incorporated by reference and made a part of Chapter 220-44 WAC. Where rules refer to the fishery management area, that area is extended to include Washington State waters coterminous with the Exclusive Economic Zone. A copy of the federal rules may be obtained by contacting Evan Jacoby at (360) 902-2930.

(a) Effective immediately until further notice, it is unlawful to possess, transport through the waters of the state, or land into any Washington port, walleye pollock taken with trawl gear from Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A-1, 59A-2, 60A-1, 60A-2, 61, 62, or 63, except by trawl vessels participating in the directed Pacific whiting fishery and the directed coastal groundfish fishery.

(b) Effective immediately until further notice, it is unlawful for trawl vessels participating in the directed Pacific whiting and/or the directed coastal groundfish fishery to land incidental catches of walleye pollock greater than forty percent of their total landing by weight, not to exceed 10,000 pounds.

(2) At the time of landing of coastal bottom fish into a Washington port, the fish buyer receiving the fish is required

to clearly mark on the fish receiving ticket, in the space reserved for dealer's use, all legally defined trawl gear aboard the vessel at the time of delivery. The three trawl gear types are: midwater trawl, roller trawl and small foot rope trawl (foot rope less than eight inches in diameter). The notation of the gear type(s) aboard the vessel is required prior to the signing of the fish receiving ticket by the vessel representative.

(3) Vessels engaged in chartered research for National Marine Fisheries Service (NMFS) may land and sell bottomfish caught during that research without the catch being counted toward any trip or cumulative limit for the participating vessel. Vessels that have been compensated for research work by NMFS with an Exempted Fishing Permit (EFP) to land fish as payment for such research may land and sell fish authorized under the EFP without the catch being counted toward any trip or cumulative limit for the participating vessel. Any bottomfish landed during authorized NMFS research or under the authority of a compensating EFP for past chartered research work must be reported on a separate fish receiving ticket and not included on any fish receiving ticket reporting bottomfish landed as part of any trip or cumulative limit. Bottomfish landed under the authority of NMFS research work or an EFP compensating research with fish must be clearly marked "NMFS Compensation Trip" on the fish receiving ticket in the space reserved for dealer's use. The NMFS scientist in charge must sign the fish receiving ticket in the area reserved for dealer's use if any bottomfish are landed during authorized NMFS research. If the fish are landed under the authority of an EFP as payment for research work, the EFP number must be listed in the dealer's use space.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-44-05000E Coastal bottomfish catch limits. (05-58)

**WSR 05-11-027
 EMERGENCY RULES
 DEPARTMENT OF
 FISH AND WILDLIFE**

[Order 05-79—Filed May 10, 2005, 2:14 p.m., effective May 13, 2005, 11:59 p.m.]

Effective Date of Rule: May 13, 2005, 11:59 p.m.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-48-01500V; and amending WAC 220-48-005 and 220-48-015.

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.

EMERGENCY

Reasons for this Finding: The harvest guideline for Pacific cod is anticipated to have been taken by this date and this emergency rule is necessary to ensure that the harvest guideline for Pacific cod in this area are not exceeded. 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 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: May 10, 2005.

J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 220-48-00500I Puget Sound bottomfish—General provisions. Notwithstanding the provisions of WAC 220-48-005, effective 11:59 p.m. May 13, 2005 until further notice, it is unlawful to fish for or possess Pacific cod for commercial purposes in those waters of Marine Fish-Shellfish Management and Catch Reporting Area 23C.

NEW SECTION

WAC 220-48-01500W Beam trawl and bottom trawl seasons. Notwithstanding the provisions of WAC 220-48-015, effective 11:59 p.m. May 13, 2005 until further notice, it is unlawful to fish for or possess bottomfish with otter trawl gear in those waters of Marine Fish-Shellfish Management and Catch Reporting Area 23C.

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. May 13, 2005:

WAC 220-48-01500V Beam trawl and bottomfish trawl seasons. (05-24)

WSR 05-11-028

EMERGENCY RULES

DEPARTMENT OF AGRICULTURE

[Filed May 10, 2005, 2:23 p.m., effective May 10, 2005]

Effective Date of Rule: Immediately.

Purpose: Rules are needed in order to implement budget direction from the legislature to assist in maintaining a viable asparagus industry in this state.

Statutory Authority for Adoption: RCW 15.04.402 and ESHB 2459.

Other Authority: Chapter 34.05 RCW.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: To allow the department to proceed and file proposed permanent rules on May 18, 2005.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 10, 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 10, Amended 0, Repealed 0.

Date Adopted: May 10, 2005.

William E. Brookreson
Deputy Director

Chapter 16-730 WAC

ASPARAGUS EQUIPMENT LEASE PROGRAM

NEW SECTION

WAC 16-730-005 What is the purpose of the asparagus equipment lease program? (1) The Washington state department of agriculture is establishing the asparagus equipment lease program to implement section 308(10), chapter 276, Laws of 2004 (ESHB 2459), which directs the Washington state department of agriculture (WSDA) to purchase agricultural products packing equipment and to negotiate an appropriate agreement with the agricultural industry for the use of that equipment.

(2) The asparagus equipment lease program allows Washington state packers and handlers of Washington asparagus to lease with an opportunity to purchase automated labor saving equipment that will strengthen their post-harvest efforts to efficiently handle or pack fresh, frozen or pickled asparagus.

EMERGENCY

NEW SECTION

WAC 16-730-007 How does the department ensure that program participants comply with the program's purpose? To ensure that program participants are in compliance with the terms of the program and to ensure that the leased equipment is being used only to pack and process fresh, frozen or pickled asparagus, the participating handlers must, during each year of their participation, give the department or its agent a letter:

- (1) Certifying that the leased equipment is being used for the program's intended purpose; and
- (2) Summarizing the cost and labor savings for that year.

NEW SECTION

WAC 16-730-010 What definitions are important to this chapter? "Applicant" means any person who applies to participate in the equipment leasing program and commercially handles 250,000 pounds or more of asparagus in the calendar year that they apply.

"Approved handler/packer" means any asparagus handler and/or packer who has submitted an equipment leasing program application to the department and has been approved by the department to participate in the program.

"Automation" means the technique and equipment used to bring about automatic operation and control of a process.

"Department" means the Washington state department of agriculture.

"Director" means the director of the Washington state department of agriculture or the director's designee.

"Handler/packer" means a person who sells, arranges for sale, represents, processes, distributes or packages fresh, frozen or pickled asparagus.

"Facility" means any place where fresh asparagus is prepared, handled and packaged as fresh, frozen, or pickled for sale.

"Labor saving" means actions, activities or processes designed to decrease the amount of human labor needed to prepare, handle or package fresh, frozen or pickled asparagus.

"Leasing" means to obtain the use of asparagus handling or packing equipment through the asparagus equipment leasing program.

"Packing equipment" means equipment associated with the activities of the post-harvest handler/packer of fresh, frozen or pickled asparagus.

"Person" means an individual, firm, partnership, corporation, or association engaged in handling and/or packing fresh, frozen or pickled Washington state asparagus.

"Program administrator" means the director of the Washington state department of agriculture or the director's designee.

"Review committee" means a group of five to seven people representing the department and the Washington asparagus commission staff and members and one at large agricultural representative who is neither directly affiliated with the asparagus industry nor any of the equipment leasing program applicants. The purpose of the committee is to review equipment leasing program applications.

NEW SECTION

WAC 16-730-015 How will the asparagus equipment leasing program be administered? The director or the director's designee will administer the asparagus equipment leasing program according to the rules of this chapter. If necessary, the program administrator, following the rule-making procedures in chapter 34.05 RCW (Administrative Procedure Act), may develop and implement additional rules or guidelines to ensure that this program is successful in achieving its purpose.

NEW SECTION

WAC 16-730-020 Who is eligible to participate in the asparagus equipment leasing program? To be eligible to participate in the asparagus equipment leasing program, a post-harvest asparagus handler must:

(1)(a) Pack a minimum of 250,000 pounds of fresh, frozen or pickled asparagus in Washington in the calendar year in which they apply; and

(b) Provide documentation verifying the 250,000 pounds. Verification can include asparagus commission assessments or other industry accepted documentation.

(2) Comply with all applicable federal, state, and local laws and rules related to doing business in Washington and handling food products.

NEW SECTION

WAC 16-730-025 How does an eligible asparagus handler/packer apply to the equipment leasing program?

(1) Eligible handler/packers can obtain an equipment leasing program application by contacting:

Asparagus Leasing Program
Washington State Department of Agriculture
1111 Washington St. S.E., 2nd Floor
P.O. Box 42560
Olympia, WA 98504-2560

(2) Eligible applicants must complete the program application and provide the department with the following information:

(a) Verification consistent with normal and usual leasing agreements that their business is a going concern;

(b) Verification that they have the ability to adequately insure any equipment they may lease;

(c) A statement declaring their eligibility and intent to participate in the program;

(d) Documentation of their ability to provide the necessary upkeep and maintenance of any equipment they may lease;

(e) A description of the equipment to be leased and its cost;

(f) A description of how the leased equipment will automate their post-harvest operation and how it will reduce post-harvest labor costs; and

(g) The pounds of asparagus processed for the period of years identified on the application and documentation verifying the pounds processed.

(3) The completed application and the related information (subsection (2) of this section) must be submitted to:

Asparagus Leasing Program
Washington State Department of Agriculture
1111 Washington St. S.E., 2nd Floor
P.O. Box 42560
Olympia, WA 98504-2560

NEW SECTION

WAC 16-730-030 When will an applicant know if they have been approved to participate in the equipment leasing program? (1) The department, in consultation with the Washington asparagus commission, the Washington asparagus council and the industry at large, will establish application deadlines, application review dates and dates for notifying applicants if they have been accepted to participate in the equipment lease program.

(2) The process for reviewing and approving application is as follows:

(a) The review committee will review all applications and recommend approved applicants to the director.

(b) The director will review the review committee's recommendations.

(c) Once the director approves the recommended applicants, applicants will be notified of the results within five working days of the director's decision.

(3) The department may implement additional application cycles as needed in order to insure that handler/packers may fully participate in the program.

NEW SECTION

WAC 16-730-035 If an application is denied, can the applicant request a review of the director's decision? (1) An applicant whose application has been denied by the director may request a review of the director's decision. The request for review must:

(a) Specify the date of the decision or action being appealed;

(b) Explain as precisely as possible the issue to be resolved by the administrative review;

(c) Include the address of the applicant; and

(d) Be signed by the applicant.

(2) Administrative reviews of denied applications will follow an informal process conducted by the director's designee.

(a) The review will be completed within thirty days after receipt of the review request.

(b) Once the review is completed, the department has ten days to inform the handler of the review decision.

(3) The rights of the department provided in this section are exclusive and are in addition to any other rights and remedies provided by law.

NEW SECTION

WAC 16-730-040 If an applicant's initial application is disapproved, can the applicant reapply to the equipment leasing program? (1) Program applicants whose initial

application was denied have ten days from the date they received the director's decision denying their application to reapply.

(2) Applicants must reapply by following the procedures outlined in WAC 16-730-025.

(3) When reapplying, the applicant must request different equipment and/or a different mix of equipment from that listed on their original application.

NEW SECTION

WAC 16-730-045 What is the process the program will follow to distribute equipment leasing money to approved applicants? The program's equipment leasing money will be distributed indirectly to approved applicants as follows:

(1) The department, in consultation with the Washington asparagus commission, the Washington asparagus council and the asparagus industry at large, will determine the amount of equipment leasing money allocated to each approved applicant and then distribute this money to a department approved equipment leasing company.

(2) The approved leasing company will then purchase the equipment and subsequently lease it to an approved applicant.

NEW SECTION

WAC 16-730-050 How will the program's equipment leasing money be allocated in 2004? (1) The initial allocation of equipment leasing money for 2004 will be distributed based upon documented annual average pounds of asparagus an approved handler/packer reported from 2001 through 2004.

Note: If additional application cycles are needed to administer current and future equipment lease allocations and distributions, the department may adjust the initial four-year annual average production period (2001-2004).

(2)(a) Unless the department, in consultation with the Washington asparagus commission, the Washington asparagus council and the asparagus industry at large, determines that the allocation formula be changed, all approved applicants will receive either a base amount of at least \$75,000 for their initial 2004-program allocation or an amount adjusted to reflect an appropriate base for future program offerings.

(b) If the department does change the allocation formula, it will notify the Washington state asparagus industry and, specifically, Washington state asparagus handler/packers.

(3) The department has developed the following categories to help allocate the equipment lease program's initial 2004 offering:

Handler/Packer Categories*	Pounds of Asparagus Handled Annually
Small	Less than 1,000,000 pounds
Medium	1,000,000 to 2,000,000 pounds
Large	2,000,001 to 5,000,000 pounds

*Note: These categories could change. If they do, the department will notify asparagus handler/packers and the industry.

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NEW SECTION

WAC 16-730-055 For the initial leasing program, what are the base distribution amounts for each category of handler/packers?

Note: The department will always work with the review committee to assure that the distributions to approved applicants are fair and equitable and based on the pounds processed formula.

(1) The final handler/packer allocation for 2004 is illustrated in the following table:

Handler/Packer Size	Dollar Allocation per Handler/Packer
Small	\$87,000.00
Medium	\$110,500.00
Large	\$154,500.00

(2) Future distributions will be determined by the:

- (a) Amount of program funds available after all administrative and contract-leasing costs are subtracted from the total program allocation received from the legislature; and
- (b) Number of participants in the program; and
- (c) Department consultations with the Washington asparagus commission, the Washington asparagus council and the asparagus industry at large.

NEW SECTION

WAC 16-730-060 What requirements apply to equipment leasing program lease agreements? (1) The department will follow office of financial management (OFM) procurement guidelines when selecting a leasing company to act as its agent to purchase and manage all equipment leasing arrangements for all approved handler/packers.

(2) All approved handler/packers will complete a lease agreement with the department approved leasing firm.

(3) All equipment lease agreements:

- (a) Must be exclusive to the approved handler/packers for the term of the contract with the leasing company; and
- (b) Are not transferable without the written approval of the department.

(4) Lease agreements cannot be paid off before the leasing company's contract termination date.

(5) In addition to the leasing requirements contained in this chapter, the department, in its contract with the leasing company, will include other lease requirements that approved handler/packers must follow.

NEW SECTION

WAC 16-730-062 What happens if an approved handler/packer defaults on a lease? (1) If an approved handler/packer defaults on a lease agreement, the department retains ownership of the equipment and will make the equipment available to other asparagus handlers through a selection process determined by the department in consultation with the Washington asparagus commission, the Washington asparagus council and asparagus industry representatives.

(2) The selection process used by the department to redistribute defaulted lease equipment to approved han-

dlers/packers must comply with any applicable state and federal laws and regulations.

NEW SECTION

WAC 16-730-065 How long will the initial asparagus equipment leasing program be in operation? (1) How long the initial equipment leasing program will be in operation will be determined by:

(a) An office of financial management (OFM) approved depreciation schedule for each type of equipment that will be available for leasing; and

(b) The period of time needed to:

- (i) Surplus and transfer equipment; and
- (ii) Complete program closeout activities.

(2) For any distributions following the initial one, the department may modify the program length, depreciation schedules, contract requirements or leasing agreements.

NEW SECTION

WAC 16-730-070 Who develops the depreciation schedules for the program's leased equipment? The department, with final approval from OFM, will develop depreciation schedules for the program's leased equipment. These schedules will be based upon the characteristic economic useful lives of asparagus processing and handling equipment used by the industry.

NEW SECTION

WAC 16-730-075 Will the equipment used in the asparagus equipment leasing program be offered for sale to the handler/packer who leased it? (1) At the end of its depreciation period, the equipment leased to a handler/packer will be declared "surplus" and offered for sale to the handler/packer or their designee.

(2) If a handler/packer wants to sell their leased equipment to a designee, they must complete a designee form and have the form approved by the department.

WSR 05-11-031

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 05-91—Filed May 10, 2005, 3:59 p.m., effective May 15, 2005, 3:00 p.m.]

Effective Date of Rule: May 15, 2005, 3:00 p.m.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-03000V; and amending WAC 220-33-030.

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

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notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation sets the standard shad commercial fishery in the mainstem Columbia River (Area 2S) and in Washougal Reef. Harvestable numbers of shad are expected in 2005. Incidental impacts to non-target species are small. This rule is consistent with actions of the Columbia River compact hearing of January 28 and May 10, 2005, and is consistent with requirements of the ESA. 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: May 10, 2005.

Evan Jacoby
for Jeff Koenings
Director

NEW SECTION

WAC 220-33-03000V Commercial shad—Columbia River. Notwithstanding the provisions of WAC 220-33-030, it is unlawful to take, fish for or possess shad taken for commercial purposes except as provided for in this section:

Area: Washougal Reef. Waters of Zone 4-5 inside a line commencing at the white six-second equal-interval light approximately 3/4 miles east of the Washougal Woolen Mill pipeline and projected westerly to the Washougal blinker light, thence to the four-second blinker light on the east end of Lady Island, thence easterly and along the shoreline of Lady Island to the State Highway 14 Bridge, thence easterly across the State Highway 14 Bridge to the mainland.

Dates: Daily, 8:00 p.m. to 12:00 a.m. from:

May 15 - May 19, 2005

May 22 - May 26, 2005

May 29 - June 2, 2005

June 5 - June 9, 2005

June 12 - June 16, 2005

June 19 - June 23, 2005

Gear: Single-wall, unslackened, floater gill net, with breaking strength of less than 30 pounds.

Mesh size: 5 inches to 6 1/4 inches.

Allowable Sale: During the fishing periods provided in this section, only shad may be kept and sold. All salmonids, walleye and sturgeon must be immediately returned to the water and those alive must be released unharmed.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. June 23, 2005:

WAC 220-33-03000V Commercial shad—Columbia River.

WSR 05-11-032

EMERGENCY RULES

DEPARTMENT OF FISH AND WILDLIFE

[Order 05-93—Filed May 10, 2005, 4:00 p.m., effective May 10, 2005]

Effective Date of Rule: Immediately.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-01000C; and amending WAC 220-33-010.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Sets the remaining fishing periods for the spring season select areas fisheries. These fisheries had initially been delayed due to uncertainty in the upriver run size and the possibility of additional impacts to the upriver spring chinook run. Negligible additional impacts are expected to accrue based on timing of the upriver chinook run. Further delay of the commercial fisheries will likely reduce economic benefit of the select area spring fisheries due to increased straying of and decreasing fish quality. The select area fisheries in Deep River and Blind Slough/Knappa Slough are part of an on-going BPA funded study to design fisheries in areas outside of the mainstem Columbia River. Several stocks of salmon have been released from net pens in these select areas to provide for fisheries. All salmon returning to these net pens are harvestable. Impacts to ESA-listed stocks in these fisheries are covered under the biological opinion for the interim management agreement. This rule is consistent with actions of the Columbia River compact hearings of May 10 and January 28, 2005, and conforms Washington and Oregon state rules. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: May 10, 2005.

Evan Jacoby
for Jeff Koenings
Director

NEW SECTION

WAC 220-33-01000C Columbia River gillnet seasons below Bonneville. Notwithstanding the provisions of WAC 220-33-010, WAC 220-33-020, and WAC 220-33-030, it is unlawful for a person to take or possess salmon, sturgeon, and shad, taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E except during the times and conditions listed:

1) Blind Slough/Knappa slough Select Area

a) Area: Blind Slough: markers at the mouth of Gnat Creek located approximately 1/2 mile upstream of the county road bridge, downstream to markers at the mouth of Blind Slough. Concurrent Washington/Oregon waters extend downstream of the railroad bridge.

Knappa Slough is open to fishing in all waters bounded by a line from the northerly most marker at the mouth of Blind Slough westerly to a marker on Karlson Island downstream to a north-south line defined by a marker on the eastern end of Minaker Island to markers on Karlson Island and the Oregon shore.

a) Dates: 7:00 p.m. Tuesday May 10th through 7:00 a.m. Wednesday May 11th, 2005.

7:00 p.m. to 7:00 a.m. Monday - Tuesday and Thursday - Friday May 12th through June 17th, 2005.

b) Gear: 8-inch maximum mesh. Mono-filament gill nets are allowed. Nets restricted to 100 fathoms in length with no weight restriction on headline. Use of additional weights or anchors attached directly to the headline is allowed.

c) Allowable Sale: Salmon, sturgeon, shad.

d) Special transportation permits are not required to take fish outside the fishing area. Permanent transportation regulations will be in effect.

e) Other: Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

2) Deep River Select Area

a) Area: From the markers at USCG navigation marker #16 upstream to the Highway 4 Bridge.

b) Dates: 7:00 p.m. Tuesday May 10th through 7:00 a.m. Wednesday May 11th, 2005.

7:00 p.m. to 7:00 a.m. Monday - Tuesday and Thursday - Friday May 12th through June 17th, 2005.

c) Gear: 8-inch maximum mesh size. Nets restricted to a maximum length of 100 fathoms and no weight restriction on headline. Use of additional weights or anchors attached directly to the headline is allowed. Nets cannot be tied off of any stationary structures. Nets may not fully cross the navigation channel.

d) Allowable sale: salmon, sturgeon and shad.

e) Miscellaneous: Transportation or possession of fish outside the fishing area is unlawful. An exception to the rule would allow fishers to transport their catch out of the fishing area with a permit issued by an authorized agency employee after examining the catch.

f) Other: Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 7:01 a.m. June 17, 2005:

WAC 220-33-01000C Columbia River below Bonneville.

**WSR 05-11-042
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 05-92—Filed May 12, 2005, 10:46 a.m., effective May 12, 2005]

Effective Date of Rule: Immediately.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-619 and 220-56-285.

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: Modification to the mainstem steelhead and shad sport fisheries is necessary to provide additional protection to spring chinook destined for areas above Bonneville Dam. 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: May 11, 2005.

J. P. Koenings
Director

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: May 11, 2005.

J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 232-28-61900W Exceptions to statewide rules—Columbia River. Notwithstanding the provisions of WAC 232-28-619, effective 12:01 a.m. May 16, 2005 until further notice, it is unlawful to fish for or possess steelhead in those waters of the Columbia River from the Rocky Point/Tongue Point line upstream to the I-5 Bridge.

NEW SECTION

WAC 220-56-28500E Shad—Areas and seasons. Notwithstanding the provisions of WAC 220-56-285, effective 12:01 a.m. May 16, 2005 until further notice, it is unlawful to fish for and possess shad in those waters of the Columbia River from the mouth to Bonneville Dam.

NEW SECTION

WAC 232-28-61900X Exceptions to statewide rules—Lake Scanewa, Elochoman and Grays rivers. Notwithstanding the provisions of WAC 232-28-619:

(1) Effective May 14 through May 31, 2005, it is lawful to fish for salmon in those waters of Lake Scanewa (Cowlitz Falls Reservoir) from Cowlitz Falls Dam to the listed boundaries in the Cispus and Cowlitz rivers arms. Special daily limit of six salmon, of which no more than two may be adults, and all of which must be adipose fin-clipped. Minimum size is 8 inches in length.

(2) Effective May 14 through July 31, 2005, it is lawful to fish for salmon in those waters of the Elochoman River from the mouth to Elochoman Hatchery Bridge located about 400 feet below the upper hatchery rack. Special daily limit of six salmon, of which no more than two may be adults, and all of which must be adipose fin-clipped. Minimum size is 12 inches in length

(3) Effective May 14 through July 31, 2005, it is lawful to fish for salmon in those waters of the Grays River from the mouth to South Fork and West Fork Grays from the mouth to the hatchery intake/footbridge. Special daily limit of six salmon, of which no more than two may be adults, and all of which must be adipose fin-clipped. Minimum size is 12 inches in length.

**WSR 05-11-043
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 05-94—Filed May 12, 2005, 10:46 a.m., effective May 14, 2005]

Effective Date of Rule: May 14, 2005.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900X; and amending WAC 232-28-619.

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: Through May 10 approximately 2,000 spring chinook have been trucked to Lake Scanewa for sport fishing opportunity and reintroduction. Adult spring chinook straying from select area fishery evaluation sites are entering the Elochoman and Grays rivers. These fish are not needed for broodstock. 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.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. August 1, 2005:

WAC 232-28-61900X Exceptions to statewide rules—Lake Scanewa, Elochoman and Grays rivers

**WSR 05-11-044
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 05-95—Filed May 12, 2005, 11:47 a.m., effective May 12, 2005]

Effective Date of Rule: Immediately.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-32500Y; and amending WAC 220-56-325.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is

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necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation is needed to ensure an orderly fishery, manage within court-ordered sharing requirements, and to ensure conservation. The state recreational share of spot prawns has been taken in Marine Areas 9 and 10. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: May 11, 005 [2005].

J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 220-56-32500Z Shrimp—Areas and seasons. Notwithstanding the provisions of WAC 220-56-325:

1) Effective immediately, until further notice, it is unlawful to fish for or possess shrimp taken for personal use in all waters of Marine Areas 9, 10 and 11.

2) Effective immediately, it is lawful for divers using scuba gear to capture and possess shrimp in Marine Area 8-2 from 7:00 p.m. to 11:59 p.m. on the following dates: May 11, 14, and 18, 2005.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-32500Y Shrimp—Areas and season
(05-88)

**WSR 05-11-051
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 05-86—Filed May 16, 2005, 9:45 a.m., effective May 18, 2005]

Effective Date of Rule: May 18, 2005.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900V; 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: This regulation corrects an error in the permanent regulations. The department is in the process of adopting permanent rules that are necessary to implement this correction. This interim rule is necessary to cover the time period until the permanent rule becomes effective.

Number of Sections Adopted in Order to Comply with 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: May 11, 2005.

J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 232-28-61900V Exceptions to statewide rules—Hoh River (Jefferson Co.) Effective immediately through 11:59 p.m. May 31, notwithstanding the provisions of WAC 232-28-619, it is unlawful to violate the following provisions, provided that unless otherwise amended all permanent rules remain in effect:

Hoh River (Jefferson County), from mouth to Willoughby Creek - Trout: Open May 18 through May 31, Wednesdays through Sundays only. Release all game fish except up to 2 hatchery steelhead may be retained daily.

REPEALER

The following section of the Washington Administrative Code is repealed effective June 1, 2005:

WAC 232-28-61900V Exceptions to statewide
rules—Hoh River.

WSR 05-11-069
EMERGENCY RULES
WASHINGTON STATE LOTTERY

[Filed May 17, 2005, 4:07 p.m., effective May 17, 2005]

Effective Date of Rule: Immediately.

Purpose: To have the drawing days and the prize payouts reflected accurately in the rules.

Citation of Existing Rules Affected by this Order: Amending WAC 315-34-040(1) and 315-34-060(1).

Statutory Authority for Adoption: Chapter 67.70 RCW.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The amendment to the Lotto drawing rule (WAC 315-34-060(1)) will reflect the lottery's new drawing days, Monday, Wednesday, and Saturday. Additionally, the prize amounts and odds of winning (WAC 315-34-040(1)) are being amended to reflect accurateness. The agency has taken the appropriate steps to adopt the rules on a permanent basis at its May 12, 2005, commission meeting.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: May 12, 2005.

Ceil Buddeke
 Rules Coordinator

AMENDATORY SECTION (Amending WSR 03-23-097, filed 11/17/03, effective 11/17/03)

WAC 315-34-040 ((Prize Pools)) Prizes for Lotto. (1)

The prize amounts to be paid to each Lotto player who selects a winning combination of numbers in the first, second, third((1-7)) and ((fourth)) fourth prize categories are as follows:

WINNING COMBINATIONS	PRIZE CATEGORIES	PRIZE AMOUNTS	ODDS OF WINNING (ONE PLAY)
All six ((winner-winning)) winning numbers in one play	First Prize	Jackpot	((1+6,991,908)) 1:13,983,816
Any five but not six winning numbers in one play	Second Prize	\$1,000	((1+27,100)) 1:54,201

WINNING COMBINATIONS	PRIZE CATEGORIES	PRIZE AMOUNTS	ODDS OF WINNING (ONE PLAY)
Any four but not five or six winning numbers in one play	Third Prize	(((\$30)) \$30	((1+516)) 1:1,033
Any three but not four, five or six winning numbers in one play	Fourth Prize	\$3	((1+28)) 1:57

(2) Prize amounts.

(a) First prize (jackpot). ((The)) All first prizes will be the amount announced by the director as the Lotto jackpot. The jackpot will be divided equally among all players who selected all six winning numbers in one play (in any sequence).

(b) Second prize. The second prize will be \$1,000, which will be paid to each player who selected five of the six winning numbers in one play (in any sequence).

(c) Third prize. The third prize will be \$30, which will be paid to each player who selected four of the six winning numbers in one play (in any sequence).

(d) Fourth prize. A \$3.00 prize is to be paid to each player who selected three of the six winning numbers in one play (in any sequence).

(e) The holder of a winning ticket may win only one prize per play in connection with the winning numbers drawn and shall be entitled only to the highest prize category won by those numbers.

(f) In the event any player who has selected three, four, five, or six of the six winning numbers does not claim the prize won within one hundred eighty days after the drawing in which the prize was won, that player's prize shall be retained in the state lottery account for further use as prizes, pursuant to RCW 67.70.190.

AMENDATORY SECTION (Amending WSR 90-19-048, filed 9/14/90, effective 10/15/90)

WAC 315-34-060 Drawings. (1) The Lotto drawing ((shall)) may be held each week on Monday, Wednesday and Saturday ((evenings beginning October 24, 1990, except that the director may change the drawing schedule if Wednesday or Saturday is a holiday)). Any increase in the number of drawing days shall require amendment of these rules.

(2) The drawing will be conducted by lottery officials.

(3) Each drawing shall ((determine, at random, six winning numbers with the aid of mechanical drawing equipment which)) randomly select six winning numbers between 1 and 49. The drawing method shall be tested before and after ((that)) each drawing. Any drawn numbers are not declared winning numbers until the drawing is certified by the lottery. The winning numbers shall be used in determining all Lotto winners for that drawing. If a drawing is not certified, another drawing will be conducted to determine actual winners.

(4) The drawing shall not be invalidated based on the liability of the lottery.

EMERGENCY

WSR 05-11-090
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 05-96—Filed May 17, 2005, 4:56 p.m., effective May 17, 2005]

Effective Date of Rule: Immediately.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-56-32500A [220-56-32500Z]; and
 amending WAC 220-56-325.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation is needed to ensure an orderly fishery, manage within court-ordered sharing requirements, and to ensure conservation. The state recreational share of spot prawns will be taken by this Wednesday in the Hood Canal and Discovery Bay shrimp districts, and by Saturday in Marine Area 8. 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: May 17, 2005.

B. J. Bjork
 for Jeff Koenings
 Director

NEW SECTION

WAC 220-56-32500A Shrimp—Areas and seasons.
 Notwithstanding the provisions of WAC 220-56-325:

1) Effective 1:00 p.m. May 18, 2005, until further notice, it is unlawful to fish for or possess shrimp taken for personal use in all waters of the Hood Canal Shrimp District.

2) Effective 3:00 p.m. May 18, 2005, until further notice, it is unlawful to fish for or possess shrimp taken for personal use in all waters of the Discovery Bay Shrimp District.

3) Effective 3:00 p.m. May 21, 2005, until further notice, it is unlawful to fish for or possess shrimp taken for personal use in all waters of Marine Area 8.

4) Effective immediately, until further notice, it is unlawful to fish for or possess shrimp taken for personal use in all waters of Marine Areas 9, 10 and 11.

5) Effective immediately, it is lawful for divers using scuba gear to capture and possess shrimp in Marine Area 8-2 from 7:00 p.m. to 11:59 p.m. on May 18, 2005.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-32500Z Shrimp—Areas and season
 (05-95)

WSR 05-11-091
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 05-97—Filed May 17, 2005, 4:57 p.m., effective May 17, 2005]

Effective Date of Rule: Immediately.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-52-05100L; and amending WAC 220-52-051.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The 2005 state/tribal Puget Sound shrimp harvest management plans require adoption of harvest seasons, harvest reporting areas, and the prohibition on night time fishing contained in this emergency rule. Commercial shrimp trawl quotas are available in the area opened under this rule as long as by-catch criteria for soft-shelled crab are met. 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: May 17, 2005.

B. J. Bjork
for Jeff Koenings
Director

NEW SECTION

WAC 220-52-05100M Puget Sound shrimp pot and beam trawl fishery—Season. Notwithstanding the provisions of WAC 220-52-051, effective immediately until further notice, it is unlawful to fish for shrimp for commercial purposes in Puget Sound except as provided for in this section:

(1) Shrimp pot gear:

(a) All waters of Marine Fish-Shellfish Management and Catch and Reporting Area 29 are open to harvest of all shrimp species immediately, until further notice.

(b) All waters of Shrimp Management Areas 1B, 1C, Crustacean Management Regions 2, 3, 4 and 6 outside the shrimp districts are open to the harvest of all non-spot shrimp species immediately, until further notice, except as provided for in this section:

i) In Marine Fish/Shellfish Management and Catch Reporting Area 22A, closed through June 15 in waters inside and bounded by a line projected from Blakely Marina on the northwest corner of Blakely Island to Upright Head on Lopez Island following the shoreline southerly on Lopez Island to intersect a line projected due west from Bald Bluff on Lopez Island.

ii) Marine Fish/Shellfish Management and Catch Reporting Area 25D (Port Townsend Bay) is closed south of the 48.06' North latitude line, north of the 48.04' North latitude line and east of the 122.46' west longitude line.

iii) Those waters defined in this section as 23A-E, 23A-W and 23A-C are closed.

(c) All waters of Shrimp Management Area 1A are closed to shrimp fishing until further notice, except that portion of Marine Fish/Shellfish Management and Catch Reporting Area 22A in San Juan Channel south the 48.30.50' North latitude line and north of a line from Cattle Pass to Davis Point is open to the harvest of all non-spot shrimp species immediately, until further notice.

(d) The shrimp accounting week is Monday through Sunday.

(e) It is unlawful to fish for shrimp for commercial purposes in Puget Sound using shellfish pot gear in more than one Marine Fish-Shellfish Management and Catch Reporting Area per day. Fishers may move all of their shellfish pot gear from one Marine Fish-Shellfish Management and Catch Reporting Area to another Marine Fish-Shellfish Management and Catch Reporting Area if a harvest report is made before the shellfish pot gear is moved. The harvest activity report must be made consistent with the provisions of WAC 220-52-075 and must also include the following additional information.

(i) The number of pots being moved to a new area and the Marine Fish-Shellfish Management and Catch Reporting Area that the pots are being moved to.

(f) It is unlawful to set or pull shellfish pots in one Marine Fish-Shellfish Management and Catch Reporting

Area while in possession of shrimp harvested from another Marine Fish-Shellfish Management and Catch Reporting Area except shellfish pots may be set in a new fishing area subsequent to making a report as indicated in Section 1(e) above.

(g) For purposes of shrimp harvest allocation, fishing season, and catch reporting, Marine Fish-Shellfish Catch and Reporting Area 23A is divided into four subareas: 23A-E (east) is those waters of Catch Area 23A north of a line projected 48.22.50' °N latitude east of a line projected 122.57°W longitude. 23A-W (west) is those waters of Catch Area 23A north of a line projected 48.22.50' °N latitude and west of a line projected 122.57°W longitude. 23A-C (central) is those waters of Catch Area 23A south of a line projected 48.22.50' °N latitude and east of a line projected 335 degrees true from the Dungeness lighthouse. 23A-S (south) is those waters of Catch Area 23A west of a line projected 335 degrees true from the Dungeness lighthouse.

(2) Shrimp beam trawl gear:

(a) Crustacean Management Region 3 outside of the shrimp districts is open immediately, until further notice.

(b) That portion of Marine Fish-Shellfish Management and Catch Reporting Area 22A within Shrimp Management Area 1B is open immediately, until further notice.

(c) It is unlawful to set or pull shrimp beam trawl gear from one hour after official sunset to one hour before official sunrise.

(3) All shrimp taken under this section must be sold to licensed Washington wholesale fish dealers.

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

REPEALER

The following section of the Washington Administrative Code is repealed effective immediately:

WAC 220-52-05100L Puget Sound shrimp beam trawl fishery—Season (05-76)

**WSR 05-11-092
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 05-98—Filed May 17, 2005, 4:57 p.m., effective May 22, 2005]

Effective Date of Rule: May 22, 2005.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 232-28-61900W and 220-56-28500E.

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: Reopens the Columbia River to steelhead and shad sport fishing. The upriver spring chinook run size has been upgraded and there are minor impacts to spring chinook in these fisheries but within allowable ESA impacts. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 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: May 18, 2005.

B. J. Bjork
for Jeff Koenings
Director

tiative 872 passed in November 2005: Chapter 2, Laws of 2005. The top-two primary conflicts with the nominating primary still described in statute. Because the Secretary of State is legally obligated to implement the new law, and because implementing legislation did not pass during the 2005 legislative session, the Secretary of State must implement the new primary through emergency rule making. The standard rule-making process will not allow the rules to take effect until September 2005, after the election cycle has begun.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 4, Amended 9, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, 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: May 18, 2005.

Steve Excell
Assistant Secretary of State

REPEALER

The following sections of the Washington Administrative Code are repealed effective 12:01 a.m. May 22, 2005.

- WAC 232-28-61900W Exceptions to statewide rules—Columbia River. (05-92)
- WAC 220-56-28500E Shad—Areas and seasons. (05-92)

WSR 05-11-101 EMERGENCY RULES SECRETARY OF STATE

[Filed May 18, 2005, 9:30 a.m., effective May 18, 2005]

Effective Date of Rule: Immediately.

Purpose: Implementation of a new top-two primary election system pursuant to chapter 2, Laws of 2005.

Citation of Existing Rules Affected by this Order: Repealing WAC 434-262-005 and 434-230-210; and amending WAC 434-208-060, 434-215-012, 434-215-070, 434-230-010, 434-230-040, 434-230-050, 434-230-060, 434-230-170, 434-261-020, 434-262-160, and 434-381-120.

Statutory Authority for Adoption: Chapter 2, Laws of 2005; RCW 29A.04.611.

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: Initiative 872 created a new primary election system, known as the top-two primary. Ini-

AMENDATORY SECTION (Amending WSR 04-15-089, filed 7/16/04, effective 8/16/04)

WAC 434-208-060 Filing of electronic facsimile documents. In addition to those documents specified by RCW 29A.04.255, the secretary of state or the county auditor shall accept and file in his or her office electronic facsimile transmissions of the following documents:

- (1) The text of any proposed initiative, referendum, or recall measure and any accompanying documents required by law;
- (2) Any minor party or independent candidate filing material for president and vice-president of the United States, except nominating petitions;
- (3) Lists of presidential electors selected by political parties or independent candidates;
- (4) Voted ballots, provided the voter agrees to waive the secrecy of his or her ballot;
- (5) Resolutions from cities, towns, and other districts calling for a special election; and
- (6) ~~((Filing of vacancies on the ticket by a major political party;~~
- (7)) Voter registration form.

AMENDATORY SECTION (Amending WSR 02-15-156, filed 7/23/02, effective 8/23/02)

WAC 434-215-012 Declaration of candidacy (~~— Offices subject to a primary~~). Declarations of candidacy (~~((for all partisan and nonpartisan offices))~~) filed either in person or by mail shall be in substantially the following form:

((STRICKEN GRAPHIC))

FILING DATA . . . FOR OFFICE USE ONLY

Date _____ Fee Paid \$ _____ File No. _____
 Paid By (Check one)
 AM Check Other
 PM Cash Nom. Petition
 Clerk/Cashier Initials _____

DECLARATION OF CANDIDACY

1. I, _____ am a registered voter residing at:

2. _____
(STREET ADDRESS OR RURAL ROUTE) (TELEPHONE NUMBER)

(MAILING ADDRESS—IF DIFFERENT)
 _____, Washington _____
(CITY) (COUNTY) (ZIP CODE)

and at the time of filing this declaration I am legally qualified to assume office if elected.

3. I declare myself as a candidate for nomination to the office of:

(NAME OF OFFICE)

(CONGRESSIONAL OR LEGISLATIVE DISTRICT, COUNTY, CITY, OR OTHER JURISDICTION)

(POSITION NUMBER IF APPLICABLE) (DIRECTOR OR COMMISSIONER DISTRICT, IF ANY)

4. For the following term of office:

- a full term or a full term and a short term, or
- an unexpired term

5. This office is:

- Nonpartisan, or
- Partisan, and I am: a candidate of the _____ party, or
 an independent candidate nominated pursuant to chapter 29.24 RCW

6. Filing Fee. (Check one):

- There is no filing fee because the office has no fixed annual salary, or
- I am submitting a filing fee of \$10 because the fixed annual salary of the office being sought is \$1,000 or less, or
- I am submitting a filing fee of \$ _____, an amount equal to 1% of the annual salary, or
- I am without sufficient assets or income to pay the filing fee required by law and I have attached a nominating petition in lieu of this fee, pursuant to RCW 29.18.050.

7. Please print my name on the ballot exactly as follows: _____
(PLEASE PRINT)

I declare that this information is, to the best of my knowledge, true. I also swear, or affirm, that I will support the Constitution and laws of the United States and the Constitution and laws of the State of Washington.

Note: Your signature must be personally attested to by either a notary public or by the officer with whom the declaration is filed.

8. Sign Here **X** _____
(SIGNATURE OF CANDIDATE AS REGISTERED TO VOTE)

(SIGNATURE OF ACKNOWLEDGING OFFICIAL)

(TITLE OF ACKNOWLEDGING OFFICIAL)

Candidates: Return all copies of this declaration to your Elections Dept.
Distribution by Elections Dept: White—County; Yellow—PDC; Pink—Candidate

STRICKEN GRAPHIC))

EMERGENCY

((STRICKEN GRAPHIC

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FILING DATA . . . FOR OFFICE USE ONLY

Date/Time _____	Fee Paid \$ _____	File No. _____
Paid By (Check one)		
<input type="checkbox"/> Check	<input type="checkbox"/> Other	Office _____
<input type="checkbox"/> Cash	<input type="checkbox"/> Nom. Petition	Code: _____
Clerk/Cashier initials _____		

DECLARATION OF CANDIDACY

1. I, _____ am a registered voter residing at:

2. _____ (STREET ADDRESS OR RURAL ROUTE WHERE REGISTERED TO VOTE) (CITY) (COUNTY) (ZIP CODE)

_____ (MAILING ADDRESS) (CITY) (COUNTY) (ZIP CODE)

_____ (TELEPHONE NO.) (EMAIL ADDRESS)

and at the time of filing this declaration I am legally qualified to assume office if elected.

3. I declare myself as a candidate for nomination to the office of:

_____ (NAME OF OFFICE)

_____ (CONGRESSIONAL OR LEGISLATIVE DISTRICT, COUNTY, CITY, OR OTHER JURISDICTION)

_____ (POSITION NUMBER IF APPLICABLE) (DIRECTOR OR COMMISSIONER DISTRICT, IF ANY)

4. For the following term of office:
 A full term or a full term and a short term, or
 An unexpired term

5. This office is:
 Nonpartisan, or
 Partisan, and I am: a candidate of the _____ party, or
 an independent candidate nominated pursuant to chapter 29.24 RCW.

6. Filing Fee (Check one):
 There is no filing fee because the office has no fixed annual salary, or
 I am submitting a filing fee of \$10 because the fixed annual salary of the office being sought is \$1,000 or less, or
 I am submitting a filing fee of \$_____, an amount equal to 1% of the annual salary, or
 I am without sufficient assets or income to pay the filing fee required by law and I have attached a nominating petition in lieu of this fee, pursuant to RCW 29.15.050.

7. Please print my name on the ballot exactly as follows: _____ (PLEASE PRINT)

I declare that this information is, to the best of my knowledge, true. I also swear, or affirm, that I will support the Constitution and laws of the United States and the Constitution and laws of the State of Washington.

Note: Your signature must be personally attested to either by a notary public or by the officer with whom the declaration is filed.

8. Sign Here X _____ (SIGNATURE OF CANDIDATE AS REGISTERED TO VOTE)

STATE OF WASHINGTON, COUNTY OF _____

(SEAL OR STAMP)

SIGNED OR ATTESTED BEFORE ME ON _____ (DATE)

by _____ (CANDIDATE)

_____ (SIGNATURE OF NOTARY)

_____ (TITLE)

My APPOINTMENT EXPIRES _____

SSE8-1 (2002)

Candidate: Return all copies of this declaration to your Elections Dept.
Distribution by Elections Dept: White—County; Yellow—PDC; Pink—Candidate

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STRICKEN GRAPHIC))

FILING DATA . . . FOR OFFICE USE ONLY

Date _____	Fee Paid \$ _____	File No. _____	Office Code _____
<input type="checkbox"/> Check	<input type="checkbox"/> Debit/Credit		
<input type="checkbox"/> Cash	<input type="checkbox"/> Filing Fee Petition	Clerk Initials _____	

DECLARATION OF CANDIDACY

1. I, _____ am a registered voter residing at:
(PRINT NAME AS YOU ARE REGISTERED TO VOTE)

2. _____
(STREET ADDRESS OR RURAL ROUTE WHERE REGISTERED TO VOTE) (CITY) (COUNTY) (ZIP CODE)

(MAILING ADDRESS) (CITY) (COUNTY) (ZIP CODE)

(TELEPHONE NO.) (EMAIL ADDRESS)

and at the time of filing this declaration I am legally qualified to assume office if elected.

3. I declare myself as a candidate for the office of:

(NAME OF OFFICE)

(CONGRESSIONAL OR LEGISLATIVE DISTRICT, COUNTY, CITY, OR OTHER JURISDICTION)

(POSITION NUMBER IF APPLICABLE) (DIRECTOR OR COMMISSIONER DISTRICT, IF ANY)

4. For the following term of office:
 A full term or a full term and a short term, or
 An unexpired term

5. This office is:
 Nonpartisan, or
 Partisan, and (check one): my party preference is _____, or
 I am an independent candidate.

The party preference will be listed on the ballot exactly as provided unless limited space necessitates abbreviation.

6. Filing Fee (check one):
 There is no filing fee because the office has no fixed annual salary, or
 I am submitting a filing fee of \$10 because the fixed annual salary of the office is \$1,000 or less, or
 I am submitting a filing fee of \$_____, an amount equal to 1% of the annual salary, or
 I am without sufficient assets or income to pay the filing fee required by law and I have attached a filing fee petition in lieu of this fee, pursuant to WAC 434-215-013 and RCW 29A.24.091.

7. Please print my name on the ballot exactly as follows: _____
(PLEASE PRINT)

I declare that this information is, to the best of my knowledge, true. I also swear, or affirm, that I will support the Constitution and laws of the United States and the Constitution and laws of the State of Washington.

Note: Your signature must be personally attested to either by a notary public or by the officer with whom the declaration is filed.

8. Sign Here X _____
(SIGNATURE OF CANDIDATE AS REGISTERED TO VOTE)

STATE OF WASHINGTON, COUNTY OF _____

SIGNED OR ATTESTED BEFORE ME ON _____
(DATE)

by _____
(CANDIDATE)

(SIGNATURE OF NOTARY)

(TITLE)

MY APPOINTMENT EXPIRES _____

(SEAL OR STAMP)

SSE 64-1 (2005)

Candidate: Return all copies of this declaration to your Elections Dept.

Candidate: Return all copies of this declaration to the filing officer. Distribution by the filing officer: White—County; Yellow—PDC; Pink—Candidate
The form shall measure eight and one-half inches by eleven inches and be printed on paper stock of good quality. The

form shall also contain space for recording the date and time of filing and a sequential filing and receipt number. One copy of the form or an electronic file, in a format approved by the secretary of state and acceptable to the public disclosure commission, containing the information on the form of each prop-

EMERGENCY

erly executed and filed declaration and affidavit of candidacy shall be forwarded to the public disclosure commission as required by RCW ((29.15.030)) 29A.24.070, and one copy of the form or an electronic file containing the information on the form of each properly executed and filed declaration and affidavit of candidacy shall be returned to the candidate.

NEW SECTION

WAC 434-215-013 Filing fee petition. A candidate who lacks sufficient assets or income to pay the filing fee may submit a filing fee petition with the declaration of candidacy. The filing fee petition must meet the requirements of RCW 29A.24.091 and 29A.24.111, must be printed on sheets of uniform color and size, must include a place for each person to sign and print his or her name and voter registration address, and must contain no more than twenty numbered lines. The filing fee petition must be in substantially the following form:

The warning prescribed by RCW 29A.72.140, followed by:

We, the undersigned registered voters of (the state of Washington or the political subdivision for which the filing is made), hereby petition that the name of (candidate's name) be printed on the official primary ballot for the office of (name of office).

NEW SECTION

WAC 434-215-015 Political party preference and independent status. A candidate for partisan office who files a declaration of candidacy properly must appear on the primary election ballot, regardless of the candidate's party preference or independent status, unless the office is not subject to a primary election. Except for the offices of President and Vice-President of the United States, neither endorsement by a political party nor a nominating convention are required in order to file a declaration of candidacy and appear on the primary election ballot. A candidate for partisan office who does not provide a political party preference is deemed to be an independent candidate. An independent candidate or a candidate who lists on the declaration of candidacy a preference for a party that does not qualify as a major political party is not required to hold a convention, file a nominating petition, or file a certificate of nomination, as stated in RCW 29A.20.110 through 29A.20.201. The requirements of RCW 29A.20.110 through 29A.20.201 are limited to candidates for President and Vice-President of the United States.

AMENDATORY SECTION (Amending WSR 02-15-156, filed 7/23/02, effective 8/23/02)

WAC 434-215-070 Definition and standards for systems to file declarations of candidacy electronically. An electronic system to file declarations of candidacy shall be an online system accessible to candidates on the world wide web that records the information specified in RCW 29.15.010 (1) through (4) and WAC 434-215-090. At a minimum, the system shall perform the following functions:

(1) Verify the candidate's voter registration status;

(2) Check the candidate's name against the name returned by electronic transfer of funds process;

(3) Allow the filing officer to verify filings before filing information is made public;

(4) Accept electronic transfer of funds for the payment of filing fees required by RCW 29.15.050, except that a candidate submitting a ((nominating)) filing fee petition in the place of a filing fee may not file the declaration of candidacy electronically;

(5) Inform, and require the candidate to acknowledge, that submission of the form constitutes agreement that the information provided with the filing is true, that he or she will support the Constitution and laws of the United States and the state of Washington, and that he or she agrees to electronic payment of the filing fee established in RCW 29.15.050; and

(6) Inform the candidate that knowingly providing false information on a declaration of candidacy is a class C felony as provided by RCW 29.85.100.

AMENDATORY SECTION (Amending WSR 04-15-089, filed 7/16/04, effective 8/16/04)

WAC 434-230-010 Official and sample ballots. Sample paper ballots shall be printed in substantially the same form as official ballots, but shall be a different color than the official ballot. Sample ballots for counties using electronic or mechanical voting systems shall be printed in a manner that makes them easily distinguishable from the official ballot. Sample ballots shall be available starting fifteen days prior to an election. Such sample ballots shall be made available through the office of the county auditor and at least one shall be available at all polling places on election day.

((Names of the candidates in each office to appear on the primary ballot shall be arranged on the sample ballot in the order provided by RCW 29A.36.120. The names of the candidates in each office to appear on the general election ballot shall be listed on the sample ballot in the order in which their names appear on the official ballot. State measures and local measures shall be in the same order as they appear on the official ballot.)) Positions or offices shall be arranged on all official and sample ballots in substantially the following order: State ballot measures, United States president and vice-president, United States senator, United States representative, governor, lieutenant governor, secretary of state, state treasurer, state auditor, attorney general, commissioner of public lands, superintendent of public instruction, insurance commissioner, state senator, state representative, county officers, justices of the supreme court, judges of the court of appeals, judges of superior court, and judges of the district court. For all other jurisdictions, the offices in each jurisdiction shall be grouped together and be in the order of the position numbers assigned to those offices, if any.

The names of candidates and ballot measures shall appear on the sample ballot in the same order as they appear on the official ballot. The names of the candidates shall appear on the primary election ballot in the order determined by lot. The party preference of candidates for partisan office shall have no bearing on the order in which candidates appear on the ballot. The names of the candidates shall appear on the general election ballot according to the number of votes the

candidates received in the primary election: The name of the candidate who received the greatest number of votes shall appear first and the name of the candidate who received the second greatest number of votes shall appear second. If no primary was conducted, the names of the candidates shall appear on the general election ballot in the order determined by lot.

At any primary or election when a local voters' pamphlet is published which contains a full sample ballot, a separate sample ballot need not be printed.

Counties with populations of over five hundred thousand may produce more than one sample ballot for a primary or election, each of which lists a portion of the offices and issues to be voted on at that election. Sample ballots may be printed by region or area (e.g., legislative district, municipal, or other district boundary) of the county, provided that all offices and issues to be voted upon at the election appears on at least one of the various sample ballots printed for such county. Each regional sample ballot shall contain all offices and issues to be voted upon within that region. A given office or issue may appear on more than one sample ballot, provided it is to be voted upon within that region. Sample ballots shall be made available and distributed to each polling place and to other locations within the appropriate region or area.

NEW SECTION

WAC 434-230-035 Special filing periods for voids in candidacy and vacancies in office. Voids in candidacy, as provided in RCW 29A.24.141 through 29A.24.181, may occur for partisan as well as nonpartisan office. A three day special filing period must be opened, as provided in RCW 29A.24.171 and 29A.24.181, whether the office is partisan or nonpartisan.

Vacancies in office, as provided in RCW 29A.24.171, 29A.24.181, and 42.12.040, may be filled through a special three day filing period as provided in RCW 29A.24.171 and 29A.24.181, whether the office is partisan or nonpartisan.

A scheduled election shall lapse when a void in candidacy remains after both a normal filing period and a special three day filing period, or when a vacancy in office occurs involving an unexpired term on or after the sixth Tuesday before the general election.

If the death or disqualification of a candidate for a partisan or nonpartisan office does not give rise to the opening of a new filing period, then the following occurs:

(1) If the candidate dies or becomes disqualified after filing a declaration of candidacy but before the close of the filing period, then the declaration of candidacy is void and his or her name will not appear on the ballot;

(2) If the candidate dies or becomes disqualified after the close of the filing period but before the day of the primary, then his or her name will appear on the primary ballot and all otherwise valid votes for that candidate will be tabulated. The candidate's name will not appear on the general election ballot even if he or she otherwise would have qualified to do so, but no other candidate will advance, or be substituted, in the place of that candidate. If the candidate was the only candidate to qualify to advance to the general election, then the general election for that office lapses, and the office will be

regarded as vacant as of the time the newly elected official would have otherwise taken office;

(3) If the candidate dies or becomes disqualified on or after the day of the primary, and he or she would have otherwise qualified to appear on the general election ballot, then his or her name will appear on the general election ballot and all otherwise valid votes for that candidate will be tabulated. If the candidate received a number of votes sufficient to be elected to office, but for his or her death or disqualification, then the office will be regarded as vacant as of the time the newly elected official would have otherwise taken office.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

WAC 434-230-040 Candidate's political party ((~~designation~~)) preference—Primary to general. ((~~No person who has offered himself or herself as a candidate for the nomination of one party at the primary, shall have his or her name printed on the ballot of the succeeding general election as the candidate of another political party.~~)) A candidate for partisan office who indicated a party preference on the declaration of candidacy may not change the party preference between the primary election and the general election.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

WAC 434-230-050 Candidate ((~~nominated by two or more political parties or~~)) eligible for two or more offices. ((~~In the event a candidate, as a result of write-in votes, is the nominee of two or more political parties for the same office, such candidate shall designate in writing, under which political party designation he or she desires to be listed on the ballot. Such written notice shall be submitted to the county auditor within three days of the certification of the primary.~~))

In the event a candidate, as a result of write-in votes in the primary, is ((~~a nominee~~)) eligible to advance to the general election for two or more offices, the candidate shall notify the county auditor within three days of the primary certification, in writing, of the single office for which he or she desires to appear on the general election ballot. Any void in candidacy for other positions thus created will be handled as provided by law.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

WAC 434-230-060 Primary votes required for appearance on general election ballot. Following any ((~~nonpartisan~~)) primary, no candidate's name shall be entitled to appear on the general election ballot unless he or she receives the greatest or the next greatest number of votes for the office and additionally receives at least one percent of the total votes cast for the office.

((~~Following any partisan primary, no political party candidate's name shall be entitled to appear on the general election ballot unless he or she receives a plurality of votes cast for the candidates of his or her party for that office and additionally at least one percent of the total votes cast for the office. An independent candidate must receive one percent of~~))

the total votes cast for the office in the primary in order for his or her name to appear on the general election ballot.) The filing officer shall notify, in writing, all candidates who satisfy other requirements but who fail to meet the one percent requirement of the fact that their name will not appear on the general election ballot.

~~((In those charter counties where provision is made in the county charter for the qualification of minor party and independent candidates, the charter provisions shall apply if the candidates has chosen that method for ballot qualification.))~~

AMENDATORY SECTION (Amending WSR 04-15-089, filed 7/16/04, effective 8/16/04)

WAC 434-230-170 ~~((Electronic voting devices—))~~ **Ballot form.** Each office on the ballot shall be identified, along with a statement designating how many candidates are to be voted on for such office (e.g., vote for , with the words, "one," "two," or a spelled number). The office term shall be included on the ballot if such term is other than a full term (e.g., short/full term, two-year unexpired term, etc.). Each office shall be listed on the ballot in the manner prescribed by law or administrative rule. Following the office designation the names of all candidates for that position shall be listed ~~((together with political party designation certified by the secretary of state as provided in RCW 29A.36.010 or the word "nonpartisan," or "NP" as applicable)).~~ If the position is a partisan position, the party preference or independent status of each candidate shall be listed next to the candidate. The party preference must be listed exactly as provided by the candidate on the declaration of candidacy unless limited space on the ballot necessitates abbreviation or the party description provided is, in the opinion of the county auditor, obscene. If the office encompasses more than one county, the county auditor must coordinate the appearance of the ballot with other affected counties to achieve consistency. If the position is a nonpartisan position, the word "nonpartisan" or "NP" shall be listed next to each candidate. Each office listed on the ballot shall be separated by a bold line. In a year in which a President of the United States is to be elected, the names of all candidates for President and Vice-President for each party shall be grouped together. Each group shall be enclosed in brackets with one vote response position for each party, where the voter may indicate ~~((their))~~ his or her choice.

Candidate names and party preferences shall be printed in a type style and point size which is easily read. If a candidate's name or party preference exceeds the space provided, the election official shall take whatever steps necessary to place the name on the ballot in a manner which is readable. These steps may include using a smaller point size, a different type style, or setting the name in upper/lower case letters, rather than upper case, if appropriate.

For paper ballots, there shall be a box at either the left or right of the name of each candidate where the voter may indicate his or her choice.

Each position, with the candidates running for that office, shall be clearly delineated from the following one by a bold line. Following each listing of candidates shall be a blank space for writing in the name of any candidate, if

desired, on the ballot card, or a write-in space provided on the ballot envelope.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 434-230-210 Paper ballots—Ballot form.

AMENDATORY SECTION (Amending WSR 04-15-089, filed 7/16/04, effective 8/16/04)

WAC 434-261-020 Counting center—Political party observers. Counting center operations shall be observed by at least one representative from each major political party, if representatives have been appointed by the respective political parties and those representatives are present while the counting center is in operation.

Prior to the primary or election, the county auditor shall determine the number of observers required in order to observe all aspects of the counting center proceedings, and shall request, in writing, that each major political party appoint representatives to fill the requirements. Where more than one observer is to be appointed, the political party shall designate one of their observers as supervisor. Counting center observers shall be provided training with respect to ballot processing procedures and the vote tallying system as required by RCW 29A.12.120.

Before final assignment as observers, major political party representatives so appointed shall be reviewed by the county auditor, who may refuse to approve any person so appointed. In the event the auditor rejects a person designated, he or she shall promptly notify the political party concerned and request that a substitute observer be appointed, and shall ensure that the substitute observer is trained ~~((as provided in subsection (2) of this section))~~.

Representatives of the major political parties appointed as observers shall be identified by roster, including assigned observer stations if more than one in the counting center, and by identification tags which will indicate the observer's name and the party represented.

NEW SECTION

WAC 434-262-012 Partisan primaries. Pursuant to chapter 2, Laws of 2005, a partisan primary does not serve to determine the nominees of a political party but serves to winnow the number of candidates to a final list of two for the general election. The candidate who receives the highest number of votes and the candidate who receives the second highest number of votes at the primary election advance to the general election, regardless of the candidates' political party preference. The candidates also must receive at least one percent of the total votes cast for that office at the primary in order to advance to the general election.

Each voter may vote for any candidate listed on the ballot, regardless of the party preference of the candidates or the voter. Voters at the primary election are not choosing a political party's nominees.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

WAC 434-262-160 Write-in-voting—Voter intent. In all cases of write-in votes the canvassing board shall exercise all reasonable efforts to determine the voter's intent. (~~Write-in votes are to be counted where abbreviations are used for office, position, or political party.~~) In a general election, write-in votes are not to be counted for any person who filed for the same office as either a regular or write-in candidate at the preceding primary and failed to qualify for the general election. If a (~~write-in~~) declaration of candidacy has been filed pursuant to RCW 29A.24.311, the voter (~~need only~~) must write in (~~that~~) the candidate's name in order for the vote to be counted. If no declaration of (~~write-in~~) candidacy has been filed, the voter must write in the candidate's name (~~of the candidate, the political party, if applicable.~~) and, if the office and/or position number cannot be determined by the location of the write-in on the ballot, the office and position number, in order for the write-in vote to be counted.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 434-262-005 Authority and purpose.

AMENDATORY SECTION (Amending WSR 04-15-089, filed 7/16/04, effective 8/16/04)

WAC 434-381-120 Deadlines. (1) Candidate statements and photographs shall be submitted to the secretary of state:

(a) For candidates who filed during the regular filing period, within three business days after filing their declaration of candidacy;

(b) For candidates who filed during a special filing period, (~~or were selected by a political party pursuant to either RCW 29A.52.010 or 29A.24.140.~~) within three business days after the close of the special filing period (~~or selection by the party~~).

(2) For ballot measures, including initiatives, referendums, alternatives to initiatives to the legislature, and constitutional amendments, the following documents shall be filed with the secretary of state on or before the following deadlines:

(a) Appointments of the initial two members of committees to prepare arguments for and against measures:

(i) For an initiative to the people or referendum measure: Within ten business days after the submission of signed petitions to the secretary of state;

(ii) For an initiative to the legislature, with or without an alternative, constitutional amendment or referendum bill, within ten business days after the adjournment of the regular or special session at which the legislature approved or referred the measure to the ballot:

(b) Appointment of additional members of committees to prepare arguments for and against ballot measures, not later than the date the committee submits its initial argument to the secretary of state;

(c) Arguments for or against a ballot measure, no later than twenty calendar days following appointment of the initial committee members;

(d) Rebuttals of arguments for or against a ballot measure, by no later than fourteen calendar days following the transmittal of the final statement to the committees by the secretary. The secretary shall not transmit arguments to opposing committees for the purpose of rebuttals until both arguments are complete.

(3) If a ballot measure is the product of a special session of the legislature and the secretary of state determines that the deadlines set forth in subsection (2) of this section are impractical due to the timing of that special session, then the secretary of state may establish a schedule of deadlines unique to that measure.

(4) The deadlines stated in this rule are intended to promote the timely publication of the voters pamphlet. Nothing in this rule shall preclude the secretary of state from accepting a late filing when, in the secretary's judgment, it is reasonable to do so.

**WSR 05-11-102
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 05-99—Filed May 18, 2005, 10:17 a.m., effective May 18, 2005, 11:59 p.m.]

Effective Date of Rule: May 18, 2005, 11:59 p.m.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-25500S; and amending WAC 220-56-255.

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: Closure action is due to quotas projected to be taken. This regulation is necessary to implement federal rules on halibut seasons. The adoption of state rules is required to provide consistency to state and federal rules regarding halibut fishing. 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.

EMERGENCY

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: May 17, 2005.

B. J. Bjork
for Jeff Koenings
Director

NEW SECTION

WAC 220-56-25500T Halibut—Seasons—Daily and possession limits. (1) Notwithstanding the provisions of WAC 220-56-255, effective 11:59 p.m. May 18, 2005 until further notice it is unlawful to fish for or possess halibut taken for personal use except from the areas or in excess of the amounts provided for in this section:

(a) Catch Record Card Area 1 - Open until further notice. By-catch restriction: It is unlawful during any vessel trip to bring into port or land bottomfish except sablefish if the vessel has brought halibut into port or landed halibut.

(b) Catch Record Card Area 2:

(i) Those waters south of the Queets River, north of 47° N., and east of 124°40' W. - Open until further notice.

(ii) All other waters in Area 2 - Open 1 until further notice, except closed to fishing for halibut 12:01 a.m. of each Friday through 11:59 p.m. of each Saturday.

(c) Catch Record Card Area 5 - Open May 26 through July 31, 2005, except closed to fishing for halibut 12:01 a.m. of each Tuesday through 11:59 p.m. of each Wednesday.

(d) Catch Record Card Areas 6 through 11 and Catch Record Card Area 13 - Open through June 20, except closed 12:01 a.m. of each Tuesday through 11:59 p.m. of each Wednesday.

(2) Daily limit one halibut.

(3) The possession limit is two daily limits of halibut in any form, except the possession limit aboard the fishing vessel is one daily limit.

REPEALER

The following section of the Washington Administrative Code is repealed 11:59 p.m. May 18, 2005:

WAC 220-56-25500S Halibut—Seasons daily and possession limits

EMERGENCY

WSR 05-11-003
DEPARTMENT OF AGRICULTURE

[Filed May 4, 2005, 2:38 p.m.]

PUBLIC NOTICE FOR SPARTINA TREATMENT IN WESTERN WASHINGTON

LEGAL NOTICE: The Washington State Department of Agriculture (WSDA) Laboratory Services Division is hereby notifying the affected public that the herbicides glyphosate (Aquamaster®, Aquaneat®, or Rodeo®) and imazapyr (Habitat®), surfactants (R-11™, Agri-Dex™, Class Act Next Generation™, Competitor™, Dyne-Amic™, Kinetic™, or LI-700™) and marker dyes may be used to control invasive *Spartina* grass species between June 1, 2005, and October 31, 2005. Properly licensed pesticide applicators who have obtained coverage under the WSDA National Pollutant Discharge Elimination System Waste Discharge General Permit may apply glyphosate or imazapyr to control the noxious weed *Spartina* on the saltwater tideflats of Grays Harbor, Hood Canal, Willapa Bay, Puget Sound, and the north and west sides of the Olympic Peninsula.

Use of herbicides is one of the options used to control *Spartina*. These infestations may also be treated by mowing, digging, crushing, or covering.

For more information, including locations of possible application sites or information on *Spartina*, contact the WSDA Spartina Control Program at (360) 902-1923. Or write: WSDA Spartina Program, P.O. Box 42560, Olympia, WA 98504-2560. To contact the WSDA NPDES permit coordinator, call Brad White at (360) 902-2071. The Washington State Department of Ecology twenty-four hour emergency/spill response hotline is (425) 649-7000 (northwest region) or (360) 407-6300 (southwest region).

WSR 05-11-004

NOTICE OF PUBLIC MEETINGS

OFFICE OF THE

INTERAGENCY COMMITTEE

(Interagency Committee for Outdoor Recreation)

(Salmon Recovery Funding Board)

[Memorandum—May 3, 2005]

IAC REGULAR MEETING

May 11, 2005

2:30 p.m.

Gordy's Conference Rooms

13500 Interurban South

Tukwila, WA

IAC & SRFB JOINT MEETING

May 12, 2005

9:00 a.m.

Gordy's Conference Rooms

13500 Interurban South

Tukwila, WA

Next SRFB Meeting: **June 9 and 10, 2005**, Columbia Room, Legislative Building, Olympia, Washington.

Next IAC Meeting: **June 22, 2005**, (formal adoption of 6242), NRB Room 172, Olympia, Washington.

WSR 05-11-009

DEPARTMENT OF LABOR AND INDUSTRIES

[Filed May 5, 2005, 4:20 p.m.]

Notice of Prevailing Rate of Wage Change

As per RCW 39.12.015, 39.12.020 and WAC 296-127-011 the Department of Labor and Industries (L&I) has determined that the prevailing rate of wage published on February 1, 2005 (WSR 05-04-076) for the roofer classification in Clallam, Jefferson, King, Kitsap, Mason and Snohomish counties was incorrectly adjusted. For any public works contracts let on or after May 5, 2005, the prevailing rate of wage for this classification in these counties is as follows:

Prevailing Wage Category	Prevailing Wage	Overtime Code	Holiday Code	Note Code
Roofers - Journey Level	\$34.53	1R	5A	N/A
Roofers - Journey Level Using Irritable Bituminous Materials	\$37.53	1R	5A	N/A

L&I has determined that these changes are necessary to correct an error that was made in adjusting these wages. Absent these changes, L&I will be enforcing incorrect prevailing wages, which irreparably harms contractors, workers and the people of the state of Washington. Contractors rely on L&I's determination of prevailing wages, and they will be adversely impacted by utilizing incorrect prevailing wage rates to complete their contract with an awarding agency. These incorrect wages do not afford contractors the necessary certainty in bidding projects and in the wages that they pay their workers.

The establishment of wages that are inaccurate not only adversely impacts potential public works contracts, but also may lead to distrust in the established wages leading to the erosion of local wage standards. This erosion has the potential of an economic harm to the general public and workers, which L&I is responsible for protecting. The director has determined that the readjustments to these wages are necessary to ensure for the correct application of prevailing wages and the general welfare and shall take effect immediately upon publication.

For more information on prevailing wage please visit our web site at www.lni.wa.gov/prevailingwage or call (360) 902-5335.

Josh Swanson
 Industrial Statistician

MISC.

**WSR 05-11-010
NOTICE OF PUBLIC MEETINGS
COMMUNITY COLLEGES
OF SPOKANE**

[Memorandum—May 2, 2005]

Revised Schedule of Meetings for 2005

Pursuant to RCW 42.30.075, please accept for filing the following revised schedule of meetings for the board of trustees of Washington State Community College District 17 for calendar year 2005. Please note the location for the **May 17, 2005**, meeting has been changed.

Should you have questions regarding this memo, or the schedule, please contact Christine Pearl, Executive Assistant to the Chancellor/CEO and Liaison to the Board of Trustees, at (509) 434-5006.

**BOARD OF TRUSTEES
WASHINGTON COMMUNITY COLLEGE DISTRICT 17
SCHEDULE OF MEETINGS**

Notice is hereby given, pursuant to RCW 42.30.075, that the regular meetings of the board of trustees of Washington State Community College District 17 (Community Colleges of Spokane) during calendar year 2005 shall be held at 8:30 a.m. on the following dates (*generally held on third Tuesdays*) and in the following locations:

Date	Location	Address
January 18, 2005 (3rd Tuesday)	Max Snyder Building	East and West Board Rooms 2000 North Greene Street Spokane, WA
February 8, 2005 (2nd Tuesday)	SFCC	The Falls Conference Room Administration Building 3410 West Fort George Wright Drive Spokane, WA
March 15, 2005 (3rd Tuesday)	SCC	Lair Littlefoot Room 1810 North Greene Street Spokane, WA
April 19, 2005 (3rd Tuesday)	Max Snyder Building	East and West Board Rooms 2000 North Greene Street Spokane, WA
May 17, 2005 (3rd Tuesday)	SFCC	The Falls Conference Room Administration Building 3410 West Fort George Wright Drive Spokane, WA
June 21, 2005 (3rd Tuesday)	Max Snyder Building	East and West Board Rooms 2000 North Greene Street Spokane, WA
July 19, 2005 (3rd Tuesday)	Max Snyder Building	East and West Board Rooms 2000 North Greene Street Spokane, WA
August 16, 2005 (3rd Tuesday)	Max Snyder Building	East and West Board Rooms 2000 North Greene Street Spokane, WA
September 20, 2005 (3rd Tuesday)	SCC	Lair Littlefoot Room 1810 North Greene Street Spokane, WA
October 18, 2005 (3rd Tuesday)	IEL	Hillyard Center 4410 North Market Street Spokane, WA

Date	Location	Address
November 15, 2005 (3rd Tuesday)	SFCC	The Falls Conference Room Administration Building 3410 West Fort George Wright Drive Spokane, WA
December 20, 2005 (3rd Tuesday)	Max Snyder Building	East and West Board Rooms 2000 North Greene Street Spokane, WA

WSR 05-11-013

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Boarding Home Advisory Board)

[Memorandum—May 9, 2005]

The Boarding Home Advisory Board, established under RCW 18.20.260, is scheduled to meet from 9:00 a.m. to noon in the Blake Office Park East Building, 4500 10th Avenue S.E., Lacey, on the following dates:

- July 7, 2005
- September 1, 2005
- December 1, 2005

The meetings will be held in the Rose Room.

If you have any questions, need directions or a parking permit for the meeting, please contact Mr. Denny D. McKee at (360) 725-2590 or e-mail mckeedd@dshs.wa.gov.

WSR 05-11-014

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Adult Family Home Advisory Committee)**

[Memorandum—May 9, 2005]

The Adult Family Home Advisory Committee, established under RCW 17.128.225, is scheduled to meet from 9:00 a.m. to noon in the Blake Office Park East Building, 4500 10th Avenue S.E., Lacey, on the following dates:

- May 26, 2005
- August 11, 2005
- November 10, 2005

The meetings will be held in the Rose Room.

If you have any questions, need directions or a parking permit for the meeting, please contact Mr. Roger A. Woodside at (360) 725-3204 or e-mail woodsra@dshs.wa.gov.

MISC.

WSR 05-11-018
NOTICE OF PUBLIC MEETINGS
WORKFORCE TRAINING AND
EDUCATION COORDINATING BOARD

[Memorandum—May 6, 2005]

Following are the details for an upcoming Participant Outcomes Data Consortium (PODC) meeting. The PODC is composed of representatives from the State Board for Community and Technical Colleges, Office of Superintendent of Public Instruction, Workforce Training and Education Coordinating Board, and Employment Security.

June 22, 2005, 1:30 to 4:30 p.m., at Workforce Training and Education Coordinating Board, Main Conference Room, 128 10th Avenue S.W., 6th Floor, Olympia.

Agenda: Splitting costs; upcoming matches; WRIS pilot.

WSR 05-11-029
ATTORNEY GENERAL'S OFFICE

[Filed May 10, 2005, 2:57 p.m.]

NOTICE OF REQUEST FOR ATTORNEY GENERAL'S OPINION
WASHINGTON ATTORNEY GENERAL

The Washington Attorney General issues formal published opinions in response to requests by the heads of state agencies, state legislators, and county prosecuting attorneys. When it appears that individuals outside the Attorney General's Office have information or expertise that will assist in the preparation of a particular opinion, a summary of that opinion request will be published in the state register. If you are interested in commenting on a request listed in this volume of the register, you should notify the Attorney General's Office of your interest by June 8, 2005. This is the due date by which comments must be received. However, if you do not notify the Attorney General's Office of your interest in commenting on an opinion request by this date, the opinion may be issued before your comments have been received. You may notify the Attorney General's Office of your intention to comment by calling (360) 664-3027, or by writing to the Solicitor General, Office of the Attorney General, P.O. Box 40100, Olympia, WA 98504-0100. When you notify the office of your intention to comment, you will be provided with a copy of the opinion request in which you are interested; information about the Attorney General's Opinion process; information on how to submit your comments; and a due date by which your comments must be received to ensure that they are fully considered.

The Attorney General's Office seeks public input on the following opinion request(s).

05-05-01 Request by Eileen Cody
State Representative, 34th District

1. Does RCW 19.68 prohibit a referring physician licensed to practice in Washington from charging a patient or insurer for diagnostic or screening services performed or supervised by a pathologist on that patient's tissue specimen an amount greater than the

pathologist charged the referring physician for those services - where the pathologist is neither employed nor supervised by the referring physician?

2. Does RCW 19.68 prohibit a referring physician licensed to practice in Washington from sending a bill to a patient or insurer for diagnostic or screening services performed or supervised by an independently practicing pathologist on that patient's tissue specimen - even if the referring physician does not mark up the charges of the pathologist?

WSR 05-11-035
NOTICE OF PUBLIC MEETINGS
COUNTY ROAD
ADMINISTRATION BOARD

[Memorandum—May 11, 2005]

MEETING NOTICE: July 28, 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: July 29, 2005
 County Road Administration Board
 2404 Chandler Court S.W.
 Suite 240
 Olympia, WA 98504
 8:30 a.m. - noon

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.

WSR 05-11-039
OFFICE OF THE
INSURANCE COMMISSIONER

[Filed May 11, 2005, 4:31 p.m.]

TECHNICAL ASSISTANCE ADVISORY
T 2005-05

TO: All Health Carriers
SUBJECT: The Anti-Discrimination Provision of RCW 48.43.035(1) as Applied to Carriers that Offer Health Benefit Plans to Associations, Trusts, and Member Governed Groups
DATE: May 11, 2005

The Office of the Insurance Commissioner (OIC) is issuing this technical assistance advisory (TAA) to assist carriers in complying with RCW 48.43.035(1) as it applies to offering health benefit plans to groups such as associations, trusts, and

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member governed groups (hereinafter collectively referred to as association(s)).

RCW 48.43.035(1) states: "All health carriers shall accept for enrollment any state resident within the group to who the plan is offered and within the carrier's service area and provide or assure the provision of all covered services regardless of age, sex, family structure, ethnicity, race, health condition, geographic location, employment status, socioeconomic status, other condition or situation, or the provisions of RCW 49.60.174(2)." This statute is sometimes referred to as an antidiscrimination provision. It prohibits discrimination not only against individual health plan participants, but also against members of an association.

As applied to associations, the "group to whom the plan is offered" in RCW 48.43.035(1) is the association. Pursuant to this statute, a health carrier may not discriminate against any state resident within the association. For example, each Washington resident within the association must be offered any product that is offered to other Washington residents in the association. For associations composed of employer-members, each Washington employer within the group must have the same opportunity as other Washington employer-members to select from all the health plans offered to any other member in the association. Discrimination among employer-members, including discrimination based on the number of employees of the member, is prohibited under RCW 48.43.035(1). This interpretation of a carrier's obligations has been the position of the OIC and was recently affirmed by the Thurston County Superior Court in *Regence Blueshield v. State of Washington, Office of Insurance Commissioner*, Case No. 04-2-01761-8. This interpretation is also consistent with the exemption of association group health plans from small group requirements pursuant to RCW 48.21.047, 48.44.024 and 48.46.068. For such plans, carriers must follow large group requirements, which include nondiscriminatory treatment of all Washington residents in the group.

Carriers should review their association plans for compliance with RCW 48.43.035 and this TAA. Discrimination in the offering of association plans will be subject to examination by the OIC. If carriers have questions about bringing their plans into compliance or other questions concerning this TAA, please contact Donna Dorris, Healthcare Manager, Rates and Forms Division, at (360) 725-7119 or Donnad@oic.wa.gov.

WSR 05-11-040
NOTICE OF PUBLIC MEETINGS
EVERETT COMMUNITY COLLEGE
 [Memorandum—May 12, 2005]

NOTIFICATION OF SPECIAL MEETING
BOARD OF TRUSTEES
EVERETT COMMUNITY COLLEGE
BOARD MEETING
MAY 11, 2005

The board of trustees of Everett Community College will move their regular scheduled meeting from 5:00 p.m. - 8:00 p.m. to a new start time of 3:30 p.m. - 5:30 p.m.

WSR 05-11-047

NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE
 [Memorandum—May 13, 2005]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College will be held on Thursday, May 26, 2005, 9:00 - 11:00 a.m., in the College Services Board Room on the Bellingham Technical College campus. Call 752-8334 for information.

WSR 05-11-053
NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON UNIVERSITY
 [Memorandum—May 16, 2005]

BOARD OF TRUSTEES
May 20, 2005

Open Public Board Meeting	7:30 a.m.	TAW 215
Executive Session	7:35 a.m.	TAW 202
Committee of the Whole	8:30 a.m.	TAW 215
Executive Session	12:30 p.m.	PUB 261
Open Public Board Meeting	1:30 p.m.	TAW 215

Eastern Washington University strives to satisfy all requests for special access needs for persons with disabilities. Requests for such accommodation are welcome and may be made by calling the president's office, (509) 359-6598.

WSR 05-11-062
INTERPRETIVE AND POLICY STATEMENT
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed May 17, 2005, 10:16 a.m.]

In accordance with RCW 34.05.230(12), following is a list of the policy and interpretive statements issued by the department for January - May 2005.

If you have any questions or need additional information, please call Carmen Moore at (360) 902-4206.

POLICY AND INTERPRETIVE STATEMENTS

WISHA

WISHA Regional Directive (WRD) 7.05, "Powered Industrial Truck Training in Longshoring & Marine Terminals"

WISHA Regional Directive (WRD) 7.05, "Powered Industrial Truck Training in Longshoring & Marine Terminals," which provides guidance for all WISHA enforcement and consultation activities involving power industrial truck (PIT) operator training in the longshoring and marine terminal industries, has been updated to change WAC references that were no longer valid because of the recently revised power industrial truck standard. This WRD, which will remain in effect indefinitely, replaces the original WRD 7.05,

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issued December 28, 2000. This policy was issued April 23, 2005.

Contact Marcia Benn, Mailstop 44648, phone (360) 902-5503.

WISHA Regional Directive (WRD) 2.05, "Initiating Inspections"

WISHA Regional Directive (WRD) 2.05, "Initiating Inspections," provides guidance to WISHA enforcement staff initiating inspections for any reason. It supplements the policies found in the WISHA compliance manual and replaces all other instructions on this issue, whether formal or informal; it is substantively identical to the original WRD 2.05, issued on July 30, 2003, which it replaces and rescinds. This policy was issued April 10, 2005.

Contact Marcia Benn, Mailstop 44648, phone (360) 902-5503.

WISHA Interim Operations Memorandum (WIM) 98-1-M, "Guarding of Metal Lathes"

WISHA Interim Operations Memorandum (WIM) 98-1-M, "Guarding of Metal Lathes," which provided guidance to WISHA enforcement and consultation staff regarding the identification of and protection against hazards encountered with the guarding of metal lathes, has been rescinded. This issue is now addressed in the new machine safety rule, chapter 296-806 WAC, effective January 1, 2005.

Contact Marcia Benn, Mailstop 44648, phone (360) 902-5503.

WISHA Regional Directive (WRD) 79-30, "WAC 296-24-15001(5) and WAC 296-24-205 - Equipment Guarding in Isolated Locations"

WISHA Regional Directive (WRD) 79-30, "WAC 296-24-15001(5) and 296-24-205 - Equipment Guarding in Isolated Locations," which provided guidance to WISHA enforcement and consultation staff in the appropriate application of rules involving the guarding of fan blades and mechanical power transmission apparatus in isolated locations, has been rescinded. This issue is now addressed in the new machine safety rule, effective January 1, 2005.

Contact Marcia Benn, Mailstop 44648, phone (360) 902-5503.

WISHA Regional Directive (WRD) "79-54, WAC 296-24-18003(4) Work Rests on Abrasive Wheel Machinery"

WISHA Regional Directive (WRD) 79-54, "WAC 296-24-18003(4)," which provided guidance to WISHA enforcement and consultation staff regarding evaluating the use of work rests on offhand grinding machines, has been rescinded. This issue is now addressed in the new machine safety rule, chapter 296-806 WAC, effective January 1, 2005.

Contact Marcia Benn, Mailstop 44648, phone (360) 902-5503.

WISHA Regional Directive (WRD) "81-14A, WAC 296-24-15001 (3)(b), Awareness Barriers Installed on Metal Cutting Shears"

WISHA Regional Directive (WRD) 81-14A, "WAC 296-24-15001 (3)(b)[,]" which provided guidance to WISHA enforcement and consultation staff when inspecting awareness barrier safeguards installed on metal cutting shears, has

been rescinded. This issue is now addressed in the new machine safety rule, chapter 296-806 WAC, effective January 1, 2005.

Contact Marcia Benn, Mailstop 44648, phone (360) 902-5503.

WISHA Regional Directive (WRD) 83-2, "Refuse Collection and Compaction Equipment as used in Industry"

WISHA Regional Directive (WRD) 83-2, "Refuse Collection and Compaction Equipment as used in Industry," which provided guidance to WISHA enforcement and consultation staff when inspecting industrial refuse collection and compaction equipment, has been rescinded. This issue is now addressed in the new machine safety rule, chapter 296-806 WAC, effective January 1, 2005.

Contact Marcia Benn, Mailstop 44648, phone (360) 902-5503.

WISHA Interim Operations Memorandum (WIM) 97-2-I, "Vertical Food Mixers in Bakeries and Other Establishments"

WISHA Interim Operations Memorandum (WIM) 97-2-I, "Vertical Food Mixers in Bakeries and Other Establishments," which provided guidance to WISHA enforcement and consultation staff regarding the appropriate application of point-of-operation guarding standards in relation to vertical food mixers, has been rescinded. This issue is now addressed in the new machine safety rule, chapter 296-806 WAC, effective January 1, 2005.

Contact Marcia Benn, Mailstop 44648, phone (360) 902-5503.

WISHA Interim Operations Memorandum 98-1-J, "Certification of Fish Dock Cranes"

WISHA Interim Operations Memorandum 98-1-J, "Certification of Fish Dock Cranes,["] which provided two-blocking devices on limited capacity, shop-built, fish-dock cranes, has been rescinded. The issue is covered in chapter 296-56 WAC, longshore, stevedore and related waterfront operations. This policy was issued March 23, 2005.

Contact Marcia Benn, Mailstop 44648, phone (360) 902-5503.

WISHA Regional Directive (WRD) "84-11, Fall Protection in General Industry"

WISHA Regional Directive (WRD) ["]84-11, Fall Protection in General Industry," which provided guidance to WISHA enforcement and consultation staff when evaluating the applicability of WAC 296-24-75007 (1) and (3) and 296-24-07501 (1)(a) regarding employees exposed to falling hazards while performing various tasks including maintenance from elevated surfaces, has been rescinded. This issue is addressed in the core rules under WAC 296-800-26010, effective October 1, 2002. This policy was repealed October 1, 2002.

Contact Marcia Benn, Mailstop 44648, phone (360) 902-5503.

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WISHA Regional Directive (WRD) "91-9A, WAC 296-24-110, the Control of Hazardous Energy (Lockout/Tagout) Inspection Procedures and Interpretive Guidance"

WISHA Regional Directive (WRD) 91-9A, "WAC 296-24-110, the Control of Hazardous Energy (Lockout/Tagout) Inspection Procedures and Interpretive Guidance," which provided guidance to WISHA enforcement and consultation staff in regard to the appropriate application of the lockout/tagout standard, has been rescinded. It has been incorporated in to the new lockout/tagout standard, chapter 296-803 WAC, effective November 1, 2004. This policy was repealed November 1, 2004.

Contact Marcia Benn, Mailstop 44648, phone (360) 902-5503.

WISHA Regional Directive (WRD) 30.20, "Scaffold and the Fall Protection Work Plan"

WISHA Regional Directive (WRD) 30.20, "Scaffold and the Fall Protection Work Plan," which remains in effect indefinitely, provides guidance to consultation and enforcement staff, regarding the appropriate application of the fall protection work plan requirements in relation to scaffolds. It replaces and rescinds WISHA Interim Operations Memorandum 99-1-E. This policy was issued March 21, 2005.

Contact Marcia Benn, Mailstop 44648, phone (360) 902-5503.

WISHA Regional Directive (WRD) 5.05[,] "Violence in the Workplace"

WISHA Regional Directive (WRD) 5.05, "Violence in the Workplace," which will remain in effect indefinitely, applies whenever WISHA consultation or enforcement staff encounter hazards related to violence in the workplace. This directive provides guidance to WISHA staff in applying *existing* standards to issues of workplace violence. It does not (and, indeed, cannot) create any obligations for employers not found in existing WAC standards. It replaces the original WRD 5.05, issued September 25, 1997. This policy was issued March 17, 2005.

Contact Marcia Benn, Mailstop 44648, phone (360) 902-5503.

WISHA Regional Directive (WRD) 22.20, "Rental Cranes and Maritime Crane Certification["]

WISHA Regional Directive (WRD) 22.20, "Rental Cranes and Maritime Crane Certification," applies to all WISHA enforcement and consultation activities (as well as to maritime crane certifiers) involved in the certification of cranes and derricks under the requirements of chapters 296-56 and 296-304 WAC. It replaces and rescinds WISHA Interim Operations Memorandum 98-1-K. This new policy was issued February 24, 2005.

Contact Marcia Benn, Mailstop 44648, phone (360) 902-5503.

WISHA Regional Directive (WRD) 27.25, "Operating Dump Trucks in Reverse["]

WISHA Regional Directive (WRD) 27.25, "Operating Dump Trucks in Reverse," which provides guidance to WISHA enforcement and consultation staff initiating inspections on construction sites where dump trucks are operating, was updated to reflect the permanent adoption of the dump

truck operating-in-reverse rule. It replaces the original WRD 27.25, issued May 12, 2004. This policy was amended February 23, 2005.

Contact Marcia Benn, Mailstop 44648, phone (360) 902-5503.

WISHA Regional Directive (WRD) 19.05, "Overview of Explosives Inspection Activities["]

WISHA Regional Directive (WRD) 19.05, "Overview of Explosives Inspection Activities," which remains in effect indefinitely, provides guidance to regional managers, safety compliance supervisors and explosives inspectors in the scheduling and conduct of explosives inspections. It replaces and rescinds WISHA Interim Operations Memorandum 98-5-E. This new policy was issued February 18, 2005.

Contact Marcia Benn, Mailstop 44648, phone (360) 902-5503.

WISHA Regional Directive (WRD) 19.15, "Inspection Procedures Unique to Explosives Inspections["]

WISHA Regional Directive (WRD) 19.15, "Inspection Procedures Unique to Explosives Inspections," which remains in effect indefinitely, provides regional managers, safety compliance supervisors and explosives inspectors appropriate guidance regarding inspection procedures unique to enforcement of the Explosives Act. It replaces and rescinds WISHA Interim Operations Memorandum 98-5-F. This new policy was issued February 18, 2005.

Contact Marcia Benn, Mailstop 44648, phone (360) 902-5503.

WISHA Regional Directive (WRD) 19.20, "Explosives Magazine Licensing Inspection Procedures["]

WISHA Regional Directive (WRD) 19.20, "Explosives Magazine Licensing Inspection Procedures," which remains in effect indefinitely, provides guidance to regional managers, safety compliance supervisors and explosives inspectors in the scheduling and conduct of explosives magazine inspections. It replaces and rescinds WISHA Interim Operations Memorandum 98-5-G. This new policy was issued February 18, 2005.

Contact Marcia Benn, Mailstop 44648, phone (360) 902-5503.

WISHA Regional Directive (WRD) 32.35, "Firefighter Station Work Uniforms and Other Clothing["]

WISHA Regional Directive (WRD) 32.35, "Firefighter Station Work Uniforms and Other Clothing," which remains in effect indefinitely, applies to WISHA enforcement and consultation activities involving WAC 296-305-2001 (firefighter PPE & protective clothing). It is substantively identical to WISHA Interim Operations Memorandum (WIOM) 97-2-J, issued on February 28, 1997, which it replaces and rescinds. This new policy was issued April 27, 2005.

Contact Marcia Benn, Mailstop 44648, phone (360) 902-5503.

WISHA Regional Directive (WRD) 21.55, "Boatbuilding Under chapter 296-304 WAC["]

WISHA Regional Directive (WRD) 21.55, "Boatbuilding Under chapter 296-304 WAC," provides guidance to WISHA enforcement and consultation staff, whenever they

encounter boatbuilding activities. It will remain in effect until rescinded, and it is intended to remain in effect until at least August 1, 2005. This new policy was issued March 8, 2005.

Contact Marcia Benn, Mailstop 44648, phone (360) 902-5503.

WISHA Regional Directive (WRD) 27.95, "Underground Diesel-Powered Equipment["]

WISHA Regional Directive (WRD) 27.95, "Underground Diesel-Powered Equipment," which will remain in effect indefinitely, applies to all WISHA enforcement and consultation activities involving WAC 296-155-730 (15)(k)(iii) (that provides for application to be made to the "mining/explosives" section of the department "for permission to use specified diesel equipment in a specified underground area."), part of the underground construction standard (Part Q of chapter 296-155 WAC). This new policy was issued March 29, 2005.

Contact Marcia Benn, Mailstop 44648, phone (360) 902-5503.

WISHA Regional Directive (WRD) 29.65, "Fixed Ladders Used in Emergency Situations["]

WISHA Regional Directive (WRD) 29.65, "Fixed Ladders Used in Emergency Situations," which will remain in effect indefinitely, provides guidance to WISHA enforcement staff initiating inspections for any reason (with regard to the requirements of WAC 296-24-810 - fall prevention devices for fixed ladders not applying to those ladders used only as an egress for emergency personnel or escape means for employees in fire or other emergency situations). The policy is substantively identical to the original WRD 83-15, issued November 28, 1983, which it replaces and rescinds. This new policy was issued March 21, 2005.

Contact Marcia Benn, Mailstop 44648, phone (360) 902-5503.

WISHA Regional Directive (WRD) 30.20, "Scaffold and the Fall Protection Work Plan["]

WISHA Regional Directive (WRD) 30.20, "Scaffold and the Fall Protection Work Plan," which remains in effect indefinitely and gives guidance to consultation and enforcement staff, regarding the appropriate application of the fall protection work plan requirements in relation to scaffolds was reissued to clarify Section A under Enforcement and Consultation Protocols. "...WISHA staff must not cite violation of the fall protection work plan..." The phrase "of the fall protection work plan" was added. It replaces the original WRD 30.20 issued March 21, 2005. This policy was amended April 4, 2005.

Contact Marcia Benn, Mailstop 44648, phone (360) 902-5503.

WISHA Regional Directive (WRD) 33.27, "Cholinesterase Depression["]

WISHA Regional Directive (WRD) 33.27, "Cholinesterase Depression," provides guidance to WISHA consultation and enforcement staff regarding follow-up data collection for a reported significant cholinesterase depression under the cholinesterase monitoring rule for agriculture (WAC 296-

307-148). It replaces the original WRD 33.27, issued April 19, 2004. This policy was amended July 12, 2004.

Contact Marcia Benn, Mailstop 44648, phone (360) 902-5503.

WISHA Interim Operations Memorandum (WIM) 97-4-D, "Consultation Assessment of Safety and Health Programs["]

WISHA Interim Operations Memorandum (WIM) 97-4-D, "Consultation Assessment of Safety and Health Programs," which provided guidance to WISHA consultation staff regarding the completion of the appropriate forms depending on employer size, has been rescinded. This issue is addressed in the consultation manual issued June 28, 2002. This policy was repealed June 28, 2002.

Contact Marcia Benn, Mailstop 44648, phone (360) 902-5503.

Insurance Services

Employer Services

POLICY 63.70 Revoked Accounts with Current Employees

The department has finalized INTERIM Policy 63.70. This policy provides department staff with guidelines needed when notified that an employer with a revoked certificate of coverage has workers. This policy was amended May 16, 2005.

Contact Valerie Grimm, Mailstop 4208, phone (360) 902-5005.

POLICY 63.71 Account Open - No Hours Will be Reported

The department has finalized INTERIM Policy 63.71. This policy provides department staff with guidelines needed when an account is opened for a construction contractor but no hours will be reported. This policy was amended May 16, 2005.

Contact Valerie Grimm, Mailstop 4208, phone (360) 902-5005.

POLICY 64.05 Amended Quarterly Reports - Audit Referrals

This policy was updated for clarity. This policy applies when an account manager receives amended quarterly reports from an employer, if not assigned to a revenue officer in collections. This policy was amended May 16, 2005.

Contact Valerie Grimm, Mailstop 4208, phone (360) 902-5005.

POLICY 64.61 Creating a Refund

This policy was updated for clarity. The policy provides guidelines for account managers to use when they receive a request from a business for a refund of their industrial insurance premium. This policy was amended May 16, 2005.

Contact Valerie Grimm, Mailstop 4208, phone (360) 902-5005.

POLICY 64.63 Reviewing Employee Adjustments of Account Balances

This policy was updated for clarity. The policy provides guidelines for reviewing employee adjustments of employer account balances. This policy was amended May 16, 2005.

Contact Valerie Grimm, Mailstop 4208, phone (360) 902-5005.

POLICY 66.01 Processing "Hot" Claims

This policy was deleted because the content does not meet the definition of a policy. This policy was repealed May 16, 2005.

Contact Valerie Grimm, Mailstop 4208, phone (360) 902-5005.

POLICY 91.80 Award Notices - Receiving, Processing and Mailing

This policy was deleted because the content is obsolete. This policy was repealed May 16, 2005.

Contact Valerie Grimm, Mailstop 4208, phone (360) 902-5005.

POLICY 91.81 Request for Release Forms - Receiving, Processing and Mailing

This policy was deleted because the content is obsolete. This policy was repealed May 16, 2005.

Contact Valerie Grimm, Mailstop 4208, phone (360) 902-5005.

Carmen Moore
Rules Coordinator

For further information, please contact Patty Dickason, Interagency Committee for Outdoor Recreation (IAC), (360) 902-3012.

The IAC schedules all public meetings at barrier free sites. Persons who need special assistance, such as large type materials, may contact Patty Dickason at the number listed above or by e-mail at pattyd@iac.wa.gov.

WSR 05-11-066

**INTERPRETIVE AND POLICY STATEMENT
HORSE RACING COMMISSION**

[Filed May 17, 2005, 2:43 p.m.]

In accordance with Revised Code of Washington the Washington Horse Racing Commission (WHRC) is submitting a list of the following interpretive/policy statements for publication in the Washington State Register.

- 2002-01 Equine Testing
- 2003-01 Financial Responsibility
- 2004-05 Licensing
- 2005-01 Denial of License Application - Temporary and Conditional Licenses
- 2005-02 Physician's Written Statement

All other previously published interpretive/policy statements are no longer valid.

Copies of these interpretive/policy statements can also be obtained on the agency web site 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. Leichner
Executive Secretary

WSR 05-11-064

**NOTICE OF PUBLIC MEETINGS
SOUTH PUGET SOUND
COMMUNITY COLLEGE**

[Memorandum—May 13, 2005]

To ensure a quorum, the South Puget Sound Community College board of trustees has changed their regular meeting in June. The date changed from Thursday, June 9, 2005, to Thursday, June 16, 2005, 3:00 p.m., in Building 25-Boardroom on the campus of South Puget Sound Community College.

If you have any questions, please contact Diana Toledo at 596-5206.

WSR 05-11-065

**NOTICE OF PUBLIC MEETINGS
OFFICE OF THE
INTERAGENCY COMMITTEE**

(Biodiversity Council)
[Memorandum—May 16, 2005]

The next public meeting of the Biodiversity Council (Executive Order 04-02) will be Tuesday, June 14, 2005, from 9:00 a.m. to 4:00 p.m. at the Nisqually National Wildlife Refuge, 100 Brown Farm Road, Olympia.

WSR 05-11-070

**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed May 17, 2005, 4:23 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 05-28 MAA.

Subject: Supplemental payments for qualified trauma cases: Reduction in the enhancement percentage for physician-related services.

Effective Date: May 9, 2005.

Document Description: [No information supplied by agency.]

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Office of Rules and Publications, 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 web site <http://maa.dshs.wa.gov/download/>

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publicationsfees.htm (click on "Numbered Memos," "Year 2005"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail salmobl@dshs.wa.gov.

May 13, 2005
Barbara L. Salmon
for Ann Myers, Manager
Rules and Publications Section

WSR 05-11-097
NOTICE OF PUBLIC MEETINGS
SKAGIT VALLEY COLLEGE
[Memorandum—May 12, 2005]

At the May 10, 2005, board of trustees meeting, the following dates were approved by the trustees for the July 2005-June 2006 meeting schedule. Unless otherwise noted, all meetings will be held at the Mount Vernon Campus and will begin at 4:30 p.m.

July 2005-June 2006 Board Meeting Dates	Location
Tuesday, July 12, 2005	MV Board Room
Tuesday, September 13, 2005	MV Board Room
Tuesday, October 11, 2005	MV Board Room
Tuesday, November 8, 2005	MV Board Room
Tuesday, December 13, 2005	MV Board Room
Tuesday, January 10, 2006	MV Board Room
Tuesday, February 14, 2006	MV Board Room
Tuesday, March 14, 2006	MV Board Room
Tuesday, April 11, 2006	MV Board Room
Tuesday, May 9, 2006	Whidbey Island Campus 1900 S.E. Pioneer Way Oak Harbor
Thursday, June 8, 2006 - 11:00 a.m.	San Juan Center 221 Weber Way Friday Harbor

WSR 05-11-106
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed May 18, 2005, 11:05 a.m.]

**NOTICE OF CHANGES TO STATE OF WASHINGTON
NURSING FACILITY MEDICAID PAYMENT RATE METHODOLOGY**

The 2005 state legislature has passed changes to the method for determining facility-specific, per resident day Medicaid payment rates for nursing facility care in Washington. Unless otherwise indicated the changes are effective July 1, 2005. This notice includes a justification, description, and estimated rate impact of the changes.

Please address any comments or questions concerning the changes to Edward H. Southon, Department of Social and Health Services, Aging and Disability Services Administration, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2472, fax (360) 493-9484. Comments should be

submitted within fourteen days after appearance of this notice.

JUSTIFICATION

The changes are mandated by the 2005 Washington state legislature in sections 206, 209, and 1109 of ESSB 6090, the State Operating Budget Appropriations Act. ESSB 6090 was passed by the house of representatives and senate on April 24, 2005, and signed by the governor on May 17, 2005.

**NEW RATES AND PROPOSED CHANGES
TO RATE METHODOLOGY**

In combination with a variety of other factors, including changes in the allowed costs of care, the methodological changes are estimated to result in a statewide average nursing facility Medicaid payment rate of \$149.14 per resident day, at a maximum, for the state fiscal year 2006, running from July 1, 2005, to June 30, 2006, and \$153.50 for fiscal year 2007, running from July 1, 2006, to June 30, 2007.

These figures include adjustments for economic trends and conditions applied to the direct care, therapy care, support services and operations component rates established in accordance with chapter 74.46 RCW for all nursing facilities. The adjustment effective July 1, 2005, is an increase of 1.3%. The adjustment effective July 1, 2006, is also an increase of 1.3%.

The figure of \$149.14 per resident day for state fiscal year 2006 represents an increase of \$1.03 per resident day over the average facility rate of \$148.11, at a maximum, as of June 30, 2005.

Section 209, subsection (6), of ESSB 6090 provides \$6,000,000 for supplemental payments to nursing homes operated by public hospital districts in the biennium including state fiscal years 2006 and 2007. These payments are supplemental to payments calculated in accordance with part E of chapter 74.46 RCW. Costs to improve access to health-care at nursing homes operated by public hospital districts shall not be disallowed solely because such costs were paid by revenues retained by the nursing homes from these supplemental payments.

Section 1109 of ESSB 6090 amends section 209, chapter 276, Laws of 2004, to clarify the legislature's intent that: (1) Funds provided for payments to nursing homes operated by public hospital districts in state fiscal years 2004 and 2005 were supplemental to payments calculated in accordance with part E of chapter 74.46 RCW; and (2) costs to improve access to health-care at such nursing homes otherwise allowable under chapter 74.46 RCW should not be disallowed solely because such costs were paid by revenues retained by the nursing homes from these supplemental payments. This amendment is retroactively effective to July 1, 2003.



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 #
3-20-300	REP-P	05-05-100	16-218-040	NEW	05-07-150	16-239-076	REP	05-11-058
3-20-300	REP-W	05-07-126	16-228-1010	PREP	05-11-034	16-239-077	REP-P	05-07-120
3-20-300	REP-P	05-07-127	16-229-010	AMD	05-05-036	16-239-077	REP	05-11-058
3-20-300	REP	05-11-046	16-230-860	PREP-W	05-06-097	16-239-078	REP-P	05-07-120
3-20-390	NEW-P	05-05-100	16-237-195	AMD	05-07-080	16-239-078	REP	05-11-058
3-20-390	NEW-W	05-07-126	16-239	PREP	05-04-078	16-239-079	REP-P	05-07-120
3-20-390	NEW-P	05-07-127	16-239-010	REP-P	05-07-120	16-239-079	REP	05-11-058
3-20-390	NEW	05-11-046	16-239-010	REP	05-11-058	16-239-080	REP-P	05-07-120
3-20-400	NEW-P	05-05-100	16-239-020	REP-P	05-07-120	16-239-080	REP	05-11-058
3-20-400	NEW-W	05-07-126	16-239-020	REP	05-11-058	16-239-0801	REP-P	05-07-120
3-20-400	NEW-P	05-07-127	16-239-030	REP-P	05-07-120	16-239-0801	REP	05-11-058
3-20-400	NEW	05-11-046	16-239-030	REP	05-11-058	16-239-0802	REP-P	05-07-120
3-20-410	NEW-P	05-05-100	16-239-040	REP-P	05-07-120	16-239-0802	REP	05-11-058
3-20-410	NEW-W	05-07-126	16-239-040	REP	05-11-058	16-239-0803	REP-P	05-07-120
3-20-410	NEW-P	05-07-127	16-239-050	REP-P	05-07-120	16-239-0803	REP	05-11-058
4-25-530	PREP	05-02-051	16-239-050	REP	05-11-058	16-239-0804	REP-P	05-07-120
4-25-530	AMD-P	05-06-038	16-239-060	REP-P	05-07-120	16-239-0804	REP	05-11-058
4-25-530	AMD	05-10-046	16-239-060	REP	05-11-058	16-239-0805	REP-P	05-07-120
10-20-010	NEW	05-03-003	16-239-061	REP-P	05-07-120	16-239-0805	REP	05-11-058
10-20-020	NEW	05-03-003	16-239-061	REP	05-11-058	16-239-0806	REP-P	05-07-120
10-20-030	NEW	05-03-003	16-239-062	REP-P	05-07-120	16-239-0806	REP	05-11-058
16-54	PREP	05-07-051	16-239-062	REP	05-11-058	16-239-0807	REP-P	05-07-120
16-54	PREP	05-11-093	16-239-063	REP-P	05-07-120	16-239-0807	REP	05-11-058
16-54-030	AMD-E	05-10-040	16-239-063	REP	05-11-058	16-239-0808	REP-P	05-07-120
16-54-082	AMD-E	05-07-050	16-239-064	REP-P	05-07-120	16-239-0808	REP	05-11-058
16-54-082	PREP	05-07-051	16-239-064	REP	05-11-058	16-239-0809	REP-P	05-07-120
16-54-082	AMD-E	05-10-025	16-239-065	REP-P	05-07-120	16-239-0809	REP	05-11-058
16-54-082	AMD-P	05-11-094	16-239-065	REP	05-11-058	16-239-0810	REP-P	05-07-120
16-218-010	REP-P	05-04-111	16-239-070	REP-P	05-07-120	16-239-0810	REP	05-11-058
16-218-010	REP	05-07-150	16-239-070	REP	05-11-058	16-239-0811	REP-P	05-07-120
16-218-015	NEW-P	05-04-111	16-239-071	REP-P	05-07-120	16-239-0811	REP	05-11-058
16-218-015	NEW	05-07-150	16-239-071	REP	05-11-058	16-239-0812	REP-P	05-07-120
16-218-02001	REP-P	05-04-111	16-239-072	REP-P	05-07-120	16-239-0812	REP	05-11-058
16-218-02001	REP	05-07-150	16-239-072	REP	05-11-058	16-239-0813	REP-P	05-07-120
16-218-025	NEW-P	05-04-111	16-239-073	REP-P	05-07-120	16-239-0813	REP	05-11-058
16-218-025	NEW	05-07-150	16-239-073	REP	05-11-058	16-239-090	REP-P	05-07-120
16-218-030	REP-P	05-04-111	16-239-074	REP-P	05-07-120	16-239-090	REP	05-11-058
16-218-030	REP	05-07-150	16-239-074	REP	05-11-058	16-239-0901	REP-P	05-07-120
16-218-035	NEW-P	05-04-111	16-239-075	REP-P	05-07-120	16-239-0901	REP	05-11-058
16-218-035	NEW	05-07-150	16-239-075	REP	05-11-058	16-239-0902	REP-P	05-07-120
16-218-040	NEW-P	05-04-111	16-239-076	REP-P	05-07-120	16-239-0902	REP	05-11-058

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16-239-0903	REP	05-11-058	16-240-080	NEW-P	05-07-120	16-409	AMD	05-10-092
16-239-0904	REP-P	05-07-120	16-240-080	NEW	05-11-058	16-409-005	NEW-X	05-06-102
16-239-0904	REP	05-11-058	16-240-090	NEW-P	05-07-120	16-409-005	NEW	05-10-092
16-239-0905	REP-P	05-07-120	16-240-090	NEW	05-11-058	16-409-015	AMD-X	05-06-102
16-239-0905	REP	05-11-058	16-303-020	PREP	05-05-050	16-409-015	AMD	05-10-092
16-239-0906	REP-P	05-07-120	16-303-020	AMD-P	05-08-142	16-409-020	AMD-X	05-06-102
16-239-0906	REP	05-11-058	16-303-200	PREP	05-05-050	16-409-020	AMD	05-10-092
16-239-0907	REP-P	05-07-120	16-303-200	AMD-P	05-08-142	16-409-022	NEW-X	05-06-102
16-239-0907	REP	05-11-058	16-303-210	PREP	05-05-050	16-409-022	NEW	05-10-092
16-239-0908	REP-P	05-07-120	16-303-210	AMD-P	05-08-142	16-409-024	NEW-X	05-06-102
16-239-0908	REP	05-11-058	16-303-250	PREP	05-05-050	16-409-024	NEW	05-10-092
16-239-0909	REP-P	05-07-120	16-303-250	AMD-P	05-08-142	16-409-026	NEW-X	05-06-102
16-239-0909	REP	05-11-058	16-303-310	PREP	05-05-050	16-409-026	NEW	05-10-092
16-239-0910	REP-P	05-07-120	16-303-310	AMD-P	05-08-142	16-409-030	AMD-X	05-06-102
16-239-0910	REP	05-11-058	16-303-320	PREP	05-05-050	16-409-030	AMD	05-10-092
16-239-0911	REP-P	05-07-120	16-303-320	AMD-P	05-08-142	16-409-035	AMD-X	05-06-102
16-239-0911	REP	05-11-058	16-303-340	AMD	05-05-052	16-409-035	AMD	05-10-092
16-239-0912	REP-P	05-07-120	16-319-001	REP	05-05-051	16-409-060	REP-X	05-06-102
16-239-0912	REP	05-11-058	16-319-002	REP	05-05-051	16-409-060	REP	05-10-092
16-239-100	REP-P	05-07-120	16-319-003	REP	05-05-051	16-409-065	AMD-X	05-06-102
16-239-100	REP	05-11-058	16-319-004	REP	05-05-051	16-409-065	AMD	05-10-092
16-239-1010	REP-P	05-07-120	16-319-006	REP	05-05-051	16-409-070	AMD-X	05-06-102
16-239-1010	REP	05-11-058	16-319-007	REP	05-05-051	16-409-070	AMD	05-10-092
16-239-1020	REP-P	05-07-120	16-319-041	AMD	05-05-051	16-409-075	REP-X	05-06-102
16-239-1020	REP	05-11-058	16-350-035	AMD	05-03-042	16-409-075	REP	05-10-092
16-239-1030	REP-P	05-07-120	16-390	PREP	05-04-077	16-409-085	REP-X	05-06-102
16-239-1030	REP	05-11-058	16-390-020	AMD-P	05-07-155	16-409-085	REP	05-10-092
16-240	PREP	05-04-078	16-390-030	AMD-P	05-07-155	16-414	AMD-X	05-07-154
16-240-010	NEW-P	05-07-120	16-390-150	AMD-P	05-07-155	16-414-005	NEW-X	05-07-154
16-240-010	NEW	05-11-058	16-390-220	AMD-P	05-07-155	16-414-010	AMD-X	05-07-154
16-240-020	NEW-P	05-07-120	16-401	PREP	05-06-110	16-414-011	NEW-X	05-07-154
16-240-020	NEW	05-11-058	16-401-027	AMD-P	05-09-092	16-414-012	NEW-X	05-07-154
16-240-030	NEW-P	05-07-120	16-401-032	AMD-P	05-09-092	16-414-014	NEW-X	05-07-154
16-240-030	NEW	05-11-058	16-401-041	AMD-P	05-09-092	16-414-015	REP-X	05-07-154
16-240-032	NEW-P	05-07-120	16-404-001	REP-X	05-06-100	16-414-016	NEW-X	05-07-154
16-240-032	NEW	05-11-058	16-404-001	REP	05-10-091	16-414-020	AMD-X	05-07-154
16-240-034	NEW-P	05-07-120	16-404-010	REP-X	05-06-100	16-414-030	REP-X	05-07-154
16-240-034	NEW	05-11-058	16-404-010	REP	05-10-091	16-414-040	REP-X	05-07-154
16-240-036	NEW-P	05-07-120	16-404-020	REP-X	05-06-100	16-414-045	NEW-X	05-07-154
16-240-036	NEW	05-11-058	16-404-020	REP	05-10-091	16-414-050	REP-X	05-07-154
16-240-038	NEW-P	05-07-120	16-404-030	REP-X	05-06-100	16-414-060	REP-X	05-07-154
16-240-038	NEW	05-11-058	16-404-030	REP	05-10-091	16-414-065	NEW-X	05-07-154
16-240-040	NEW-P	05-07-120	16-404-040	REP-X	05-06-100	16-414-070	REP-X	05-07-154
16-240-040	NEW	05-11-058	16-404-040	REP	05-10-091	16-414-080	REP-X	05-07-154
16-240-042	NEW-P	05-07-120	16-404-050	REP-X	05-06-100	16-414-085	AMD-X	05-07-154
16-240-042	NEW	05-11-058	16-404-050	REP	05-10-091	16-414-086	NEW-X	05-07-154
16-240-044	NEW-P	05-07-120	16-404-060	REP-X	05-06-100	16-414-090	AMD-X	05-07-154
16-240-044	NEW	05-11-058	16-404-060	REP	05-10-091	16-414-095	REP-X	05-07-154
16-240-046	NEW-P	05-07-120	16-404-070	REP-X	05-06-100	16-414-100	REP-X	05-07-154
16-240-046	NEW	05-11-058	16-404-070	REP	05-10-091	16-414-105	NEW-X	05-07-154
16-240-048	NEW-P	05-07-120	16-406	AMD-X	05-07-153	16-414-107	NEW-X	05-07-154
16-240-048	NEW	05-11-058	16-406-005	NEW-X	05-07-153	16-414-108	NEW-X	05-07-154
16-240-050	NEW-P	05-07-120	16-406-010	NEW-X	05-07-153	16-414-110	AMD-X	05-07-154
16-240-050	NEW	05-11-058	16-406-012	NEW-X	05-07-153	16-414-120	AMD-X	05-07-154
16-240-052	NEW-P	05-07-120	16-406-015	NEW-X	05-07-153	16-414-125	NEW-X	05-07-154
16-240-052	NEW	05-11-058	16-406-020	AMD-X	05-07-153	16-414-130	REP-X	05-07-154
16-240-054	NEW-P	05-07-120	16-406-025	AMD-X	05-07-153	16-414-145	NEW-X	05-07-154
16-240-054	NEW	05-11-058	16-406-030	AMD-X	05-07-153	16-414-155	NEW-X	05-07-154
16-240-060	NEW-P	05-07-120	16-406-040	REP-X	05-07-153	16-445	AMD-X	05-06-101
16-240-060	NEW	05-11-058	16-406-050	REP-X	05-07-153	16-445	AMD	05-10-093
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16-445-015	NEW-X	05-06-101	16-470-917	AMD-P	05-09-093	16-561-060	AMD-W	05-07-111
16-445-015	NEW	05-10-093	16-470-920	PREP	05-06-109	16-623-001	AMD-P	05-06-112
16-445-025	NEW-X	05-06-101	16-470-921	PREP	05-06-109	16-623-001	AMD	05-09-094
16-445-025	NEW	05-10-093	16-501-525	NEW-P	05-05-098	16-623-005	NEW-P	05-06-112
16-445-040	AMD-X	05-06-101	16-501-525	NEW	05-08-078	16-623-005	NEW	05-09-094
16-445-040	AMD	05-10-093	16-529-005	NEW	05-08-010	16-623-010	AMD-P	05-06-112
16-445-045	NEW-X	05-06-101	16-529-006	NEW	05-08-010	16-623-010	AMD	05-09-094
16-445-045	NEW	05-10-093	16-529-010	AMD	05-08-010	16-623-015	NEW-P	05-06-112
16-445-050	REP-X	05-06-101	16-529-030	AMD	05-08-010	16-623-015	NEW	05-09-094
16-445-050	REP	05-10-093	16-529-040	AMD	05-08-010	16-623-020	AMD-P	05-06-112
16-445-060	AMD-X	05-06-101	16-529-050	AMD	05-08-010	16-623-020	AMD	05-09-094
16-445-060	AMD	05-10-093	16-529-060	AMD	05-08-010	16-623-030	AMD-P	05-06-112
16-445-070	AMD-X	05-06-101	16-529-070	AMD	05-08-010	16-623-030	AMD	05-09-094
16-445-070	AMD	05-10-093	16-529-080	AMD	05-08-010	16-623-040	AMD-P	05-06-112
16-445-080	REP-X	05-06-101	16-529-100	AMD	05-08-010	16-623-040	AMD	05-09-094
16-445-080	REP	05-10-093	16-529-110	AMD	05-08-010	16-623-050	AMD-P	05-06-112
16-445-090	REP-X	05-06-101	16-529-120	AMD	05-08-010	16-623-050	AMD	05-09-094
16-445-090	REP	05-10-093	16-529-130	REP	05-08-010	16-623-060	AMD-P	05-06-112
16-448-130	REP-X	05-06-099	16-529-150	AMD	05-08-010	16-623-060	AMD	05-09-094
16-448-130	REP	05-10-090	16-529-160	AMD	05-08-010	16-662-100	AMD-X	05-06-111
16-448-135	REP-X	05-06-099	16-529-190	AMD	05-08-010	16-662-100	AMD	05-10-088
16-448-135	REP	05-10-090	16-529-200	AMD	05-08-010	16-662-105	AMD-X	05-06-111
16-448-140	REP-X	05-06-099	16-529-300	AMD	05-08-010	16-662-105	AMD	05-10-088
16-448-140	REP	05-10-090	16-532	PREP	05-04-073	16-662-110	AMD-X	05-06-111
16-448-145	REP-X	05-06-099	16-532-010	AMD-P	05-07-114	16-662-110	AMD	05-10-088
16-448-145	REP	05-10-090	16-532-010	AMD-W	05-08-079	16-662-115	AMD-X	05-06-111
16-448-150	REP-X	05-06-099	16-532-010	AMD-P	05-08-103	16-662-115	AMD	05-10-088
16-448-150	REP	05-10-090	16-532-020	AMD-P	05-07-114	16-662-120	NEW-X	05-06-111
16-448-155	REP-X	05-06-099	16-532-020	AMD-W	05-08-079	16-662-120	NEW	05-10-088
16-448-155	REP	05-10-090	16-532-020	AMD-P	05-08-103	16-662-125	NEW-X	05-06-111
16-448-160	REP-X	05-06-099	16-532-040	AMD-P	05-07-114	16-662-125	NEW	05-10-088
16-448-160	REP	05-10-090	16-532-040	AMD-W	05-08-079	16-730-005	NEW-E	05-03-032
16-448-165	REP-X	05-06-099	16-532-040	AMD-P	05-08-103	16-730-005	NEW-E	05-11-028
16-448-165	REP	05-10-090	16-532-065	REP-P	05-07-114	16-730-005	NEW-P	05-11-098
16-448-170	REP-X	05-06-099	16-532-065	REP-W	05-08-079	16-730-007	NEW-E	05-11-028
16-448-170	REP	05-10-090	16-532-065	REP-P	05-08-103	16-730-007	NEW-P	05-11-098
16-448-175	REP-X	05-06-099	16-532-103	NEW-P	05-07-113	16-730-010	NEW-E	05-03-032
16-448-175	REP	05-10-090	16-532-103	NEW-W	05-08-081	16-730-010	NEW-E	05-11-028
16-448-180	REP-X	05-06-099	16-532-103	NEW-P	05-08-104	16-730-010	NEW-P	05-11-098
16-448-180	REP	05-10-090	16-532-105	NEW-P	05-07-113	16-730-015	NEW-E	05-03-032
16-448-185	REP-X	05-06-099	16-532-105	NEW-W	05-08-081	16-730-015	NEW-E	05-11-028
16-448-185	REP	05-10-090	16-532-105	NEW-P	05-08-104	16-730-015	NEW-P	05-11-098
16-448-190	REP-X	05-06-099	16-532-110	AMD-P	05-07-112	16-730-020	NEW-E	05-03-032
16-448-190	REP	05-10-090	16-532-110	AMD-W	05-08-080	16-730-020	NEW-E	05-11-028
16-448-195	REP-X	05-06-099	16-532-110	AMD-P	05-08-102	16-730-020	NEW-P	05-11-098
16-448-195	REP	05-10-090	16-532-115	NEW-P	05-07-112	16-730-025	NEW-E	05-03-032
16-448-200	REP-X	05-06-099	16-532-115	NEW-W	05-08-080	16-730-025	NEW-E	05-11-028
16-448-200	REP	05-10-090	16-532-115	NEW-P	05-08-102	16-730-025	NEW-P	05-11-098
16-470-103	AMD-P	05-05-099	16-540-005	NEW	05-09-013	16-730-030	NEW-E	05-03-032
16-470-103	AMD	05-09-005	16-540-006	NEW	05-09-013	16-730-030	NEW-E	05-11-028
16-470-105	AMD-P	05-05-099	16-540-010	AMD	05-09-013	16-730-030	NEW-P	05-11-098
16-470-105	AMD	05-09-005	16-540-020	AMD	05-09-013	16-730-035	NEW-E	05-03-032
16-470-900	PREP	05-06-109	16-540-030	REP	05-09-013	16-730-035	NEW-E	05-11-028
16-470-900	AMD-P	05-09-093	16-540-040	AMD	05-09-013	16-730-035	NEW-P	05-11-098
16-470-905	PREP	05-06-109	16-540-060	AMD	05-09-013	16-730-040	NEW-E	05-03-032
16-470-910	PREP	05-06-109	16-540-070	REP	05-09-013	16-730-040	NEW-E	05-11-028
16-470-911	PREP	05-06-109	16-561-005	NEW-W	05-07-111	16-730-040	NEW-P	05-11-098
16-470-912	PREP	05-06-109	16-561-006	NEW-W	05-07-111	16-730-045	NEW-E	05-03-032
16-470-912	AMD-P	05-09-093	16-561-010	AMD-W	05-07-111	16-730-045	NEW-E	05-11-028
16-470-915	PREP	05-06-109	16-561-020	AMD-W	05-07-111	16-730-045	NEW-P	05-11-098
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16-730-050	NEW-P	05-11-098	67-25-255	AMD-P	05-03-116	67-25-444	AMD-P	05-03-116
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173-333-410	NEW-P	05-11-095	173-505-010	NEW-P	05-05-094	180- 46-055	AMD-P	05-04-017
173-333-420	NEW-P	05-11-095	173-505-020	NEW-P	05-05-094	180- 46-055	AMD	05-08-013
173-333-430	NEW-P	05-11-095	173-505-030	NEW-P	05-05-094	180- 46-065	REP-P	05-04-017
173-350-100	AMD-S	05-03-018	173-505-040	NEW-P	05-05-094	180- 46-065	REP	05-08-013
173-350-100	AMD	05-11-033	173-505-050	NEW-P	05-05-094	180- 51-035	AMD-E	05-08-011
173-400-030	AMD	05-03-033	173-505-060	NEW-P	05-05-094	180- 51-035	AMD-P	05-08-012
173-400-035	AMD-W	05-09-051	173-505-070	NEW-P	05-05-094	180- 51-035	AMD-C	05-10-011
173-400-040	AMD	05-03-033	173-505-080	NEW-P	05-05-094	180- 55-005	AMD-P	05-04-075
173-400-050	AMD	05-03-033	173-505-090	NEW-P	05-05-094	180- 55-005	AMD	05-08-015
173-400-060	AMD	05-03-033	173-505-100	NEW-P	05-05-094	180- 55-015	AMD-P	05-04-075
173-400-070	AMD	05-03-033	173-505-110	NEW-P	05-05-094	180- 55-015	AMD	05-08-015
173-400-075	AMD	05-03-033	173-505-120	NEW-P	05-05-094	180- 55-017	NEW-P	05-04-075
173-400-099	AMD	05-03-033	173-505-130	NEW-P	05-05-094	180- 55-017	NEW	05-08-015
173-400-100	AMD	05-03-033	173-505-140	NEW-P	05-05-094	180- 55-034	REP	05-04-016

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180- 78A-100	AMD	05-04-056	192- 35-100	NEW	05-02-094	199- 08-435	NEW	05-07-045
180- 78A-100	AMD-P	05-08-037	192- 35-110	NEW	05-02-094	199- 08-440	NEW	05-07-045
180- 78A-100	AMD-E	05-08-049	192- 35-120	NEW	05-02-094	199- 08-445	NEW	05-07-045
180- 78A-100	AMD-C	05-10-012	192-110-015	AMD-E	05-03-011	199- 08-450	NEW	05-07-045
180- 78A-319	AMD-P	05-08-038	192-110-015	AMD-E	05-11-017	199- 08-455	NEW	05-07-045
180- 78A-319	AMD-P	05-10-019	192-110-017	NEW-E	05-03-011	199- 08-460	NEW	05-07-045
180- 78A-505	AMD-P	05-08-039	192-110-017	NEW-E	05-11-017	199- 08-465	NEW	05-07-045
180- 78A-505	AMD-C	05-10-020	192-150-112	NEW-P	05-07-144	199- 08-470	NEW	05-07-045
180- 78A-535	AMD-P	05-08-040	192-150-113	NEW-P	05-07-144	199- 08-475	NEW	05-07-045
180- 78A-535	AMD-E	05-08-048	192-170-060	NEW-E	05-03-011	199- 08-480	NEW	05-07-045
180- 78A-535	AMD-C	05-10-013	192-170-060	NEW-P	05-07-144	199- 08-485	NEW	05-07-045
180- 79A-011	AMD-P	05-08-043	192-170-060	NEW-E	05-11-017	199- 08-490	NEW	05-07-045
180- 79A-011	AMD-C	05-10-018	192-180-013	NEW-E	05-03-011	199- 08-495	NEW	05-07-045
180- 79A-030	AMD	05-04-055	192-180-013	NEW-E	05-11-017	199- 08-500	NEW	05-07-045
180- 79A-123	AMD-P	05-08-042	192-180-014	NEW-P	05-07-144	199- 08-505	NEW	05-07-045
180- 79A-123	AMD-E	05-08-051	192-300-050	AMD-E	05-03-011	199- 08-510	NEW	05-07-045
180- 79A-123	AMD-C	05-10-014	192-300-050	AMD-E	05-11-017	199- 08-515	NEW	05-07-045
180- 79A-130	AMD-P	05-08-035	192-310-010	AMD-E	05-11-017	199- 08-520	NEW	05-07-045
180- 79A-130	AMD-E	05-08-052	192-310-030	AMD-E	05-03-011	199- 08-525	NEW	05-07-045
180- 79A-130	AMD-C	05-10-015	192-310-030	AMD-E	05-11-017	199- 08-535	NEW-W	05-07-079
180- 79A-145	AMD-P	05-08-041	192-320-005	NEW-E	05-03-011	199- 08-540	NEW	05-07-045
180- 79A-145	AMD-E	05-08-050	192-320-005	NEW-E	05-11-017	199- 08-545	NEW	05-07-045
180- 79A-145	AMD-C	05-10-016	192-320-010	NEW-E	05-03-011	199- 08-550	NEW	05-07-045
180- 79A-250	AMD-P	05-08-036	192-320-010	NEW-E	05-11-017	199- 08-555	NEW	05-07-045
180- 79A-250	AMD-E	05-08-053	192-320-020	NEW-E	05-03-011	199- 08-565	NEW	05-07-045
180- 79A-250	AMD-C	05-10-017	192-320-020	NEW-E	05-11-017	199- 08-570	NEW	05-07-045
180- 79A-257	AMD	05-04-054	192-320-050	AMD-E	05-11-017	199- 08-580	NEW	05-07-045
180- 82-105	AMD-P	05-04-015	192-320-051	NEW-E	05-11-017	204- 41	PREP	05-08-115
180- 82-105	AMD-W	05-08-069	192-320-060	REP-E	05-11-017	204- 50	PREP	05-08-116
180- 85-025	AMD-P	05-08-047	196- 25-002	AMD-P	05-07-142	208-680A-040	AMD	05-03-038
180- 85-025	AMD-C	05-10-023	196- 25-040	AMD-P	05-07-142	208-680E-025	NEW	05-03-038
180- 85-033	AMD-P	05-08-046	199- 08-300	NEW	05-07-045	208-680F-020	AMD	05-03-038
180- 85-033	AMD-C	05-10-022	199- 08-305	NEW	05-07-045	208-680G-050	AMD	05-03-037
180- 85-034	NEW-P	05-08-044	199- 08-310	NEW	05-07-045	212- 17-025	AMD-P	05-07-102
180- 85-034	NEW-C	05-10-021	199- 08-315	NEW	05-07-045	212- 17-030	AMD-P	05-07-102
180- 85-075	AMD-P	05-08-045	199- 08-320	NEW	05-07-045	212- 17-032	NEW-P	05-07-102
180- 85-075	AMD-C	05-10-010	199- 08-325	NEW	05-07-045	212- 17-035	AMD-P	05-07-102
181- 01-004	NEW	05-04-024	199- 08-330	NEW	05-07-045	212- 17-040	AMD-P	05-07-102
182- 08-120	AMD-W	05-02-060	199- 08-335	NEW	05-07-045	212- 17-042	NEW-P	05-07-102
182- 12-115	AMD-E	05-10-083	199- 08-340	NEW	05-07-045	212- 17-050	AMD-P	05-07-102
182- 16-040	AMD-W	05-02-060	199- 08-345	NEW	05-07-045	212- 17-055	AMD-P	05-07-102
182- 16-040	PREP	05-07-158	199- 08-350	NEW	05-07-045	212- 17-060	AMD-P	05-07-102
182- 16-050	AMD-W	05-02-060	199- 08-355	NEW	05-07-045	212- 17-070	AMD-P	05-07-102
182- 16-050	PREP	05-07-158	199- 08-360	NEW	05-07-045	212- 17-085	AMD-P	05-07-102
192- 32-010	REP-X	05-07-143	199- 08-365	NEW	05-07-045	212- 17-125	AMD-P	05-07-102
192- 32-035	REP-X	05-07-143	199- 08-370	NEW	05-07-045	212- 17-170	AMD-P	05-07-102
192- 32-050	REP-X	05-07-143	199- 08-375	NEW	05-07-045	212- 17-185	AMD-P	05-07-102
192- 32-085	REP-X	05-07-143	199- 08-380	NEW	05-07-045	212- 17-198	AMD-P	05-07-102
192- 32-095	REP-X	05-07-143	199- 08-385	NEW	05-07-045	212- 17-21503	AMD-P	05-07-102
192- 32-100	REP-X	05-07-143	199- 08-390	NEW	05-07-045	212- 17-21505	AMD-P	05-07-102
192- 32-115	REP-X	05-07-143	199- 08-395	NEW	05-07-045	212- 17-21507	AMD-P	05-07-102
192- 32-130	REP-X	05-07-143	199- 08-400	NEW	05-07-045	212- 17-21509	AMD-P	05-07-102
192- 32-135	REP-X	05-07-143	199- 08-405	NEW-W	05-07-079	212- 17-21511	AMD-P	05-07-102
192- 35-010	NEW	05-02-094	199- 08-410	NEW-W	05-07-079	212- 17-21513	AMD-P	05-07-102
192- 35-020	NEW	05-02-094	199- 08-415	NEW-W	05-07-079	212- 17-21515	AMD-P	05-07-102
192- 35-030	NEW	05-02-094	199- 08-420	NEW-W	05-07-079	212- 17-21517	AMD-P	05-07-102
192- 35-040	NEW	05-02-094	199- 08-425	NEW	05-07-045	212- 17-21519	AMD-P	05-07-102
192- 35-050	NEW	05-02-094	199- 08-426	NEW-W	05-07-079	212- 17-220	AMD-P	05-07-102
192- 35-060	NEW	05-02-094	199- 08-427	NEW-W	05-07-079	212- 17-230	AMD-P	05-07-102
192- 35-070	NEW	05-02-094	199- 08-428	NEW-W	05-07-079	212- 17-235	AMD-P	05-07-102
192- 35-080	NEW	05-02-094	199- 08-429	NEW-W	05-07-079	212- 17-250	AMD-P	05-07-102
192- 35-090	NEW	05-02-094	199- 08-430	NEW	05-07-045	212- 17-255	AMD-P	05-07-102

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212- 17-260	AMD-P	05-07-102	212- 80-025	DECOD	05-05-006	212- 80-118	RECOD	05-05-006
212- 17-265	REP-P	05-07-102	212- 80-028	RECOD	05-05-006	212- 80-120	AMD	05-05-006
212- 17-270	AMD-P	05-07-102	212- 80-028	AMD-P	05-11-107	212- 80-120	DECOD	05-05-006
212- 17-275	AMD-P	05-07-102	212- 80-030	AMD	05-05-006	212- 80-123	RECOD	05-05-006
212- 17-280	AMD-P	05-07-102	212- 80-030	DECOD	05-05-006	212- 80-125	AMD	05-05-006
212- 17-285	AMD-P	05-07-102	212- 80-033	RECOD	05-05-006	212- 80-125	DECOD	05-05-006
212- 17-290	AMD-P	05-07-102	212- 80-035	AMD	05-05-006	212- 80-128	RECOD	05-05-006
212- 17-295	AMD-P	05-07-102	212- 80-035	DECOD	05-05-006	212- 80-130	AMD	05-05-006
212- 17-300	AMD-P	05-07-102	212- 80-038	RECOD	05-05-006	212- 80-130	DECOD	05-05-006
212- 17-310	AMD-P	05-07-102	212- 80-038	AMD-P	05-11-107	212- 80-133	NEW-P	05-11-107
212- 17-317	AMD-P	05-07-102	212- 80-040	AMD	05-05-006	212- 80-135	AMD	05-05-006
212- 17-335	AMD-P	05-07-102	212- 80-040	DECOD	05-05-006	212- 80-135	DECOD	05-05-006
212- 17-342	NEW-P	05-07-102	212- 80-043	RECOD	05-05-006	212- 80-138	NEW-P	05-11-107
212- 17-345	AMD-P	05-07-102	212- 80-043	AMD-P	05-11-107	212- 80-140	NEW-P	05-11-107
212- 17-350	AMD-P	05-07-102	212- 80-045	AMD	05-05-006	212- 80-145	NEW-P	05-11-107
212- 17-352	AMD-P	05-07-102	212- 80-045	DECOD	05-05-006	212- 80-150	NEW-P	05-11-107
212- 17-355	AMD-P	05-07-102	212- 80-048	NEW	05-05-006	212- 80-155	NEW-P	05-11-107
212- 17-360	AMD-P	05-07-102	212- 80-050	AMD	05-05-006	212- 80-160	NEW-P	05-11-107
212- 17-365	NEW-P	05-07-102	212- 80-050	DECOD	05-05-006	212- 80-165	NEW-P	05-11-107
212- 17-370	NEW-P	05-07-102	212- 80-053	RECOD	05-05-006	212- 80-170	NEW-P	05-11-107
212- 17-375	NEW-P	05-07-102	212- 80-053	AMD-P	05-11-107	212- 80-175	NEW-P	05-11-107
212- 17-380	NEW-P	05-07-102	212- 80-055	AMD	05-05-006	212- 80-180	NEW-P	05-11-107
212- 17-385	NEW-P	05-07-102	212- 80-055	DECOD	05-05-006	212- 80-185	NEW-P	05-11-107
212- 17-390	NEW-P	05-07-102	212- 80-058	RECOD	05-05-006	212- 80-188	NEW-P	05-11-107
212- 17-395	NEW-P	05-07-102	212- 80-060	AMD	05-05-006	212- 80-190	NEW-P	05-11-107
212- 17-400	NEW-P	05-07-102	212- 80-060	DECOD	05-05-006	212- 80-195	NEW-P	05-11-107
212- 17-405	NEW-P	05-07-102	212- 80-063	RECOD	05-05-006	212- 80-200	RECOD	05-05-006
212- 17-410	NEW-P	05-07-102	212- 80-065	AMD	05-05-006	212- 80-200	AMD-P	05-11-107
212- 17-415	NEW-P	05-07-102	212- 80-065	DECOD	05-05-006	212- 80-205	RECOD	05-05-006
212- 17-420	NEW-P	05-07-102	212- 80-068	RECOD	05-05-006	212- 80-205	AMD-P	05-11-107
212- 17-425	NEW-P	05-07-102	212- 80-070	AMD	05-05-006	212- 80-210	NEW	05-05-006
212- 17-430	NEW-P	05-07-102	212- 80-070	DECOD	05-05-006	212- 80-215	NEW	05-05-006
212- 17-435	NEW-P	05-07-102	212- 80-073	RECOD	05-05-006	212- 80-220	NEW	05-05-006
212- 17-440	NEW-P	05-07-102	212- 80-075	AMD	05-05-006	212- 80-225	NEW	05-05-006
212- 17-445	NEW-P	05-07-102	212- 80-075	DECOD	05-05-006	212- 80-230	NEW	05-05-006
212- 17-450	NEW-P	05-07-102	212- 80-078	RECOD	05-05-006	212- 80-235	NEW	05-05-006
212- 17-455	NEW-P	05-07-102	212- 80-078	AMD-P	05-11-107	212- 80-240	NEW	05-05-006
212- 17-460	NEW-P	05-07-102	212- 80-080	AMD	05-05-006	212- 80-245	NEW	05-05-006
212- 17-465	NEW-P	05-07-102	212- 80-080	DECOD	05-05-006	212- 80-250	NEW	05-05-006
212- 17-470	NEW-P	05-07-102	212- 80-083	RECOD	05-05-006	212- 80-255	NEW	05-05-006
212- 17-475	NEW-P	05-07-102	212- 80-083	AMD-P	05-11-107	212- 80-260	NEW	05-05-006
212- 17-480	NEW-P	05-07-102	212- 80-085	AMD	05-05-006	212- 80-265	NEW	05-05-006
212- 17-485	NEW-P	05-07-102	212- 80-085	DECOD	05-05-006	212- 80-265	AMD-P	05-11-107
212- 17-490	NEW-P	05-07-102	212- 80-088	RECOD	05-05-006	220- 16-470	AMD-X	05-10-107
212- 17-495	NEW-P	05-07-102	212- 80-090	AMD	05-05-006	220- 16-47000C	NEW-E	05-10-042
212- 17-500	NEW-P	05-07-102	212- 80-090	DECOD	05-05-006	220- 16-820	NEW	05-09-009
212- 17-505	NEW-P	05-07-102	212- 80-093	RECOD	05-05-006	220- 16-830	NEW	05-09-009
212- 17-510	NEW-P	05-07-102	212- 80-093	AMD-P	05-11-107	220- 16-840	NEW	05-09-009
212- 17-515	NEW-P	05-07-102	212- 80-095	AMD	05-05-006	220- 16-850	NEW	05-09-009
212- 17-900	AMD-P	05-07-102	212- 80-095	DECOD	05-05-006	220- 16-860	NEW	05-09-009
212- 80	PREP	05-07-101	212- 80-098	RECOD	05-05-006	220- 16-870	NEW	05-09-009
212- 80-001	AMD	05-05-006	212- 80-100	DECOD	05-05-006	220- 20-010	AMD-P	05-03-117
212- 80-005	AMD	05-05-006	212- 80-103	RECOD	05-05-006	220- 20-010	AMD	05-08-056
212- 80-010	AMD	05-05-006	212- 80-105	AMD	05-05-006	220- 20-05100A	REP-E	05-03-013
212- 80-010	AMD-P	05-11-107	212- 80-105	DECOD	05-05-006	220- 20-05100B	NEW-E	05-03-013
212- 80-015	AMD	05-05-006	212- 80-108	RECOD	05-05-006	220- 20-05100B	REP-E	05-03-013
212- 80-015	AMD-P	05-11-107	212- 80-110	AMD	05-05-006	220- 20-100	AMD	05-09-009
212- 80-018	NEW	05-05-006	212- 80-110	DECOD	05-05-006	220- 24-04000U	NEW-E	05-10-051
212- 80-018	AMD-P	05-11-107	212- 80-113	RECOD	05-05-006	220- 32-05100G	REP-E	05-04-068
212- 80-020	AMD-P	05-11-107	212- 80-113	AMD-P	05-11-107	220- 32-05100H	NEW-E	05-03-061
212- 80-023	RECOD	05-05-006	212- 80-115	AMD	05-05-006	220- 32-05100H	REP-E	05-03-061
212- 80-025	AMD	05-05-006	212- 80-115	DECOD	05-05-006	220- 32-05100H	REP-E	05-04-068

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220- 32-05100I	NEW-E	05-04-068	220- 52-05100K	NEW-E	05-09-039	220- 56-32500X	REP-E	05-11-025
220- 32-05100I	REP-E	05-04-068	220- 52-05100K	REP-E	05-10-049	220- 56-32500Y	NEW-E	05-11-025
220- 32-05100I	REP-E	05-07-084	220- 52-05100L	NEW-E	05-10-049	220- 56-32500Y	REP-E	05-11-044
220- 32-05100J	NEW-E	05-07-084	220- 52-05100L	REP-E	05-11-091	220- 56-32500Z	NEW-E	05-11-044
220- 33-01000A	NEW-E	05-08-073	220- 52-05100M	NEW-E	05-11-091	220- 56-32500Z	REP-E	05-11-090
220- 33-01000A	REP-E	05-09-098	220- 52-07100L	NEW-E	05-05-040	220- 56-326	AMD	05-05-035
220- 33-01000B	NEW-E	05-11-005	220- 52-07100L	REP-E	05-06-009	220- 56-330	AMD	05-05-035
220- 33-01000B	REP-E	05-11-005	220- 52-07100M	NEW-E	05-06-009	220- 56-330	AMD-P	05-07-042
220- 33-01000C	NEW-E	05-11-032	220- 52-07100M	REP-E	05-07-010	220- 56-33000Q	REP-E	05-07-149
220- 33-01000C	REP-E	05-11-032	220- 52-07100N	NEW-E	05-07-010	220- 56-33000R	NEW-E	05-07-008
220- 33-01000S	NEW-E	05-05-091	220- 52-07100N	REP-E	05-07-062	220- 56-33000R	REP-E	05-07-149
220- 33-01000S	REP-E	05-06-010	220- 52-07100P	NEW-E	05-07-062	220- 56-33000S	NEW-E	05-07-149
220- 33-01000T	NEW-E	05-06-010	220- 52-07100P	REP-E	05-07-083	220- 56-350	AMD	05-05-035
220- 33-01000T	REP-E	05-06-072	220- 52-07100Q	NEW-E	05-07-083	220- 56-35000U	REP-E	05-06-007
220- 33-01000U	NEW-E	05-06-072	220- 52-07100Q	REP-E	05-07-083	220- 56-35000V	NEW-E	05-06-007
220- 33-01000U	REP-E	05-07-005	220- 52-07300Q	REP-E	05-03-068	220- 56-35000W	NEW-E	05-09-026
220- 33-01000V	NEW-E	05-07-005	220- 52-07300R	NEW-E	05-03-068	220- 56-35000W	REP-E	05-09-026
220- 33-01000V	REP-E	05-07-026	220- 52-07300R	REP-E	05-05-039	220- 56-36000E	NEW-E	05-02-047
220- 33-01000W	NEW-E	05-07-026	220- 52-07300S	NEW-E	05-05-039	220- 56-36000E	REP-E	05-02-047
220- 33-01000W	REP-E	05-07-043	220- 52-07300S	REP-E	05-07-009	220- 56-36000F	NEW-E	05-04-064
220- 33-01000X	NEW-E	05-07-043	220- 52-07300T	NEW-E	05-07-009	220- 56-36000F	REP-E	05-04-064
220- 33-01000X	REP-E	05-07-082	220- 52-07300T	REP-E	05-07-103	220- 56-36000G	NEW-E	05-06-071
220- 33-01000Y	NEW-E	05-07-082	220- 56-100	AMD-X	05-10-107	220- 56-36000G	REP-E	05-06-071
220- 33-01000Y	REP-E	05-08-021	220- 56-10000D	NEW-E	05-10-042	220- 56-36000H	NEW-E	05-08-006
220- 33-01000Z	NEW-E	05-08-021	220- 56-115	AMD	05-05-035	220- 56-36000H	REP-E	05-08-006
220- 33-01000Z	REP-E	05-08-073	220- 56-118	AMD	05-05-035	220- 56-36000I	NEW-E	05-08-119
220- 33-03000V	NEW-E	05-11-031	220- 56-118	AMD-X	05-10-107	220- 56-36000I	REP-E	05-08-119
220- 33-03000V	REP-E	05-11-031	220- 56-123	AMD-X	05-10-107	220- 56-36000J	NEW-E	05-09-068
220- 33-04000W	REP-E	05-06-042	220- 56-128	AMD	05-05-035	220- 56-36000J	REP-E	05-09-068
220- 33-04000X	NEW-E	05-06-042	220- 56-129	AMD	05-05-035	220- 56-36000K	NEW-E	05-10-079
220- 33-04000X	REP-E	05-06-042	220- 56-130	AMD	05-05-035	220- 56-36000K	REP-E	05-10-079
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220- 44-05000E	NEW-E	05-08-055	220- 56-19500N	NEW-E	05-10-042	220- 69-26401	AMD	05-05-026
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220- 44-05000F	NEW-E	05-11-026	220- 56-255	AMD-X	05-09-033	220- 76-015	AMD-W	05-09-041
220- 48-00500I	NEW-E	05-11-027	220- 56-25500S	NEW-E	05-09-025	220- 76-015	AMD-P	05-09-042
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220- 48-01500W	NEW-E	05-11-027	220- 56-27000W	REP-E	05-06-043	220- 88C-040	AMD-P	05-03-117
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220- 52-04000F	REP-E	05-03-039	220- 56-27000X	REP-E	05-06-043	220- 88C-050	AMD-P	05-03-117
220- 52-04000H	NEW-E	05-03-039	220- 56-282	AMD	05-05-035	220- 88C-050	AMD	05-08-056
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220- 52-04000I	NEW-E	05-04-065	220- 56-28200H	NEW-E	05-06-006	220- 95-110	AMD-P	05-09-011
220- 52-04000I	REP-E	05-04-065	220- 56-28200I	NEW-E	05-08-071	220-110-170	AMD-X	05-09-040
220- 52-04000J	NEW-E	05-06-034	220- 56-28200I	REP-E	05-08-071	222	AMD-S	05-04-007
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222- 20-050	AMD-P	05-06-096	232- 28-248	AMD-P	05-06-108	232- 28-61900U	NEW-E	05-10-050
222- 20-060	AMD-P	05-06-096	232- 28-248	AMD	05-11-022	232- 28-61900V	NEW-E	05-11-051
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222- 21-030	AMD-P	05-06-096	232- 28-266	AMD	05-11-021	232- 28-61900W	NEW-E	05-11-042
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222- 22-010	AMD-S	05-08-085	232- 28-273	AMD-P	05-06-108	232- 28-61900X	NEW-E	05-11-043
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222- 22-050	AMD-S	05-08-085	232- 28-282	AMD	05-11-022	232- 28-620	AMD-X	05-10-107
222- 22-060	AMD-S	05-08-085	232- 28-284	NEW	05-02-046	232- 28-62000X	NEW-E	05-10-042
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222- 22-090	AMD-S	05-08-085	232- 28-335	AMD-P	05-06-108	236- 22-020	AMD	05-04-072
222- 23-020	AMD-P	05-06-096	232- 28-335	AMD	05-11-022	236- 22-020	DECOD	05-04-072
222- 23-025	AMD-P	05-06-096	232- 28-337	AMD-P	05-06-108	236- 22-030	AMD	05-04-072
222- 24-010	AMD-P	05-06-096	232- 28-337	AMD	05-11-023	236- 22-030	DECOD	05-04-072
222- 24-051	AMD-P	05-06-096	232- 28-341	AMD-P	05-06-108	236- 22-031	AMD	05-04-072
222- 30-020	AMD-P	05-06-096	232- 28-341	AMD	05-11-022	236- 22-031	DECOD	05-04-072
222- 30-021	AMD-P	05-06-096	232- 28-351	AMD-P	05-06-106	236- 22-032	DECOD	05-04-072
222- 30-022	AMD-P	05-06-096	232- 28-351	AMD	05-11-022	236- 22-032	DECOD	05-04-072
222- 30-023	AMD-P	05-06-096	232- 28-352	AMD-P	05-06-107	236- 22-033	DECOD	05-04-072
222- 30-025	AMD-P	05-06-096	232- 28-352	AMD	05-11-024	236- 22-034	AMD	05-04-072
222- 30-050	AMD-P	05-06-096	232- 28-619	AMD	05-03-005	236- 22-034	DECOD	05-04-072
222- 30-110	AMD-P	05-06-096	232- 28-619	AMD	05-05-035	236- 22-035	DECOD	05-04-072
222- 34-010	AMD-P	05-06-096	232- 28-619	AMD	05-05-035	236- 22-036	AMD	05-04-072
222- 34-020	AMD-P	05-06-096	232- 28-619	AMD-X	05-10-107	236- 22-036	DECOD	05-04-072
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230- 02-505	AMD-S	05-11-087	232- 28-61900B	REP-E	05-07-061	236- 22-037	DECOD	05-04-072
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230- 04-255	AMD-P	05-07-115	232- 28-61900D	REP-E	05-05-002	236- 22-040	DECOD	05-04-072
230- 04-255	AMD	05-11-086	232- 28-61900D	REP-E	05-08-072	236- 22-040	DECOD	05-04-072
230- 04-270	AMD-P	05-07-117	232- 28-61900E	NEW-E	05-05-089	236- 22-050	AMD	05-04-072
230- 04-270	AMD	05-11-085	232- 28-61900E	NEW-E	05-05-089	236- 22-050	DECOD	05-04-072
230- 08-130	AMD-P	05-07-119	232- 28-61900E	REP-E	05-05-089	236- 22-060	AMD	05-04-072
230- 08-130	AMD	05-11-088	232- 28-61900F	NEW-E	05-07-077	236- 22-060	DECOD	05-04-072
230- 08-140	AMD-P	05-07-119	232- 28-61900F	NEW-E	05-07-077	236- 22-060	DECOD	05-04-072
230- 08-140	AMD	05-11-088	232- 28-61900F	REP-E	05-07-077	236- 22-070	AMD	05-04-072
230- 08-150	AMD-P	05-07-119	232- 28-61900F	REP-E	05-09-097	236- 22-070	DECOD	05-04-072
230- 08-150	AMD	05-11-088	232- 28-61900G	NEW-E	05-07-061	236- 22-080	AMD	05-04-072
230- 08-160	AMD-P	05-07-119	232- 28-61900G	NEW-E	05-07-061	236- 22-080	DECOD	05-04-072
230- 08-160	AMD	05-11-088	232- 28-61900H	NEW-E	05-07-078	236- 22-100	AMD	05-04-072
230- 08-165	AMD-P	05-07-119	232- 28-61900H	REP-E	05-07-078	236- 22-100	DECOD	05-04-072
230- 08-165	AMD	05-11-088	232- 28-61900H	REP-E	05-07-078	236- 22-100	DECOD	05-04-072
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230- 12-305	AMD	05-11-088	232- 28-61900I	REP-E	05-07-148	236- 22-200	DECOD	05-04-072
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230- 12-310	AMD	05-11-088	232- 28-61900J	REP-E	05-08-071	236- 22-210	DECOD	05-04-072
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230- 20-115	AMD	05-07-106	232- 28-61900K	REP-E	05-08-072	246-100-011	AMD-P	05-06-123
230- 20-335	AMD-P	05-03-114	232- 28-61900L	NEW-E	05-08-074	246-100-011	AMD	05-11-110
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246-100-203	NEW	05-11-110	246-272-23501	REP-P	05-02-082	246-272A-0265	NEW-S	05-11-109
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246-100-204	NEW	05-11-110	246-272-25001	REP-P	05-02-082	246-272A-0270	NEW-S	05-11-109
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246-100-207	AMD	05-11-110	246-272A-0001	NEW-S	05-11-109	246-272A-0290	NEW-S	05-11-109
246-100-208	AMD-P	05-06-123	246-272A-0005	NEW-P	05-02-082	246-272A-0300	NEW-P	05-02-082
246-100-208	AMD	05-11-110	246-272A-0005	NEW-S	05-11-109	246-272A-0300	NEW-S	05-11-109
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246-100-209	AMD	05-11-110	246-272A-0010	NEW-S	05-11-109	246-272A-0310	NEW-S	05-11-109
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246-101-301	AMD	05-03-055	246-272A-0020	NEW-S	05-11-109	246-272A-0340	NEW-S	05-11-109
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246-101-505	AMD	05-11-110	246-272A-0025	NEW-S	05-11-109	246-272A-0400	NEW-S	05-11-109
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246-140-020	NEW	05-04-112	246-272A-0120	NEW-S	05-11-109	246-272A-0425	NEW-S	05-11-109
246-203-120	PREP	05-10-096	246-272A-0125	NEW-P	05-02-082	246-272A-0430	NEW-P	05-02-082
246-247-035	NEW-P	05-08-019	246-272A-0125	NEW-S	05-11-109	246-272A-0430	NEW-S	05-11-109
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246-260-041	AMD	05-09-004	246-272A-0135	NEW-S	05-11-109	246-272A-0450	NEW-S	05-11-109
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246-260-061	AMD	05-09-004	246-272A-0140	NEW-S	05-11-109	246-272A-990	NEW-S	05-11-109
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246-272-00501	REP-P	05-02-082	246-272A-0175	NEW-S	05-11-109	246-323-022	REP-P	05-10-063
246-272-01001	REP-P	05-02-082	246-272A-0200	NEW-P	05-02-082	246-323-030	REP-P	05-10-063
246-272-02001	REP-P	05-02-082	246-272A-0200	NEW-S	05-11-109	246-323-040	REP-P	05-10-063
246-272-03001	REP-P	05-02-082	246-272A-0210	NEW-P	05-02-082	246-323-050	REP-P	05-10-063
246-272-04001	REP-P	05-02-082	246-272A-0210	NEW-S	05-11-109	246-323-060	REP-P	05-10-063
246-272-05001	REP-P	05-02-082	246-272A-0220	NEW-P	05-02-082	246-323-070	REP-P	05-10-063
246-272-07001	REP-P	05-02-082	246-272A-0220	NEW-S	05-11-109	246-323-080	REP-P	05-10-063
246-272-08001	REP-P	05-02-082	246-272A-0230	NEW-P	05-02-082	246-323-090	REP-P	05-10-063
246-272-09001	REP-P	05-02-082	246-272A-0230	NEW-S	05-11-109	246-323-990	REP-P	05-10-063
246-272-09501	REP-P	05-02-082	246-272A-0232	NEW-P	05-02-082	246-325-010	REP-P	05-10-063
246-272-11001	REP-P	05-02-082	246-272A-0232	NEW-S	05-11-109	246-325-012	REP-P	05-10-063
246-272-12501	REP-P	05-02-082	246-272A-0234	NEW-P	05-02-082	246-325-015	REP-P	05-10-063
246-272-13501	REP-P	05-02-082	246-272A-0234	NEW-S	05-11-109	246-325-020	REP-P	05-10-063
246-272-14501	REP-P	05-02-082	246-272A-0238	NEW-P	05-02-082	246-325-022	REP-P	05-10-063
246-272-15501	REP-P	05-02-082	246-272A-0238	NEW-S	05-11-109	246-325-025	REP-P	05-10-063
246-272-16501	REP-P	05-02-082	246-272A-0240	NEW-P	05-02-082	246-325-030	REP-P	05-10-063
246-272-17501	REP-P	05-02-082	246-272A-0240	NEW-S	05-11-109	246-325-035	REP-P	05-10-063
246-272-18501	REP-P	05-02-082	246-272A-0250	NEW-P	05-02-082	246-325-040	REP-P	05-10-063
246-272-19501	REP-P	05-02-082	246-272A-0250	NEW-S	05-11-109	246-325-045	REP-P	05-10-063

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246-325-060	REP-P	05-10-063	246-562	PREP	05-03-010	246-915-105	NEW	05-06-021
246-325-070	REP-P	05-10-063	246-564-001	NEW-P	05-03-007	246-915-150	REP	05-09-046
246-325-100	REP-P	05-10-063	246-564-001	NEW	05-10-094	246-915-170	REP	05-09-046
246-325-120	REP-P	05-10-063	246-564-010	NEW-P	05-03-007	246-915-180	AMD	05-06-023
246-325-990	REP-P	05-10-063	246-564-010	NEW	05-10-094	246-915-350	NEW-P	05-03-008
246-326-010	REP-P	05-10-063	246-650	PREP	05-06-030	246-915-350	NEW	05-09-003
246-326-020	REP-P	05-10-063	246-790	PREP	05-03-056	246-915-990	AMD-P	05-03-008
246-326-030	REP-P	05-10-063	246-802-060	AMD-P	05-06-120	246-915-990	AMD-P	05-07-109
246-326-035	REP-P	05-10-063	246-802-130	AMD-P	05-06-120	246-915-990	AMD	05-09-003
246-326-040	REP-P	05-10-063	246-802-990	AMD-P	05-07-109	246-918-990	AMD-P	05-07-109
246-326-050	REP-P	05-10-063	246-808-510	PREP	05-10-062	246-919-330	AMD	05-07-024
246-326-060	REP-P	05-10-063	246-808-990	AMD-P	05-07-109	246-919-600	REP	05-10-065
246-326-070	REP-P	05-10-063	246-809	PREP-W	05-10-095	246-919-990	AMD-P	05-07-109
246-326-080	REP-P	05-10-063	246-809-990	AMD-P	05-07-109	246-922-990	AMD-P	05-07-109
246-326-090	REP-P	05-10-063	246-810-990	AMD-P	05-07-109	246-922-995	REP-P	05-07-109
246-326-100	REP-P	05-10-063	246-811-990	AMD-P	05-07-109	246-924-990	AMD-P	05-07-109
246-326-990	REP-P	05-10-063	246-812-990	AMD-P	05-07-109	246-926-990	AMD-P	05-07-109
246-329-990	AMD-P	05-10-064	246-812-995	REP-P	05-07-109	246-927-990	AMD-P	05-07-109
246-337-001	NEW-P	05-10-063	246-815-990	AMD-P	05-07-109	246-928-990	AMD-P	05-07-109
246-337-005	NEW-P	05-10-063	246-817-701	PREP	05-09-001	246-930-990	AMD-P	05-07-109
246-337-010	NEW-P	05-10-063	246-817-710	PREP	05-09-001	246-930-995	REP-P	05-07-109
246-337-015	NEW-P	05-10-063	246-817-720	PREP	05-09-001	246-933-590	AMD-P	05-07-109
246-337-020	NEW-P	05-10-063	246-817-730	PREP	05-09-001	246-933-990	AMD-P	05-07-109
246-337-025	NEW-P	05-10-063	246-817-740	PREP	05-09-001	246-935-990	AMD-P	05-07-109
246-337-030	NEW-P	05-10-063	246-817-750	PREP	05-09-001	246-937-990	AMD-P	05-07-109
246-337-035	NEW-P	05-10-063	246-817-760	PREP	05-09-001	246-939-990	AMD-P	05-07-109
246-337-040	NEW-P	05-10-063	246-817-770	PREP	05-09-001	247- 02-050	AMD-X	05-06-045
246-337-045	NEW-P	05-10-063	246-817-780	PREP	05-09-001	247- 02-050	AMD	05-11-048
246-337-050	NEW-P	05-10-063	246-817-990	AMD-P	05-07-109	250- 83-010	NEW-P	05-05-073
246-337-055	NEW-P	05-10-063	246-822-990	AMD-P	05-07-109	250- 83-020	NEW-P	05-05-073
246-337-060	NEW-P	05-10-063	246-824-990	AMD-P	05-07-109	250- 83-030	NEW-P	05-05-073
246-337-065	NEW-P	05-10-063	246-824-995	REP-P	05-07-109	250- 83-040	NEW-P	05-05-073
246-337-070	NEW-P	05-10-063	246-826-990	AMD-P	05-07-109	250- 83-050	NEW-P	05-05-073
246-337-075	NEW-P	05-10-063	246-828-990	AMD-P	05-07-109	250- 83-060	NEW-P	05-05-073
246-337-080	NEW-P	05-10-063	246-830-990	AMD-P	05-07-109	250- 83-070	NEW-P	05-05-073
246-337-085	NEW-P	05-10-063	246-834-250	AMD	05-06-118	251- 01-005	REP-P	05-09-099
246-337-090	NEW-P	05-10-063	246-834-990	AMD-P	05-07-109	251- 01-014	REP-P	05-09-099
246-337-095	NEW-P	05-10-063	246-834-990	PREP-W	05-10-095	251- 01-015	REP-P	05-09-099
246-337-100	NEW-P	05-10-063	246-836-990	AMD-P	05-07-109	251- 01-018	REP-P	05-09-099
246-337-105	NEW-P	05-10-063	246-840-840	PREP-W	05-10-095	251- 01-020	REP-P	05-09-099
246-337-110	NEW-P	05-10-063	246-840-850	PREP-W	05-10-095	251- 01-025	REP-P	05-09-099
246-337-115	NEW-P	05-10-063	246-840-860	PREP-W	05-10-095	251- 01-028	REP-P	05-09-099
246-337-120	NEW-P	05-10-063	246-840-870	PREP-W	05-10-095	251- 01-030	REP-P	05-09-099
246-337-125	NEW-P	05-10-063	246-840-880	PREP-W	05-10-095	251- 01-035	REP-P	05-09-099
246-337-130	NEW-P	05-10-063	246-840-890	PREP-W	05-10-095	251- 01-040	REP-P	05-09-099
246-337-135	NEW-P	05-10-063	246-840-990	AMD-P	05-07-109	251- 01-045	REP-P	05-09-099
246-337-140	NEW-P	05-10-063	246-840-990	PREP-W	05-10-095	251- 01-050	REP-P	05-09-099
246-337-145	NEW-P	05-10-063	246-841-990	AMD-P	05-07-109	251- 01-055	REP-P	05-09-099
246-337-150	NEW-P	05-10-063	246-843-990	AMD-P	05-07-109	251- 01-056	REP-P	05-09-099
246-337-155	NEW-P	05-10-063	246-845-990	AMD-P	05-07-109	251- 01-057	REP-P	05-09-099
246-337-990	NEW-P	05-10-063	246-847-990	AMD-P	05-07-109	251- 01-060	REP-P	05-09-099
246-338-010	AMD	05-04-040	246-849-990	AMD-P	05-07-109	251- 01-065	REP-P	05-09-099
246-338-028	AMD	05-04-040	246-849-995	REP-P	05-07-109	251- 01-070	REP-P	05-09-099
246-338-040	AMD	05-04-040	246-850-990	AMD-P	05-07-109	251- 01-072	REP-P	05-09-099
246-338-050	AMD	05-04-040	246-851-990	AMD-P	05-07-109	251- 01-075	REP-P	05-09-099
246-338-060	AMD	05-04-040	246-853-990	AMD-P	05-07-109	251- 01-077	REP-P	05-09-099
246-338-070	AMD	05-04-040	246-869-095	REP	05-07-108	251- 01-080	REP-P	05-09-099
246-338-080	AMD	05-04-040	246-907-030	AMD-P	05-07-109	251- 01-085	REP-P	05-09-099
246-338-090	AMD	05-04-040	246-907-995	REP-P	05-07-109	251- 01-100	REP-P	05-09-099
246-360-990	AMD	05-05-072	246-915-040	AMD	05-06-022	251- 01-105	REP-P	05-09-099
246-360-990	AMD-P	05-10-064	246-915-050	AMD	05-03-009	251- 01-110	REP-P	05-09-099

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251-12-231	REP-P	05-09-099	251-19-120	REP-P	05-09-099	251-24-010	REP-P	05-09-099
251-12-232	REP-P	05-09-099	251-19-122	REP-P	05-09-099	251-24-030	REP-P	05-09-099
251-12-240	REP-P	05-09-099	251-19-130	REP-P	05-09-099	251-24-035	REP-P	05-09-099
251-12-250	REP-P	05-09-099	251-19-140	REP-P	05-09-099	251-24-050	REP-P	05-09-099
251-12-260	REP-P	05-09-099	251-19-150	REP-P	05-09-099	251-24-200	REP-P	05-09-099
251-12-500	REP-P	05-09-099	251-19-154	REP-P	05-09-099	251-25-010	REP-P	05-09-099
251-12-600	REP-P	05-09-099	251-19-155	REP-P	05-09-099	251-25-020	REP-P	05-09-099
251-14-005	REP-P	05-09-099	251-19-156	REP-P	05-09-099	251-25-030	REP-P	05-09-099
251-14-010	REP-P	05-09-099	251-19-157	REP-P	05-09-099	251-25-040	REP-P	05-09-099
251-14-020	REP-P	05-09-099	251-19-158	REP-P	05-09-099	251-25-050	REP-P	05-09-099
251-14-030	REP-P	05-09-099	251-19-160	REP-P	05-09-099	251-30-010	REP-P	05-09-099
251-14-035	REP-P	05-09-099	251-19-180	REP-P	05-09-099	251-30-020	REP-P	05-09-099
251-14-052	REP-P	05-09-099	251-20-010	REP-P	05-09-099	251-30-030	REP-P	05-09-099
251-14-054	REP-P	05-09-099	251-20-020	REP-P	05-09-099	251-30-032	REP-P	05-09-099
251-14-056	REP-P	05-09-099	251-20-030	REP-P	05-09-099	251-30-034	REP-P	05-09-099
251-14-057	REP-P	05-09-099	251-20-040	REP-P	05-09-099	251-30-055	REP-P	05-09-099
251-14-058	REP-P	05-09-099	251-20-050	REP-P	05-09-099	251-30-057	REP-P	05-09-099
251-14-060	REP-P	05-09-099	251-20-060	REP-P	05-09-099	257-10-020	NEW-P	05-09-126
251-14-100	REP-P	05-09-099	251-22-040	REP-P	05-09-099	257-10-040	NEW-P	05-09-126
251-14-110	REP-P	05-09-099	251-22-045	REP-P	05-09-099	257-10-060	NEW-P	05-09-126
251-14-120	REP-P	05-09-099	251-22-048	REP-P	05-09-099	257-10-080	NEW-P	05-09-126
251-14-130	REP-P	05-09-099	251-22-050	REP-P	05-09-099	257-10-100	NEW-P	05-09-126
251-17-010	REP-P	05-09-099	251-22-053	REP-P	05-09-099	257-10-120	NEW-P	05-09-126
251-17-020	REP-P	05-09-099	251-22-056	REP-P	05-09-099	257-10-140	NEW-P	05-09-126
251-17-030	REP-P	05-09-099	251-22-059	REP-P	05-09-099	257-10-160	NEW-P	05-09-126
251-17-040	REP-P	05-09-099	251-22-060	REP-P	05-09-099	257-10-180	NEW-P	05-09-126
251-17-050	REP-P	05-09-099	251-22-070	REP-P	05-09-099	257-10-200	NEW-P	05-09-126
251-17-060	REP-P	05-09-099	251-22-080	REP-P	05-09-099	257-10-220	NEW-P	05-09-126
251-17-070	REP-P	05-09-099	251-22-090	REP-P	05-09-099	257-10-240	NEW-P	05-09-126
251-17-080	REP-P	05-09-099	251-22-100	REP-P	05-09-099	257-10-260	NEW-P	05-09-126
251-17-090	REP-P	05-09-099	251-22-110	REP-P	05-09-099	257-10-280	NEW-P	05-09-126
251-17-100	REP-P	05-09-099	251-22-111	REP-P	05-09-099	257-10-300	NEW-P	05-09-126
251-17-110	REP-P	05-09-099	251-22-112	REP-P	05-09-099	257-10-320	NEW-P	05-09-126
251-17-120	REP-P	05-09-099	251-22-116	REP-P	05-09-099	257-10-340	NEW-P	05-09-126
251-17-130	REP-P	05-09-099	251-22-117	REP-P	05-09-099	257-10-360	NEW-P	05-09-126
251-17-150	REP-P	05-09-099	251-22-124	REP-P	05-09-099	257-10-380	NEW-P	05-09-126
251-17-160	REP-P	05-09-099	251-22-125	REP-P	05-09-099	257-10-400	NEW-P	05-09-126
251-17-165	REP-P	05-09-099	251-22-127	REP-P	05-09-099	257-10-420	NEW-P	05-09-126
251-17-170	REP-P	05-09-099	251-22-165	REP-P	05-09-099	260	PREP	05-09-007
251-17-180	REP-P	05-09-099	251-22-167	REP-P	05-09-099	260-08-005	AMD	05-05-049
251-17-190	REP-P	05-09-099	251-22-170	REP-P	05-09-099	260-08-670	REP	05-05-049
251-17-200	REP-P	05-09-099	251-22-180	REP-P	05-09-099	260-08-671	NEW	05-05-049
251-18-180	REP-P	05-09-099	251-22-190	REP-P	05-09-099	260-08-673	NEW	05-05-049
251-18-190	REP-P	05-09-099	251-22-195	REP-P	05-09-099	260-08-675	NEW	05-05-049
251-18-200	REP-P	05-09-099	251-22-200	REP-P	05-09-099	260-08-677	NEW	05-05-049
251-18-240	REP-P	05-09-099	251-22-210	REP-P	05-09-099	260-08-680	REP	05-05-049
251-18-255	REP-P	05-09-099	251-22-220	REP-P	05-09-099	260-08-690	REP	05-05-049
251-18-260	REP-P	05-09-099	251-22-240	REP-P	05-09-099	260-08-700	REP	05-05-049
251-18-265	REP-P	05-09-099	251-22-245	REP-P	05-09-099	260-08-710	REP	05-05-049
251-18-280	REP-P	05-09-099	251-22-250	REP-P	05-09-099	260-08-720	REP	05-05-049
251-18-285	REP-P	05-09-099	251-22-260	REP-P	05-09-099	260-08-730	REP	05-05-049
251-19-010	REP-P	05-09-099	251-22-270	REP-P	05-09-099	260-08-740	REP	05-05-049
251-19-020	REP-P	05-09-099	251-22-280	REP-P	05-09-099	260-08-750	REP	05-05-049
251-19-050	REP-P	05-09-099	251-22-290	REP-P	05-09-099	260-08-760	REP	05-05-049
251-19-060	REP-P	05-09-099	251-22-300	REP-P	05-09-099	260-08-770	REP	05-05-049
251-19-070	REP-P	05-09-099	251-23-010	REP-P	05-09-099	260-08-780	REP	05-05-049
251-19-080	REP-P	05-09-099	251-23-015	REP-P	05-09-099	260-08-790	REP	05-05-049
251-19-085	REP-P	05-09-099	251-23-020	REP-P	05-09-099	260-08-800	REP	05-05-049
251-19-090	REP-P	05-09-099	251-23-030	REP-P	05-09-099	260-08-810	REP	05-05-049
251-19-100	REP-P	05-09-099	251-23-040	REP-P	05-09-099	260-08-820	REP	05-05-049
251-19-105	REP-P	05-09-099	251-23-050	REP-P	05-09-099	260-08-830	REP	05-05-049
251-19-110	REP-P	05-09-099	251-23-060	REP-P	05-09-099	260-12-250	PREP	05-07-094

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260- 24-500	AMD	05-07-065	260- 60-320	REP-P	05-03-028	260- 70-700	REP	05-07-067
260- 24-510	AMD-P	05-04-084	260- 60-320	REP	05-07-063	260- 70-700	REP-E	05-07-068
260- 24-510	AMD	05-07-065	260- 70	PREP	05-07-035	260- 70-720	AMD-P	05-04-086
260- 28	PREP	05-09-008	260- 70-520	AMD-P	05-04-086	260- 70-720	AMD	05-07-067
260- 32-160	PREP	05-09-007	260- 70-520	AMD	05-07-067	260- 70-720	AMD-E	05-07-068
260- 34	AMD-P	05-04-085	260- 70-520	AMD-E	05-07-068	260- 70-730	AMD-P	05-04-086
260- 34	AMD	05-07-066	260- 70-530	AMD-P	05-04-086	260- 70-730	AMD	05-07-067
260- 34-010	AMD-P	05-04-085	260- 70-530	AMD	05-07-067	260- 70-730	AMD-E	05-07-068
260- 34-010	AMD	05-07-066	260- 70-530	AMD-E	05-07-068	260- 72-050	NEW-P	05-02-077
260- 34-020	AMD-P	05-04-085	260- 70-540	AMD-P	05-04-086	260- 72-050	NEW	05-05-045
260- 34-020	AMD	05-07-066	260- 70-540	AMD	05-07-067	260- 75-030	AMD	05-05-042
260- 34-030	AMD-P	05-04-085	260- 70-540	AMD-E	05-07-068	260- 75-040	NEW	05-05-042
260- 34-030	AMD	05-07-066	260- 70-545	AMD-P	05-04-086	260- 84	AMD-P	05-04-083
260- 34-035	NEW-P	05-04-085	260- 70-545	AMD	05-07-067	260- 84	PREP	05-07-035
260- 34-035	NEW	05-07-066	260- 70-545	AMD-E	05-07-068	260- 84	AMD	05-07-064
260- 34-040	REP-P	05-04-085	260- 70-550	AMD-P	05-04-086	260- 84	PREP	05-07-093
260- 34-040	REP	05-07-066	260- 70-550	AMD	05-07-067	260- 84	PREP	05-07-094
260- 34-045	NEW-P	05-04-085	260- 70-550	AMD-E	05-07-068	260- 84-010	REP-P	05-04-083
260- 34-045	NEW	05-07-066	260- 70-560	AMD-P	05-04-086	260- 84-010	REP	05-07-064
260- 34-050	REP-P	05-04-085	260- 70-560	AMD	05-07-067	260- 84-020	REP-P	05-04-083
260- 34-050	REP	05-07-066	260- 70-560	AMD-E	05-07-068	260- 84-020	REP	05-07-064
260- 34-060	AMD-P	05-04-085	260- 70-570	AMD-P	05-04-086	260- 84-030	REP-P	05-04-083
260- 34-060	AMD	05-07-066	260- 70-570	AMD	05-07-067	260- 84-030	REP	05-07-064
260- 34-070	AMD-P	05-04-085	260- 70-570	AMD-E	05-07-068	260- 84-050	AMD-P	05-04-083
260- 34-070	AMD	05-07-066	260- 70-580	AMD-P	05-04-086	260- 84-050	AMD	05-07-064
260- 34-080	AMD-P	05-04-085	260- 70-580	AMD	05-07-067	260- 84-060	AMD-P	05-04-083
260- 34-080	AMD	05-07-066	260- 70-580	AMD-E	05-07-068	260- 84-060	AMD	05-07-064
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296-150M	PREP	05-05-066	296-307-69430	NEW-W	05-05-070	296-855-30010	NEW-P	05-10-076
296-150M-3000	AMD-P	05-08-111	296-307-69435	NEW-W	05-05-070	296-855-30030	NEW-P	05-10-076
296-150P	PREP	05-05-066	296-307-69440	NEW-W	05-05-070	296-855-30080	NEW-P	05-10-076
296-150P-3000	AMD-P	05-08-111	296-307-696	NEW-W	05-05-070	296-855-400	NEW-P	05-10-076
296-150R	PREP	05-05-066	296-307-69605	NEW-W	05-05-070	296-855-40010	NEW-P	05-10-076
296-150R-3000	AMD-P	05-08-111	296-307-69610	NEW-W	05-05-070	296-855-40030	NEW-P	05-10-076
296-150T	PREP	05-05-066	296-307-69615	NEW-W	05-05-070	296-855-40040	NEW-P	05-10-076
296-150T-3000	AMD-P	05-08-111	296-307-69620	NEW-W	05-05-070	296-855-500	NEW-P	05-10-076
296-150V	PREP	05-05-066	296-307-69625	NEW-W	05-05-070	296-865-100	NEW-P	05-08-112
296-150V-3000	AMD-P	05-08-111	296-307-69630	NEW-W	05-05-070	296-865-200	NEW-P	05-08-112
296-155	PREP	05-08-113	296-307-698	NEW-W	05-05-070	296-865-20005	NEW-P	05-08-112
296-155	PREP-W	05-09-060	296-307-69805	NEW-W	05-05-070	296-865-20010	NEW-P	05-08-112
296-155	PREP	05-10-072	296-307-69810	NEW-W	05-05-070	296-865-20015	NEW-P	05-08-112
296-155-160	AMD	05-03-093	296-307-69815	NEW-W	05-05-070	296-865-300	NEW-P	05-08-112
296-155-17317	AMD	05-03-093	296-307-69820	NEW-W	05-05-070	296-865-30005	NEW-P	05-08-112
296-155-174	AMD	05-03-093	296-307-69825	NEW-W	05-05-070	296-865-30010	NEW-P	05-08-112
296-155-17613	AMD	05-03-093	296-307-69830	NEW-W	05-05-070	296-865-30015	NEW-P	05-08-112
296-155-17625	AMD	05-03-093	296-307-700	NEW-W	05-05-070	296-865-30020	NEW-P	05-08-112
296-155-17625	AMD-X	05-07-125	296-307-70005	NEW-W	05-05-070	296-865-400	NEW-P	05-08-112
296-155-17652	AMD	05-03-093	296-307-702	NEW-W	05-05-070	296-900	PREP	05-10-074
296-155-20301	AMD	05-03-093	296-350	PREP	05-10-074	308-08	PREP	05-08-001
296-155-220	AMD	05-03-093	296-400A	PREP	05-05-066	308-13-020	PREP	05-11-012
296-155-367	AMD	05-03-093	296-400A-005	AMD-P	05-06-062	308-13-024	PREP	05-11-012
296-155-525	AMD	05-03-093	296-400A-005	AMD	05-11-061	308-13-100	PREP	05-11-012
296-155-525	AMD-X	05-07-125	296-400A-021	AMD-P	05-06-062	308-13-150	AMD	05-04-050
296-155-655	AMD	05-03-093	296-400A-021	AMD	05-11-061	308-13-150	PREP	05-09-017
296-155-655	AMD-X	05-07-125	296-400A-022	NEW-P	05-06-062	308-18-020	AMD-P	05-06-004
296-155-730	AMD	05-03-093	296-400A-022	NEW	05-11-061	308-18-020	AMD	05-09-036
296-200A	PREP	05-05-066	296-400A-045	AMD-P	05-06-062	308-18-240	AMD-P	05-06-004
296-200A-900	AMD-P	05-08-111	296-400A-045	AMD	05-11-061	308-18-240	AMD	05-09-036
296-301-220	AMD	05-03-093	296-800	PREP	05-08-113	308-18-300	AMD-P	05-06-004
296-304-02003	AMD	05-03-093	296-800	PREP	05-10-072	308-18-300	AMD	05-09-036
296-304-03001	AMD	05-03-093	296-800	PREP	05-10-074	308-18-305	NEW-P	05-06-004
296-304-03005	AMD	05-03-093	296-800-160	AMD	05-03-093	308-18-305	NEW	05-09-036
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296-304-09007	AMD	05-03-093	296-824-40005	AMD	05-03-093	308-19-020	AMD-P	05-04-105
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296-307-68810	NEW-W	05-05-070	296-849-12030	AMD-X	05-07-123	308-19-107	AMD-P	05-04-105
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308- 19-210	AMD	05-08-027	308- 96A-026	AMD-X	05-08-096	314- 12-100	REP	05-07-012
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308- 19-230	AMD	05-08-027	308- 96A-314	AMD-P	05-03-105	315- 10-010	AMD-S	05-08-054
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308- 19-310	NEW	05-08-027	308-108-090	NEW-P	05-11-099	315- 10-023	AMD	05-11-049
308- 19-315	NEW-P	05-04-105	308-108-100	AMD-W	05-08-106	315- 10-024	AMD-P	05-04-079
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308- 19-430	AMD	05-08-027	308-108-150	NEW-P	05-11-099	315- 10-040	AMD	05-11-049
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308- 19-450	NEW	05-08-027	308-108-170	NEW-P	05-11-099	315- 10-070	AMD-P	05-04-079
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308- 19-455	NEW	05-08-027	308-108-180	NEW-P	05-11-099	315- 10-070	AMD	05-11-049
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315- 33A-060	AMD	05-07-100	315- 37-090	REP-X	05-03-060	356- 05-145	REP-P	05-09-100
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315- 33A-070	REP	05-07-100	315- 37-120	REP-X	05-03-060	356- 05-155	REP-P	05-09-100
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315- 34-020	AMD-E	05-04-010	315- 38-020	AMD-P	05-08-100	356- 05-173	REP-P	05-09-100
315- 34-020	AMD-P	05-04-081	315- 38-020	AMD	05-11-050	356- 05-175	REP-P	05-09-100
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315- 34-030	AMD-C	05-08-095	315- 38-090	AMD	05-11-050	356- 05-198	REP-P	05-09-100
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315- 34-040	AMD-P	05-04-081	315- 38-100	AMD	05-11-050	356- 05-205	REP-P	05-09-100
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315- 36-070	REP-X	05-05-059	356- 05-070	REP-P	05-09-100	356- 05-355	REP-P	05-09-100
315- 36-080	REP-X	05-05-059	356- 05-072	REP-P	05-09-100	356- 05-358	REP-P	05-09-100
315- 36-090	REP-X	05-05-059	356- 05-075	REP-P	05-09-100	356- 05-360	REP-P	05-09-100
315- 36-100	REP-X	05-05-059	356- 05-080	REP-P	05-09-100	356- 05-365	REP-P	05-09-100
315- 36-110	REP-X	05-05-059	356- 05-085	REP-P	05-09-100	356- 05-370	REP-P	05-09-100
315- 36-120	REP-X	05-05-059	356- 05-090	REP-P	05-09-100	356- 05-375	REP-P	05-09-100
315- 36-130	REP-X	05-05-059	356- 05-095	REP-P	05-09-100	356- 05-380	REP-P	05-09-100
315- 36-140	REP-X	05-05-059	356- 05-100	REP-P	05-09-100	356- 05-385	REP-P	05-09-100
315- 36-150	REP-X	05-05-059	356- 05-105	REP-P	05-09-100	356- 05-387	REP-P	05-09-100
315- 37-010	REP-X	05-03-060	356- 05-110	REP-P	05-09-100	356- 05-389	REP-P	05-09-100
315- 37-020	REP-X	05-03-060	356- 05-115	REP-P	05-09-100	356- 05-390	REP-P	05-09-100
315- 37-030	REP-X	05-03-060	356- 05-120	REP-P	05-09-100	356- 05-395	REP-P	05-09-100

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
356-05-397	REP-P	05-09-100	356-10-065	REP-P	05-09-100	356-18-100	REP-P	05-09-100
356-05-400	REP-P	05-09-100	356-14-010	REP-P	05-09-100	356-18-110	REP-P	05-09-100
356-05-405	REP-P	05-09-100	356-14-026	REP-P	05-09-100	356-18-112	REP-P	05-09-100
356-05-410	REP-P	05-09-100	356-14-031	REP-P	05-09-100	356-18-115	REP-P	05-09-100
356-05-415	REP-P	05-09-100	356-14-045	REP-P	05-09-100	356-18-116	REP-P	05-09-100
356-05-420	REP-P	05-09-100	356-14-062	REP-P	05-09-100	356-18-120	REP-P	05-09-100
356-05-425	REP-P	05-09-100	356-14-065	REP-P	05-09-100	356-18-140	REP-P	05-09-100
356-05-430	REP-P	05-09-100	356-14-067	REP-P	05-09-100	356-18-145	REP-P	05-09-100
356-05-435	REP-P	05-09-100	356-14-070	REP-P	05-09-100	356-18-150	REP-P	05-09-100
356-05-440	REP-P	05-09-100	356-14-075	REP-P	05-09-100	356-18-160	REP-P	05-09-100
356-05-445	REP-P	05-09-100	356-14-080	REP-P	05-09-100	356-18-170	REP-P	05-09-100
356-05-447	REP-P	05-09-100	356-14-085	REP-P	05-09-100	356-18-200	REP-P	05-09-100
356-05-450	REP-P	05-09-100	356-14-090	REP-P	05-09-100	356-18-220	REP-P	05-09-100
356-05-456	REP-P	05-09-100	356-14-100	REP-P	05-09-100	356-22-010	REP-P	05-09-100
356-05-460	REP-P	05-09-100	356-14-110	REP-P	05-09-100	356-22-020	REP-P	05-09-100
356-05-461	REP-P	05-09-100	356-14-120	REP-P	05-09-100	356-22-030	REP-P	05-09-100
356-05-465	REP-P	05-09-100	356-14-130	REP-P	05-09-100	356-22-035	REP-P	05-09-100
356-05-470	REP-P	05-09-100	356-14-140	REP-P	05-09-100	356-22-036	REP-P	05-09-100
356-05-475	REP-P	05-09-100	356-14-150	REP-P	05-09-100	356-22-040	REP-P	05-09-100
356-05-477	REP-P	05-09-100	356-14-160	REP-P	05-09-100	356-22-050	REP-P	05-09-100
356-05-479	REP-P	05-09-100	356-14-170	REP-P	05-09-100	356-22-060	REP-P	05-09-100
356-05-480	REP-P	05-09-100	356-14-180	REP-P	05-09-100	356-22-070	REP-P	05-09-100
356-05-485	REP-P	05-09-100	356-14-190	REP-P	05-09-100	356-22-080	REP-P	05-09-100
356-05-490	REP-P	05-09-100	356-14-200	REP-P	05-09-100	356-22-090	REP-P	05-09-100
356-05-493	REP-P	05-09-100	356-14-210	REP-P	05-09-100	356-22-100	REP-P	05-09-100
356-05-495	REP-P	05-09-100	356-14-220	REP-P	05-09-100	356-22-111	REP-P	05-09-100
356-05-500	REP-P	05-09-100	356-14-230	REP-P	05-09-100	356-22-120	REP-P	05-09-100
356-05-505	REP-P	05-09-100	356-14-240	REP-P	05-09-100	356-22-125	REP-P	05-09-100
356-06-001	REP-P	05-09-100	356-14-250	REP-P	05-09-100	356-22-130	REP-P	05-09-100
356-06-002	REP-P	05-09-100	356-14-260	REP-P	05-09-100	356-22-132	REP-P	05-09-100
356-06-003	REP-P	05-09-100	356-14-265	REP-P	05-09-100	356-22-135	REP-P	05-09-100
356-06-030	REP-P	05-09-100	356-14-300	REP-P	05-09-100	356-22-140	REP-P	05-09-100
356-06-040	REP-P	05-09-100	356-15-010	REP-P	05-09-100	356-22-150	REP-P	05-09-100
356-06-045	REP-P	05-09-100	356-15-020	REP-P	05-09-100	356-22-160	REP-P	05-09-100
356-06-050	REP-P	05-09-100	356-15-030	REP-P	05-09-100	356-22-180	REP-P	05-09-100
356-06-055	REP-P	05-09-100	356-15-035	REP-P	05-09-100	356-22-190	REP-P	05-09-100
356-06-065	REP-P	05-09-100	356-15-040	REP-P	05-09-100	356-22-200	REP-P	05-09-100
356-06-100	REP-P	05-09-100	356-15-050	REP-P	05-09-100	356-22-210	REP-P	05-09-100
356-06-110	REP-P	05-09-100	356-15-060	REP-P	05-09-100	356-22-220	REP-P	05-09-100
356-06-120	REP-P	05-09-100	356-15-061	REP-P	05-09-100	356-22-230	REP-P	05-09-100
356-07-010	REP-P	05-09-100	356-15-063	REP-P	05-09-100	356-22-240	REP-P	05-09-100
356-07-020	REP-P	05-09-100	356-15-070	REP-P	05-09-100	356-26-010	REP-P	05-09-100
356-07-030	REP-P	05-09-100	356-15-080	REP-P	05-09-100	356-26-020	REP-P	05-09-100
356-07-040	REP-P	05-09-100	356-15-085	REP-P	05-09-100	356-26-030	REP-P	05-09-100
356-07-050	REP-P	05-09-100	356-15-090	REP-P	05-09-100	356-26-040	REP-P	05-09-100
356-07-055	REP-P	05-09-100	356-15-095	REP-P	05-09-100	356-26-050	REP-P	05-09-100
356-07-060	REP-P	05-09-100	356-15-100	REP-P	05-09-100	356-26-060	REP-P	05-09-100
356-07-070	REP-P	05-09-100	356-15-110	REP-P	05-09-100	356-26-070	REP-P	05-09-100
356-09-010	REP-P	05-09-100	356-15-125	REP-P	05-09-100	356-26-075	REP-P	05-09-100
356-09-020	REP-P	05-09-100	356-15-130	REP-P	05-09-100	356-26-080	REP-P	05-09-100
356-09-030	REP-P	05-09-100	356-15-140	REP-P	05-09-100	356-26-090	REP-P	05-09-100
356-09-040	REP-P	05-09-100	356-18-020	REP-P	05-09-100	356-26-100	REP-P	05-09-100
356-09-050	REP-P	05-09-100	356-18-025	REP-P	05-09-100	356-26-110	REP-P	05-09-100
356-10-010	REP-P	05-09-100	356-18-030	REP-P	05-09-100	356-26-120	REP-P	05-09-100
356-10-020	REP-P	05-09-100	356-18-040	REP-P	05-09-100	356-26-130	REP-P	05-09-100
356-10-030	REP-P	05-09-100	356-18-050	REP-P	05-09-100	356-26-140	REP-P	05-09-100
356-10-040	REP-P	05-09-100	356-18-060	REP-P	05-09-100	356-30-005	REP-P	05-09-100
356-10-045	REP-P	05-09-100	356-18-070	REP-P	05-09-100	356-30-007	REP-P	05-09-100
356-10-050	REP-P	05-09-100	356-18-075	REP-P	05-09-100	356-30-010	REP-P	05-09-100
356-10-060	AMD	05-04-043	356-18-080	REP-P	05-09-100	356-30-012	REP-P	05-09-100
356-10-060	REP-P	05-09-100	356-18-090	REP-P	05-09-100	356-30-015	REP-P	05-09-100
356-10-065	NEW	05-04-043	356-18-095	REP-P	05-09-100	356-30-025	REP-P	05-09-100

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
356-30-050	REP-P	05-09-100	356-37-090	REP-P	05-09-100	356-56-002	REP-P	05-09-100
356-30-060	REP-P	05-09-100	356-37-100	REP-P	05-09-100	356-56-010	REP-P	05-09-100
356-30-065	REP-P	05-09-100	356-37-110	REP-P	05-09-100	356-56-015	REP-P	05-09-100
356-30-067	REP-P	05-09-100	356-37-120	REP-P	05-09-100	356-56-020	REP-P	05-09-100
356-30-075	REP-P	05-09-100	356-37-130	REP-P	05-09-100	356-56-030	REP-P	05-09-100
356-30-090	REP-P	05-09-100	356-37-140	REP-P	05-09-100	356-56-035	REP-P	05-09-100
356-30-100	REP-P	05-09-100	356-37-150	REP-P	05-09-100	356-56-050	REP-P	05-09-100
356-30-110	REP-P	05-09-100	356-37-160	REP-P	05-09-100	356-56-070	REP-P	05-09-100
356-30-120	REP-P	05-09-100	356-37-170	REP-P	05-09-100	356-56-100	REP-P	05-09-100
356-30-130	REP-P	05-09-100	356-39-010	REP-P	05-09-100	356-56-105	REP-P	05-09-100
356-30-135	REP-P	05-09-100	356-39-020	REP-P	05-09-100	356-56-115	REP-P	05-09-100
356-30-140	REP-P	05-09-100	356-39-030	REP-P	05-09-100	356-56-118	REP-P	05-09-100
356-30-143	REP-P	05-09-100	356-39-040	REP-P	05-09-100	356-56-120	REP-P	05-09-100
356-30-145	REP-P	05-09-100	356-39-050	REP-P	05-09-100	356-56-200	REP-P	05-09-100
356-30-150	REP-P	05-09-100	356-39-060	REP-P	05-09-100	356-56-203	REP-P	05-09-100
356-30-160	REP-P	05-09-100	356-39-070	REP-P	05-09-100	356-56-205	REP-P	05-09-100
356-30-170	REP-P	05-09-100	356-39-080	REP-P	05-09-100	356-56-210	REP-P	05-09-100
356-30-180	REP-P	05-09-100	356-39-090	REP-P	05-09-100	356-56-215	REP-P	05-09-100
356-30-190	REP-P	05-09-100	356-39-100	REP-P	05-09-100	356-56-220	REP-P	05-09-100
356-30-200	REP-P	05-09-100	356-39-110	REP-P	05-09-100	356-56-230	REP-P	05-09-100
356-30-210	REP-P	05-09-100	356-39-120	REP-P	05-09-100	356-56-255	REP-P	05-09-100
356-30-220	REP-P	05-09-100	356-39-130	REP-P	05-09-100	356-56-400	REP-P	05-09-100
356-30-230	REP-P	05-09-100	356-39-140	REP-P	05-09-100	356-56-410	REP-P	05-09-100
356-30-240	REP-P	05-09-100	356-42-010	REP-P	05-09-100	356-56-420	REP-P	05-09-100
356-30-250	REP-P	05-09-100	356-42-042	REP-P	05-09-100	356-56-440	REP-P	05-09-100
356-30-255	REP-P	05-09-100	356-42-043	REP-P	05-09-100	356-56-500	REP-P	05-09-100
356-30-260	REP-P	05-09-100	356-42-045	REP-P	05-09-100	356-56-550	REP-P	05-09-100
356-30-270	REP-P	05-09-100	356-42-047	REP-P	05-09-100	356-56-600	REP-P	05-09-100
356-30-280	REP-P	05-09-100	356-42-050	REP-P	05-09-100	356-56-610	REP-P	05-09-100
356-30-285	REP-P	05-09-100	356-42-055	REP-P	05-09-100	356-56-630	REP-P	05-09-100
356-30-290	REP-P	05-09-100	356-42-090	REP-P	05-09-100	356-56-650	REP-P	05-09-100
356-30-300	REP-P	05-09-100	356-42-100	REP-P	05-09-100	356-56-660	REP-P	05-09-100
356-30-305	REP-P	05-09-100	356-42-105	REP-P	05-09-100	356-60-010	REP-P	05-09-100
356-30-310	REP-P	05-09-100	356-42-110	REP-P	05-09-100	356-60-020	REP-P	05-09-100
356-30-315	REP-P	05-09-100	356-46-010	REP-P	05-09-100	356-60-030	REP-P	05-09-100
356-30-320	REP-P	05-09-100	356-46-020	REP-P	05-09-100	356-60-032	REP-P	05-09-100
356-30-330	REP-P	05-09-100	356-46-030	REP-P	05-09-100	356-60-034	REP-P	05-09-100
356-30-331	REP-P	05-09-100	356-46-040	REP-P	05-09-100	356-60-055	REP-P	05-09-100
356-30-335	REP-P	05-09-100	356-46-050	REP-P	05-09-100	356-60-057	REP-P	05-09-100
356-34-010	REP-P	05-09-100	356-46-060	REP-P	05-09-100	357-01-022	NEW-P	05-09-120
356-34-011	REP-P	05-09-100	356-46-070	REP-P	05-09-100	357-01-023	NEW-P	05-09-120
356-34-012	REP-P	05-09-100	356-46-080	REP-P	05-09-100	357-01-072	NEW-P	05-09-120
356-34-020	REP-P	05-09-100	356-46-090	REP-P	05-09-100	357-01-138	NEW-P	05-09-120
356-34-030	REP-P	05-09-100	356-46-100	REP-P	05-09-100	357-01-172	NEW-P	05-09-120
356-34-040	REP-P	05-09-100	356-46-110	REP-P	05-09-100	357-01-173	NEW-P	05-08-128
356-34-045	REP-P	05-09-100	356-46-120	REP-P	05-09-100	357-01-174	NEW-P	05-09-120
356-34-050	REP-P	05-09-100	356-46-125	REP-P	05-09-100	357-01-182	NEW-P	05-09-120
356-34-060	REP-P	05-09-100	356-46-135	REP-P	05-09-100	357-01-202	NEW-P	05-09-120
356-34-070	REP-P	05-09-100	356-46-140	REP-P	05-09-100	357-01-227	NEW-P	05-09-120
356-34-080	REP-P	05-09-100	356-46-145	REP-P	05-09-100	357-01-228	NEW-P	05-09-120
356-34-090	REP-P	05-09-100	356-46-150	REP-P	05-09-100	357-01-229	NEW-P	05-09-120
356-34-100	REP-P	05-09-100	356-48-010	REP-P	05-09-100	357-01-255	NEW-W	05-02-061
356-34-260	REP-P	05-09-100	356-48-020	REP-P	05-09-100	357-01-301	NEW	05-08-134
356-35-010	REP-P	05-09-100	356-48-030	REP-P	05-09-100	357-01-301	AMD-P	05-09-119
356-37-010	REP-P	05-09-100	356-48-040	REP-P	05-09-100	357-01-348	NEW-P	05-09-120
356-37-020	REP-P	05-09-100	356-48-050	REP-P	05-09-100	357-01-360	NEW-P	05-09-118
356-37-030	REP-P	05-09-100	356-48-060	REP-P	05-09-100	357-01-365	NEW-P	05-09-118
356-37-040	REP-P	05-09-100	356-49-010	REP-P	05-09-100	357-04-105	AMD-P	05-09-103
356-37-050	REP-P	05-09-100	356-49-020	REP-P	05-09-100	357-13-090	AMD-P	05-09-105
356-37-060	REP-P	05-09-100	356-49-030	REP-P	05-09-100	357-16-110	AMD-P	05-08-131
356-37-070	REP-P	05-09-100	356-49-040	REP-P	05-09-100	357-16-130	AMD-P	05-09-109
356-37-080	REP-P	05-09-100	356-56-001	REP-P	05-09-100	357-19-025	AMD-P	05-08-131

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357- 19-080	AMD-P	05-08-131	357- 31-135	NEW	05-08-136	357- 31-435	NEW	05-08-139
357- 19-115	AMD-P	05-08-131	357- 31-140	NEW	05-08-136	357- 31-440	NEW	05-08-139
357- 19-125	NEW-P	05-09-116	357- 31-145	NEW	05-08-136	357- 31-445	NEW	05-08-139
357- 19-181	NEW-P	05-09-111	357- 31-150	NEW	05-08-136	357- 31-450	NEW	05-08-139
357- 19-183	NEW-P	05-08-126	357- 31-155	NEW	05-08-136	357- 31-455	NEW	05-08-139
357- 19-183	NEW-C	05-09-107	357- 31-160	NEW	05-08-136	357- 31-460	NEW	05-08-140
357- 19-184	NEW-P	05-08-126	357- 31-165	NEW	05-08-137	357- 31-465	NEW	05-08-140
357- 19-184	NEW-C	05-09-107	357- 31-165	AMD-P	05-09-104	357- 31-470	NEW	05-08-140
357- 19-185	NEW-P	05-08-126	357- 31-170	NEW	05-08-137	357- 31-475	NEW	05-08-140
357- 19-185	NEW-C	05-09-107	357- 31-175	NEW	05-08-137	357- 31-480	NEW	05-08-140
357- 19-186	NEW-P	05-08-126	357- 31-180	NEW	05-08-137	357- 31-485	NEW	05-08-140
357- 19-186	NEW-C	05-09-107	357- 31-185	NEW	05-08-137	357- 31-490	NEW	05-08-140
357- 19-187	NEW-P	05-08-126	357- 31-190	NEW	05-08-137	357- 31-495	NEW	05-08-140
357- 19-187	NEW-C	05-09-107	357- 31-195	NEW	05-08-137	357- 31-500	NEW	05-08-140
357- 19-188	NEW-P	05-08-126	357- 31-200	NEW	05-08-137	357- 31-505	NEW	05-08-140
357- 19-188	NEW-C	05-09-107	357- 31-205	NEW	05-08-137	357- 31-510	NEW	05-08-140
357- 19-189	NEW-P	05-08-126	357- 31-210	NEW	05-08-137	357- 31-515	NEW	05-08-140
357- 19-189	NEW-C	05-09-107	357- 31-215	NEW	05-08-137	357- 31-520	NEW	05-08-140
357- 19-190	REP-P	05-09-111	357- 31-220	NEW	05-08-137	357- 31-525	NEW	05-08-140
357- 19-191	NEW-P	05-08-126	357- 31-225	NEW	05-08-137	357- 31-525	AMD-P	05-09-112
357- 19-191	NEW-C	05-09-107	357- 31-230	NEW	05-08-137	357- 31-530	NEW	05-08-140
357- 19-300	NEW-P	05-08-130	357- 31-235	NEW	05-08-137	357- 31-530	AMD-P	05-09-117
357- 19-301	NEW-P	05-08-130	357- 31-240	NEW	05-08-137	357- 31-535	NEW	05-08-140
357- 19-302	NEW-P	05-08-130	357- 31-245	NEW	05-08-137	357- 31-540	NEW	05-08-140
357- 19-303	NEW-P	05-08-130	357- 31-250	NEW	05-08-137	357- 31-545	NEW	05-08-140
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357- 19-353	NEW-P	05-09-114	357- 31-260	NEW	05-08-137	357- 31-555	NEW	05-08-140
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357- 28-300	AMD-P	05-08-131	357- 31-300	NEW	05-08-137	357- 46-012	NEW-W	05-09-054
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357- 58-075	NEW-P	05-04-087	357- 58-380	NEW-P	05-04-089	388- 14A-3317	NEW	05-07-059
357- 58-080	NEW-P	05-04-087	357- 58-385	NEW-P	05-04-089	388- 14A-3320	AMD-P	05-03-095
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357- 58-095	NEW-P	05-04-087	357- 58-400	NEW-P	05-04-089	388- 14A-3321	NEW	05-07-059
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388- 25-0225	AMD	05-06-091	388- 71-0250	NEW-P	05-03-096	388- 71-0700	REP-P	05-03-096
388- 25-0225	AMD-E	05-06-093	388- 71-0250	NEW	05-11-082	388- 71-0700	REP	05-11-082
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388- 25-1010	NEW-E	05-06-094	388- 71-0442	REP-P	05-03-096	388- 71-0820	REP	05-11-082
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388- 25-1020	NEW-P	05-06-086	388- 71-0445	REP-P	05-03-096	388- 71-0825	REP	05-11-082
388- 25-1020	NEW-E	05-06-094	388- 71-0445	REP	05-11-082	388- 71-0830	REP-P	05-03-096
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388- 25-1030	NEW-E	05-06-094	388- 71-0455	REP-P	05-03-096	388- 71-0835	REP	05-11-082
388- 25-1030	NEW	05-11-016	388- 71-0455	REP	05-11-082	388- 71-0840	REP-P	05-03-096
388- 25-1040	NEW-P	05-06-086	388- 71-0460	REP-P	05-03-096	388- 71-0840	REP	05-11-082
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388-71-0900	REP-P	05-03-096	388-71-1110	REP-P	05-03-096	388-72A-0086	REP-P	05-03-096
388-71-0900	REP-W	05-11-071	388-71-1110	REP	05-11-082	388-72A-0086	REP	05-11-082
388-71-0905	REP-P	05-03-096	388-72A-0005	REP-P	05-03-096	388-72A-0087	REP-P	05-03-096
388-71-0905	REP-W	05-11-071	388-72A-0005	REP	05-11-082	388-72A-0087	REP	05-11-082
388-71-0910	REP-P	05-03-096	388-72A-0010	REP-P	05-03-096	388-72A-0090	REP-P	05-03-096
388-71-0910	REP-W	05-11-071	388-72A-0010	REP	05-11-082	388-72A-0090	REP	05-11-082
388-71-0915	REP-P	05-03-096	388-72A-0015	REP-P	05-03-096	388-72A-0092	REP-P	05-03-096
388-71-0915	REP-W	05-11-071	388-72A-0015	REP	05-11-082	388-72A-0092	REP	05-11-082
388-71-0920	REP-P	05-03-096	388-72A-0020	REP-P	05-03-096	388-72A-0095	REP-P	05-03-096
388-71-0920	REP-W	05-11-071	388-72A-0020	REP	05-11-082	388-72A-0095	REP	05-11-082
388-71-0925	REP-P	05-03-096	388-72A-0025	REP-P	05-03-096	388-72A-0100	REP-P	05-03-096
388-71-0925	REP-W	05-11-071	388-72A-0025	REP	05-11-082	388-72A-0100	REP	05-11-082
388-71-0930	REP-P	05-03-096	388-72A-0030	REP-P	05-03-096	388-72A-0105	REP-P	05-03-096
388-71-0930	REP-W	05-11-071	388-72A-0030	REP	05-11-082	388-72A-0105	REP	05-11-082
388-71-0935	REP-P	05-03-096	388-72A-0035	REP-P	05-03-096	388-72A-0110	REP-P	05-03-096
388-71-0935	REP-W	05-11-071	388-72A-0035	REP	05-11-082	388-72A-0110	REP	05-11-082
388-71-0940	REP-P	05-03-096	388-72A-0036	REP-P	05-03-096	388-72A-0115	REP-P	05-03-096
388-71-0940	REP-W	05-11-071	388-72A-0036	REP	05-11-082	388-72A-0115	REP	05-11-082
388-71-0945	REP-P	05-03-096	388-72A-0037	REP-P	05-03-096	388-72A-0120	REP-P	05-03-096
388-71-0945	REP-W	05-11-071	388-72A-0037	REP	05-11-082	388-72A-0120	REP	05-11-082
388-71-0950	REP-P	05-03-096	388-72A-0038	REP-P	05-03-096	388-76-76505	AMD-P	05-04-058
388-71-0950	REP-W	05-11-071	388-72A-0038	REP	05-11-082	388-76-76505	AMD	05-07-137
388-71-0955	REP-P	05-03-096	388-72A-0039	REP-P	05-03-096	388-78A-2020	PREP	05-10-085
388-71-0955	REP-W	05-11-071	388-72A-0039	REP	05-11-082	388-78A-2050	PREP	05-10-085
388-71-0960	REP-P	05-03-096	388-72A-0041	REP-P	05-03-096	388-78A-2260	PREP	05-10-085
388-71-0960	REP-W	05-11-071	388-72A-0041	REP	05-11-082	388-78A-2270	PREP	05-10-085
388-71-0965	REP-P	05-03-096	388-72A-0042	REP-P	05-03-096	388-78A-2280	PREP	05-10-085
388-71-0965	REP-W	05-11-071	388-72A-0042	REP	05-11-082	388-78A-2300	PREP	05-10-085
388-71-1000	REP-P	05-03-096	388-72A-0043	REP-P	05-03-096	388-78A-2340	PREP	05-10-085
388-71-1000	REP	05-11-082	388-72A-0043	REP	05-11-082	388-78A-2360	PREP	05-10-085
388-71-1005	REP-P	05-03-096	388-72A-0045	REP-P	05-03-096	388-78A-2470	PREP	05-10-085
388-71-1005	REP	05-11-082	388-72A-0045	REP	05-11-082	388-78A-2480	PREP	05-10-085
388-71-1010	REP-P	05-03-096	388-72A-0050	REP-P	05-03-096	388-78A-2490	PREP	05-10-085
388-71-1010	REP	05-11-082	388-72A-0050	REP	05-11-082	388-78A-2500	PREP	05-10-085
388-71-1015	REP-P	05-03-096	388-72A-0053	REP-P	05-03-096	388-78A-2510	PREP	05-10-085
388-71-1015	REP	05-11-082	388-72A-0053	REP	05-11-082	388-78A-2520	PREP	05-10-085
388-71-1020	REP-P	05-03-096	388-72A-0055	REP-P	05-03-096	388-78A-2700	PREP	05-10-085
388-71-1020	REP	05-11-082	388-72A-0055	REP	05-11-082	388-78A-2840	PREP	05-10-085
388-71-1025	REP-P	05-03-096	388-72A-0057	REP-P	05-03-096	388-78A-2910	PREP	05-10-085
388-71-1025	REP	05-11-082	388-72A-0057	REP	05-11-082	388-78A-2930	PREP	05-10-085
388-71-1030	REP-P	05-03-096	388-72A-0058	REP-P	05-03-096	388-78A-2940	PREP	05-10-085
388-71-1030	REP	05-11-082	388-72A-0058	REP	05-11-082	388-78A-2960	PREP	05-10-085
388-71-1035	REP-P	05-03-096	388-72A-0060	REP-P	05-03-096	388-101	PREP	05-07-132
388-71-1035	REP	05-11-082	388-72A-0060	REP	05-11-082	388-101-1010	RECOD	05-05-077
388-71-1065	REP-P	05-03-096	388-72A-0065	REP-P	05-03-096	388-101-1020	RECOD	05-05-077
388-71-1065	REP	05-11-082	388-72A-0065	REP	05-11-082	388-101-1020	AMD-P	05-07-136
388-71-1070	REP-P	05-03-096	388-72A-0069	REP-P	05-03-096	388-101-1020	AMD	05-10-086
388-71-1070	REP	05-11-082	388-72A-0069	REP	05-11-082	388-101-1100	RECOD	05-05-077
388-71-1075	REP-P	05-03-096	388-72A-0070	REP-P	05-03-096	388-101-1180	RECOD	05-05-077
388-71-1075	REP	05-11-082	388-72A-0070	REP	05-11-082	388-101-1190	RECOD	05-05-077
388-71-1080	REP-P	05-03-096	388-72A-0080	REP-P	05-03-096	388-101-1200	RECOD	05-05-077
388-71-1080	REP	05-11-082	388-72A-0080	REP	05-11-082	388-101-1205	RECOD	05-07-138
388-71-1085	REP-P	05-03-096	388-72A-0081	REP-P	05-03-096	388-101-1210	RECOD	05-05-077
388-71-1085	REP	05-11-082	388-72A-0081	REP	05-11-082	388-101-1220	RECOD	05-05-077
388-71-1090	REP-P	05-03-096	388-72A-0082	REP-P	05-03-096	388-101-1220	AMD-P	05-07-136
388-71-1090	REP	05-11-082	388-72A-0082	REP	05-11-082	388-101-1220	AMD	05-10-086
388-71-1095	REP-P	05-03-096	388-72A-0083	REP-P	05-03-096	388-101-1230	RECOD	05-05-077
388-71-1095	REP	05-11-082	388-72A-0083	REP	05-11-082	388-101-1240	RECOD	05-05-077
388-71-1100	REP-P	05-03-096	388-72A-0084	REP-P	05-03-096	388-101-1250	RECOD	05-05-077
388-71-1100	REP	05-11-082	388-72A-0084	REP	05-11-082	388-101-1260	RECOD	05-05-077
388-71-1105	REP-P	05-03-096	388-72A-0085	REP-P	05-03-096	388-101-1260	AMD-P	05-07-136
388-71-1105	REP	05-11-082	388-72A-0085	REP	05-11-082	388-101-1260	AMD	05-10-086

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-101-1400	RECOD	05-05-077	388-101-2060	RECOD	05-05-077	388-106-0050	NEW-P	05-03-096
388-101-1400	AMD-P	05-07-136	388-101-2070	RECOD	05-05-077	388-106-0050	NEW	05-11-082
388-101-1400	AMD	05-10-086	388-101-2080	RECOD	05-05-077	388-106-0055	NEW-P	05-03-096
388-101-1410	RECOD	05-05-077	388-101-2090	RECOD	05-05-077	388-106-0055	NEW	05-11-082
388-101-1420	RECOD	05-05-077	388-101-2100	RECOD	05-05-077	388-106-0060	NEW-P	05-03-096
388-101-1420	AMD-P	05-07-136	388-101-2110	RECOD	05-05-077	388-106-0060	NEW	05-11-082
388-101-1420	AMD	05-10-086	388-101-2120	RECOD	05-05-077	388-106-0065	NEW-P	05-03-096
388-101-1430	RECOD	05-05-077	388-101-2130	RECOD	05-05-077	388-106-0065	NEW	05-11-082
388-101-1440	RECOD	05-05-077	388-101-2140	RECOD	05-05-077	388-106-0070	NEW-P	05-03-096
388-101-1460	RECOD	05-05-077	388-101-2150	RECOD	05-05-077	388-106-0070	NEW	05-11-082
388-101-1470	RECOD	05-05-077	388-101-2150	AMD-P	05-07-136	388-106-0075	NEW-P	05-03-096
388-101-1470	AMD-P	05-07-136	388-101-2150	AMD	05-10-086	388-106-0075	NEW	05-11-082
388-101-1470	AMD	05-10-086	388-101-2160	RECOD	05-05-077	388-106-0080	NEW-P	05-03-096
388-101-1480	RECOD	05-05-077	388-101-2300	RECOD	05-05-077	388-106-0080	NEW	05-11-082
388-101-1490	RECOD	05-05-077	388-101-2310	RECOD	05-05-077	388-106-0085	NEW-P	05-03-096
388-101-1500	RECOD	05-05-077	388-101-2310	AMD-P	05-07-136	388-106-0085	NEW	05-11-082
388-101-1510	RECOD	05-05-077	388-101-2310	DECOD	05-07-138	388-106-0090	NEW-P	05-03-096
388-101-1520	RECOD	05-05-077	388-101-2320	RECOD	05-05-077	388-106-0090	NEW	05-11-082
388-101-1530	RECOD	05-05-077	388-101-2320	DECOD	05-07-138	388-106-0095	NEW-P	05-03-096
388-101-1540	RECOD	05-05-077	388-101-2330	RECOD	05-05-077	388-106-0095	NEW	05-11-082
388-101-1550	RECOD	05-05-077	388-101-2340	RECOD	05-05-077	388-106-0100	NEW-P	05-03-096
388-101-1600	RECOD	05-05-077	388-101-2350	RECOD	05-05-077	388-106-0100	NEW	05-11-082
388-101-1610	RECOD	05-05-077	388-101-2360	RECOD	05-05-077	388-106-0105	NEW-P	05-03-096
388-101-1620	RECOD	05-05-077	388-101-2370	RECOD	05-05-077	388-106-0105	NEW	05-11-082
388-101-1630	RECOD	05-05-077	388-101-2380	RECOD	05-05-077	388-106-0110	NEW-P	05-03-096
388-101-1640	RECOD	05-05-077	388-101-2400	RECOD	05-07-138	388-106-0110	NEW	05-11-082
388-101-1650	RECOD	05-05-077	388-101-2410	RECOD	05-07-138	388-106-0115	NEW-P	05-03-096
388-101-1660	RECOD	05-05-077	388-101-2410	AMD	05-10-086	388-106-0115	NEW	05-11-082
388-101-1670	RECOD	05-05-077	388-101-2420	RECOD	05-07-138	388-106-0120	NEW-P	05-03-096
388-101-1670	AMD-P	05-07-136	388-101-2430	RECOD	05-07-138	388-106-0120	NEW	05-11-082
388-101-1670	AMD	05-10-086	388-101-2440	RECOD	05-07-138	388-106-0125	NEW-P	05-03-096
388-101-1680	RECOD	05-05-077	388-101-2450	RECOD	05-07-138	388-106-0125	NEW	05-11-082
388-101-1690	RECOD	05-05-077	388-101-2460	RECOD	05-07-138	388-106-0130	NEW-P	05-03-096
388-101-1700	RECOD	05-05-077	388-101-2470	RECOD	05-07-138	388-106-0130	NEW	05-11-082
388-101-1710	RECOD	05-05-077	388-101-2480	RECOD	05-07-138	388-106-0135	NEW-P	05-03-096
388-101-1720	RECOD	05-05-077	388-101-2490	RECOD	05-07-138	388-106-0135	NEW	05-11-082
388-101-1730	RECOD	05-05-077	388-101-2500	RECOD	05-07-138	388-106-0140	NEW-P	05-03-096
388-101-1740	RECOD	05-05-077	388-101-2510	RECOD	05-07-138	388-106-0140	NEW	05-11-082
388-101-1750	RECOD	05-05-077	388-101-2520	RECOD	05-07-138	388-106-0200	NEW-P	05-03-096
388-101-1750	AMD-P	05-07-136	388-101-2530	RECOD	05-07-138	388-106-0200	NEW	05-11-082
388-101-1750	AMD	05-10-086	388-101-2540	RECOD	05-07-138	388-106-0210	NEW-P	05-03-096
388-101-1760	RECOD	05-05-077	388-106	PREP	05-05-080	388-106-0210	NEW	05-11-082
388-101-1770	RECOD	05-05-077	388-106	PREP	05-06-082	388-106-0213	NEW-P	05-03-096
388-101-1780	RECOD	05-05-077	388-106	PREP	05-06-083	388-106-0213	NEW	05-11-082
388-101-1790	RECOD	05-05-077	388-106-0005	NEW-P	05-03-096	388-106-0220	NEW-P	05-03-096
388-101-1800	RECOD	05-05-077	388-106-0005	NEW	05-11-082	388-106-0220	NEW	05-11-082
388-101-1810	RECOD	05-05-077	388-106-0010	NEW-P	05-03-096	388-106-0225	NEW-P	05-03-096
388-101-1820	RECOD	05-05-077	388-106-0010	NEW	05-11-082	388-106-0225	NEW	05-11-082
388-101-1830	RECOD	05-05-077	388-106-0015	NEW-P	05-03-096	388-106-0230	NEW-P	05-03-096
388-101-1840	RECOD	05-05-077	388-106-0015	NEW	05-11-082	388-106-0230	NEW	05-11-082
388-101-1850	RECOD	05-05-077	388-106-0020	NEW-P	05-03-096	388-106-0235	NEW-P	05-03-096
388-101-1860	RECOD	05-05-077	388-106-0020	NEW	05-11-082	388-106-0235	NEW	05-11-082
388-101-1870	RECOD	05-05-077	388-106-0025	NEW-P	05-03-096	388-106-0300	NEW-P	05-03-096
388-101-1880	RECOD	05-05-077	388-106-0025	NEW	05-11-082	388-106-0300	NEW	05-11-082
388-101-1890	RECOD	05-05-077	388-106-0030	NEW-P	05-03-096	388-106-0305	NEW-P	05-03-096
388-101-1900	RECOD	05-05-077	388-106-0030	NEW	05-11-082	388-106-0305	NEW	05-11-082
388-101-2000	RECOD	05-05-077	388-106-0035	NEW-P	05-03-096	388-106-0310	NEW-P	05-03-096
388-101-2010	RECOD	05-05-077	388-106-0035	NEW	05-11-082	388-106-0310	NEW	05-11-082
388-101-2020	RECOD	05-05-077	388-106-0040	NEW-P	05-03-096	388-106-0315	NEW-P	05-03-096
388-101-2030	RECOD	05-05-077	388-106-0040	NEW	05-11-082	388-106-0315	NEW	05-11-082
388-101-2040	RECOD	05-05-077	388-106-0045	NEW-P	05-03-096	388-106-0320	NEW-P	05-03-096
388-101-2050	RECOD	05-05-077	388-106-0045	NEW	05-11-082	388-106-0320	NEW	05-11-082

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-106-0325	NEW-P	05-03-096	388-106-0715	NEW-P	05-03-096	388-106-1225	NEW-P	05-03-096
388-106-0325	NEW	05-11-082	388-106-0715	NEW	05-11-082	388-106-1225	NEW	05-11-082
388-106-0330	NEW-P	05-03-096	388-106-0800	NEW-P	05-03-096	388-106-1230	NEW-P	05-03-096
388-106-0330	NEW	05-11-082	388-106-0800	NEW	05-11-082	388-106-1230	NEW	05-11-082
388-106-0335	NEW-P	05-03-096	388-106-0805	NEW-P	05-03-096	388-106-1300	NEW-P	05-03-096
388-106-0335	NEW	05-11-082	388-106-0805	NEW	05-11-082	388-106-1300	NEW	05-11-082
388-106-0350	NEW-P	05-03-096	388-106-0810	NEW-P	05-03-096	388-106-1305	NEW-P	05-03-096
388-106-0350	NEW	05-11-082	388-106-0810	NEW	05-11-082	388-106-1305	NEW	05-11-082
388-106-0355	NEW-P	05-03-096	388-106-0815	NEW-P	05-03-096	388-106-1310	NEW-P	05-03-096
388-106-0355	NEW	05-11-082	388-106-0815	NEW	05-11-082	388-106-1310	NEW	05-11-082
388-106-0360	NEW-P	05-03-096	388-106-0900	NEW-P	05-03-096	388-145-0100	AMD-P	05-07-134
388-106-0360	NEW	05-11-082	388-106-0900	NEW	05-11-082	388-145-0100	AMD	05-11-008
388-106-0400	NEW-P	05-03-096	388-106-0905	NEW-P	05-03-096	388-145-0230	AMD-P	05-07-134
388-106-0400	NEW	05-11-082	388-106-0905	NEW	05-11-082	388-145-0230	AMD	05-11-008
388-106-0410	NEW-P	05-03-096	388-106-0950	NEW-P	05-03-096	388-160-0075	AMD-P	05-09-079
388-106-0410	NEW	05-11-082	388-106-0950	NEW	05-11-082	388-160-0195	AMD-P	05-09-079
388-106-0415	NEW-P	05-03-096	388-106-0955	NEW-P	05-03-096	388-273-0035	AMD-E	05-06-024
388-106-0415	NEW	05-11-082	388-106-0955	NEW	05-11-082	388-273-0035	PREP	05-06-077
388-106-0420	NEW-P	05-03-096	388-106-1000	NEW-P	05-03-096	388-290-0010	PREP	05-06-078
388-106-0420	NEW	05-11-082	388-106-1000	NEW-W	05-11-071	388-290-0025	PREP	05-06-078
388-106-0425	NEW-P	05-03-096	388-106-1005	NEW-P	05-03-096	388-290-0075	PREP	05-06-078
388-106-0425	NEW	05-11-082	388-106-1005	NEW-W	05-11-071	388-290-0095	PREP	05-06-078
388-106-0430	NEW-P	05-03-096	388-106-1010	NEW-P	05-03-096	388-290-0100	PREP	05-06-078
388-106-0430	NEW	05-11-082	388-106-1010	NEW-W	05-11-071	388-290-0105	PREP	05-06-078
388-106-0435	NEW-P	05-03-096	388-106-1015	NEW-P	05-03-096	388-290-0110	PREP	05-06-078
388-106-0435	NEW	05-11-082	388-106-1015	NEW-W	05-11-071	388-290-0120	PREP	05-06-078
388-106-0500	NEW-P	05-03-096	388-106-1020	NEW-P	05-03-096	388-290-0200	AMD-E	05-05-024
388-106-0500	NEW	05-11-082	388-106-1020	NEW-W	05-11-071	388-290-0205	AMD-E	05-05-024
388-106-0510	NEW-P	05-03-096	388-106-1025	NEW-P	05-03-096	388-295	PREP	05-08-059
388-106-0510	NEW	05-11-082	388-106-1025	NEW-W	05-11-071	388-296	PREP	05-07-131
388-106-0515	NEW-P	05-03-096	388-106-1030	NEW-P	05-03-096	388-296	PREP-W	05-08-058
388-106-0515	NEW	05-11-082	388-106-1030	NEW-W	05-11-071	388-310-0600	PREP	05-07-074
388-106-0520	NEW-P	05-03-096	388-106-1035	NEW-P	05-03-096	388-310-1400	AMD-P	05-08-121
388-106-0520	NEW	05-11-082	388-106-1035	NEW-W	05-11-071	388-400	PREP	05-08-091
388-106-0525	NEW-P	05-03-096	388-106-1040	NEW-P	05-03-096	388-400-0005	AMD-P	05-09-083
388-106-0525	NEW	05-11-082	388-106-1040	NEW-W	05-11-071	388-406	PREP	05-08-091
388-106-0530	NEW-P	05-03-096	388-106-1045	NEW-P	05-03-096	388-408	PREP	05-08-091
388-106-0530	NEW	05-11-082	388-106-1045	NEW-W	05-11-071	388-410	PREP	05-08-091
388-106-0535	NEW-P	05-03-096	388-106-1050	NEW-P	05-03-096	388-410-0001	AMD-P	05-05-081
388-106-0535	NEW	05-11-082	388-106-1050	NEW-W	05-11-071	388-410-0001	AMD	05-08-124
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388-106-0600	NEW	05-11-082	388-106-1055	NEW-W	05-11-071	388-412-0025	PREP	05-07-130
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388-106-0615	NEW	05-11-082	388-106-1105	NEW	05-11-082	388-416-0015	PREP	05-05-079
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434-230-010	AMD-E	05-11-101	434-333-065	REP-P	05-05-034	434-333-260	NEW-E	05-05-033
434-230-035	NEW-E	05-11-101	434-333-070	AMD-E	05-05-033	434-333-265	NEW-E	05-05-033
434-230-040	AMD-E	05-11-101	434-333-070	REP-P	05-05-034	434-333-270	NEW-E	05-05-033
434-230-050	AMD-E	05-11-101	434-333-075	AMD-E	05-05-033	434-333-275	NEW-E	05-05-033
434-230-060	AMD-E	05-11-101	434-333-075	REP-P	05-05-034	434-333-280	NEW-E	05-05-033
434-230-170	AMD-E	05-11-101	434-333-080	NEW-E	05-05-033	434-333-285	NEW-E	05-05-033
434-230-175	NEW-E	05-05-033	434-333-082	REP-P	05-05-034	434-333-290	NEW-E	05-05-033
434-230-177	NEW-E	05-05-033	434-333-085	AMD-E	05-05-033	434-333-295	NEW-E	05-05-033
434-230-210	REP-E	05-11-101	434-333-085	REP-P	05-05-034	434-333-300	NEW-E	05-05-033
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434-253-043	AMD	05-08-065	434-333-090	REP-P	05-05-034	434-335-020	NEW-P	05-05-034
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434-253-045	AMD	05-08-065	434-333-095	REP-P	05-05-034	434-335-040	NEW-P	05-05-034
434-253-047	AMD	05-06-035	434-333-100	AMD-E	05-05-033	434-335-050	NEW-P	05-05-034
434-253-047	AMD	05-08-065	434-333-100	REP-P	05-05-034	434-335-060	NEW-P	05-05-034
434-253-048	NEW	05-06-035	434-333-105	AMD-E	05-05-033	434-335-070	NEW-P	05-05-034
434-253-048	NEW	05-08-065	434-333-105	REP-P	05-05-034	434-335-080	NEW-P	05-05-034
434-253-049	AMD	05-06-035	434-333-107	NEW-E	05-05-033	434-335-090	NEW-P	05-05-034
434-253-049	AMD	05-08-065	434-333-110	AMD-E	05-05-033	434-335-100	NEW-P	05-05-034
434-253-085	NEW-E	05-05-033	434-333-110	REP-P	05-05-034	434-335-110	NEW-P	05-05-034
434-253-160	AMD	05-06-035	434-333-115	NEW-E	05-05-033	434-335-120	NEW-P	05-05-034
434-253-160	AMD	05-08-065	434-333-120	AMD-E	05-05-033	434-335-130	NEW-P	05-05-034
434-253-165	NEW	05-06-035	434-333-120	REP-P	05-05-034	434-335-140	NEW-P	05-05-034
434-253-165	NEW	05-08-065	434-333-125	AMD-E	05-05-033	434-335-150	NEW-P	05-05-034
434-253-203	NEW	05-06-035	434-333-125	REP-P	05-05-034	434-335-160	NEW-P	05-05-034
434-253-203	NEW	05-08-065	434-333-127	REP-P	05-05-034	434-335-170	NEW-P	05-05-034
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434-261-020	AMD-E	05-11-101	434-333-130	REP-P	05-05-034	434-335-190	NEW-P	05-05-034
434-261-045	NEW-E	05-05-033	434-333-135	AMD-E	05-05-033	434-335-200	NEW-P	05-05-034
434-261-110	NEW	05-06-035	434-333-135	REP-P	05-05-034	434-335-210	NEW-P	05-05-034
434-261-110	NEW	05-08-065	434-333-140	AMD-E	05-05-033	434-335-220	NEW-P	05-05-034
434-262-005	REP-E	05-11-101	434-333-140	REP-P	05-05-034	434-335-230	NEW-P	05-05-034
434-262-012	NEW-E	05-11-101	434-333-145	AMD-E	05-05-033	434-335-240	NEW-P	05-05-034
434-262-160	AMD-E	05-11-101	434-333-145	REP-P	05-05-034	434-335-250	NEW-P	05-05-034
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434-262-203	NEW	05-08-065	434-333-150	REP-P	05-05-034	434-335-270	NEW-P	05-05-034
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434-262-204	NEW	05-08-065	434-333-155	REP-P	05-05-034	434-335-290	NEW-P	05-05-034
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434-333-010	REP-P	05-05-034	434-333-165	AMD-E	05-05-033	434-335-320	NEW-P	05-05-034
434-333-013	NEW-E	05-05-033	434-333-165	REP-P	05-05-034	434-335-330	NEW-P	05-05-034
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434-333-020	REP-P	05-05-034	434-333-175	REP-P	05-05-034	434-335-370	NEW-P	05-05-034
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434-335-410	NEW-P	05-05-034	456-09-510	AMD-P	05-09-125	456-10-300	NEW-P	05-09-125
434-335-420	NEW-P	05-05-034	456-09-520	AMD-P	05-09-125	456-10-310	AMD-P	05-09-125
434-335-430	NEW-P	05-05-034	456-09-530	AMD-P	05-09-125	456-10-315	AMD-P	05-09-125
434-335-440	NEW-P	05-05-034	456-09-540	AMD-P	05-09-125	456-10-320	REP-P	05-09-125
434-335-450	NEW-P	05-05-034	456-09-545	NEW-P	05-09-125	456-10-325	AMD-P	05-09-125
434-335-460	NEW-P	05-05-034	456-09-550	AMD-P	05-09-125	456-10-330	AMD-P	05-09-125
434-335-470	NEW-P	05-05-034	456-09-552	NEW-P	05-09-125	456-10-335	AMD-P	05-09-125
434-335-480	NEW-P	05-05-034	456-09-555	NEW-P	05-09-125	456-10-340	REP-P	05-09-125
434-335-490	NEW-P	05-05-034	456-09-560	AMD-P	05-09-125	456-10-345	REP-P	05-09-125
434-335-500	NEW-P	05-05-034	456-09-565	NEW-P	05-09-125	456-10-355	REP-P	05-09-125
434-335-510	NEW-P	05-05-034	456-09-570	AMD-P	05-09-125	456-10-360	REP-P	05-09-125
434-335-520	NEW-P	05-05-034	456-09-575	NEW-P	05-09-125	456-10-410	AMD-P	05-09-125
434-335-530	NEW-P	05-05-034	456-09-610	REP-P	05-09-125	456-10-420	REP-P	05-09-125
434-335-540	NEW-P	05-05-034	456-09-615	REP-P	05-09-125	456-10-430	REP-P	05-09-125
434-335-550	NEW-P	05-05-034	456-09-620	REP-P	05-09-125	456-10-440	REP-P	05-09-125
434-335-560	NEW-P	05-05-034	456-09-625	REP-P	05-09-125	456-10-500	NEW-P	05-09-125
434-335-570	NEW-P	05-05-034	456-09-635	REP-P	05-09-125	456-10-501	NEW-P	05-09-125
434-335-580	NEW-P	05-05-034	456-09-640	REP-P	05-09-125	456-10-503	NEW-P	05-09-125
434-335-590	NEW-P	05-05-034	456-09-645	REP-P	05-09-125	456-10-505	AMD-P	05-09-125
434-335-600	NEW-P	05-05-034	456-09-650	REP-P	05-09-125	456-10-507	NEW-P	05-09-125
434-335-610	NEW-P	05-05-034	456-09-655	REP-P	05-09-125	456-10-510	AMD-P	05-09-125
434-335-620	NEW-P	05-05-034	456-09-705	REP-P	05-09-125	456-10-515	AMD-P	05-09-125
434-335-630	NEW-P	05-05-034	456-09-710	REP-P	05-09-125	456-10-525	REP-P	05-09-125
434-335-640	NEW-P	05-05-034	456-09-715	REP-P	05-09-125	456-10-530	AMD-P	05-09-125
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434-379-007	NEW-P	05-09-047	456-09-725	REP-P	05-09-125	456-10-540	AMD-P	05-09-125
434-379-010	AMD-P	05-09-047	456-09-730	REP-P	05-09-125	456-10-545	AMD-P	05-09-125
434-379-020	NEW-P	05-09-047	456-09-732	REP-P	05-09-125	456-10-547	AMD-P	05-09-125
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446-20-610	AMD	05-07-141	456-09-745	AMD-P	05-09-125	456-10-565	AMD-P	05-09-125
446-20-630	AMD-P	05-03-035	456-09-750	AMD-P	05-09-125	456-10-570	REP-P	05-09-125
446-20-630	AMD	05-07-157	456-09-755	AMD-P	05-09-125	456-10-710	AMD-P	05-09-125
446-65-010	AMD	05-04-002	456-09-760	REP-P	05-09-125	456-10-720	REP-P	05-09-125
456-09-001	NEW-P	05-09-125	456-09-765	AMD-P	05-09-125	456-10-725	AMD-P	05-09-125
456-09-010	AMD-P	05-09-125	456-09-770	REP-P	05-09-125	456-10-730	AMD-P	05-09-125
456-09-110	AMD-P	05-09-125	456-09-775	REP-P	05-09-125	456-10-735	REP-P	05-09-125
456-09-120	AMD-P	05-09-125	456-09-910	AMD-P	05-09-125	456-10-740	REP-P	05-09-125
456-09-130	AMD-P	05-09-125	456-09-915	AMD-P	05-09-125	456-10-745	REP-P	05-09-125
456-09-140	AMD-P	05-09-125	456-09-920	AMD-P	05-09-125	456-10-750	REP-P	05-09-125
456-09-160	REP-P	05-09-125	456-09-925	AMD-P	05-09-125	456-10-755	AMD-P	05-09-125
456-09-170	REP-P	05-09-125	456-09-930	AMD-P	05-09-125	458-12-342	PREP	05-06-017
456-09-210	AMD-P	05-09-125	456-09-935	REP-P	05-09-125	458-12-342	AMD-P	05-11-007
456-09-215	NEW-P	05-09-125	456-09-940	REP-P	05-09-125	458-16-1000	NEW-E	05-04-047
456-09-220	AMD-P	05-09-125	456-09-945	REP-P	05-09-125	458-16-1000	NEW-P	05-05-063
456-09-300	NEW-P	05-09-125	456-09-950	REP-P	05-09-125	458-20-100	PREP	05-07-156
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456-09-315	AMD-P	05-09-125	456-09-960	AMD-P	05-09-125	458-20-144	AMD	05-03-052
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456-09-325	AMD-P	05-09-125	456-10-010	AMD-P	05-09-125	458-20-177	AMD-P	05-06-018
456-09-330	AMD-P	05-09-125	456-10-110	AMD-P	05-09-125	458-20-17803	NEW	05-03-051
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456-09-340	AMD-P	05-09-125	456-10-130	REP-P	05-09-125	458-20-191	REP	05-03-002
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456-09-350	REP-P	05-09-125	456-10-150	AMD-P	05-09-125	458-20-193C	PREP	05-11-096
456-09-355	REP-P	05-09-125	456-10-160	AMD-P	05-09-125	458-20-194	PREP	05-06-124
456-09-365	REP-P	05-09-125	456-10-170	REP-P	05-09-125	458-20-196	AMD	05-04-048
456-09-410	REP-P	05-09-125	456-10-180	REP-P	05-09-125	458-20-198	AMD	05-04-048
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458-20-24001A	PREP	05-05-061	468-38-235	REP	05-04-053	478-118-410	AMD-P	05-03-071
458-20-24003	PREP	05-05-062	468-38-240	REP	05-04-053	478-118-410	AMD	05-08-017
458-20-261	PREP	05-08-118	468-38-250	REP	05-04-053	478-118-420	AMD-P	05-03-071
458-20-267	NEW-E	05-03-016	468-38-260	REP	05-04-053	478-118-420	AMD	05-08-017
458-20-268	NEW-E	05-03-017	468-38-270	AMD-P	05-08-016	478-118-510	REP-P	05-03-071
458-20-268	PREP	05-09-121	468-38-280	AMD	05-04-053	478-118-510	REP	05-08-017
458-20-268	NEW-E	05-11-020	468-38-290	AMD	05-04-053	478-137	PREP	05-11-011
458-20-99999	REP	05-03-002	468-38-300	REP	05-04-053	478-250-050	AMD	05-08-064
458-40-610	AMD	05-08-070	468-38-310	REP	05-04-053	478-250-060	AMD	05-08-064
458-40-660	PREP	05-06-059	468-38-320	REP	05-04-053	479-12-150	AMD	05-05-004
458-40-660	AMD-P	05-11-052	468-38-330	REP	05-04-053	479-14-180	AMD	05-05-004
458-40-680	AMD	05-08-070	468-38-340	REP	05-04-053	480-60-035	PREP-W	05-07-007
460-24A-105	PREP	05-03-104	468-38-350	REP	05-04-053	480-62-218	NEW-W	05-04-008
463-60-382	RECOD-W	05-03-087	468-38-360	AMD	05-04-053	480-70-041	AMD	05-06-051
463-60-385	RECOD-W	05-03-087	468-38-390	REP	05-04-053	480-70-051	AMD	05-06-051
463-60-435	RECOD-W	05-03-087	468-38-405	AMD	05-04-053	480-70-077	NEW	05-06-051
463-60-525	RECOD-W	05-03-087	468-38-420	AMD	05-04-053	480-70-078	NEW	05-06-051
463-60-625	RECOD-W	05-03-087	468-300-010	AMD-P	05-05-058	480-70-079	NEW	05-06-051
463-60-645	RECOD-W	05-03-087	468-300-010	AMD-S	05-07-159	480-73-010	NEW	05-06-051
463-60-655	RECOD-W	05-03-087	468-300-010	AMD	05-10-041	480-73-020	NEW	05-06-051
463-60-665	RECOD-W	05-03-087	468-300-020	AMD-P	05-05-058	480-73-030	NEW	05-06-051
463-60-675	RECOD-W	05-03-087	468-300-020	AMD-S	05-07-159	480-73-040	NEW	05-06-051
463-60-680	RECOD-W	05-03-087	468-300-020	AMD	05-10-041	480-73-050	NEW	05-06-051
463-60-685	RECOD-W	05-03-087	468-300-040	AMD-P	05-05-058	480-73-060	NEW	05-06-051
463-60-690	RECOD-W	05-03-087	468-300-040	AMD-S	05-07-159	480-73-110	NEW	05-06-051
463-64-060	NEW-W	05-03-087	468-300-040	AMD	05-10-041	480-73-110	AMD-S	05-10-099
463-66-010	RECOD-W	05-03-087	468-300-220	AMD-P	05-05-058	480-73-120	NEW	05-06-051
463-70-080	RECOD-W	05-03-087	468-300-220	AMD-S	05-07-159	480-73-130	NEW	05-06-051
463-76-020	RECOD-W	05-03-087	468-300-220	AMD	05-10-041	480-73-140	NEW	05-06-051
463-76-030	RECOD-W	05-03-087	478-04-030	AMD	05-08-064	480-73-150	NEW	05-06-051
463-76-040	RECOD-W	05-03-087	478-116-145	AMD	05-08-064	480-73-160	NEW	05-06-051
463-76-050	RECOD-W	05-03-087	478-116-161	AMD	05-08-064	480-73-170	NEW-S	05-10-099
463-76-060	RECOD-W	05-03-087	478-116-311	AMD	05-08-064	480-73-180	NEW	05-06-051
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468-38-010	REP	05-04-053	478-118-020	AMD-P	05-03-071	480-73-999	NEW	05-06-051
468-38-020	REP	05-04-053	478-118-020	AMD	05-08-017	480-75-240	AMD-P	05-09-122
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468-38-040	REP	05-04-053	478-118-045	NEW	05-08-017	480-80-204	AMD	05-03-031
468-38-050	AMD	05-04-053	478-118-050	AMD-P	05-03-071	480-80-206	AMD	05-03-031
468-38-060	REP	05-04-053	478-118-050	AMD	05-08-017	480-90-008	AMD	05-06-051
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468-38-073	NEW-P	05-07-085	478-118-060	AMD-P	05-03-071	480-90-207	AMD-S	05-10-099
468-38-075	AMD	05-04-053	478-118-060	AMD	05-08-017	480-90-208	REP	05-06-051
468-38-080	AMD	05-04-053	478-118-080	AMD-P	05-03-071	480-90-209	NEW	05-06-051
468-38-095	NEW	05-04-053	478-118-080	AMD	05-08-017	480-90-218	REP	05-06-051
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468-38-110	REP	05-04-053	478-118-100	AMD	05-08-017	480-90-244	NEW	05-06-051
468-38-120	AMD	05-04-053	478-118-200	AMD-P	05-03-071	480-90-245	NEW	05-06-051
468-38-130	REP	05-04-053	478-118-200	AMD	05-08-017	480-90-248	NEW	05-06-051
468-38-135	REP	05-04-053	478-118-210	AMD-P	05-03-071	480-90-248	AMD-S	05-10-099
468-38-140	REP	05-04-053	478-118-210	AMD	05-08-017	480-90-252	NEW	05-06-051
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468-38-160	REP	05-04-053	478-118-270	AMD	05-08-017	480-90-262	NEW-S	05-10-099
468-38-175	NEW	05-04-053	478-118-290	NEW-P	05-03-071	480-90-264	NEW	05-06-051
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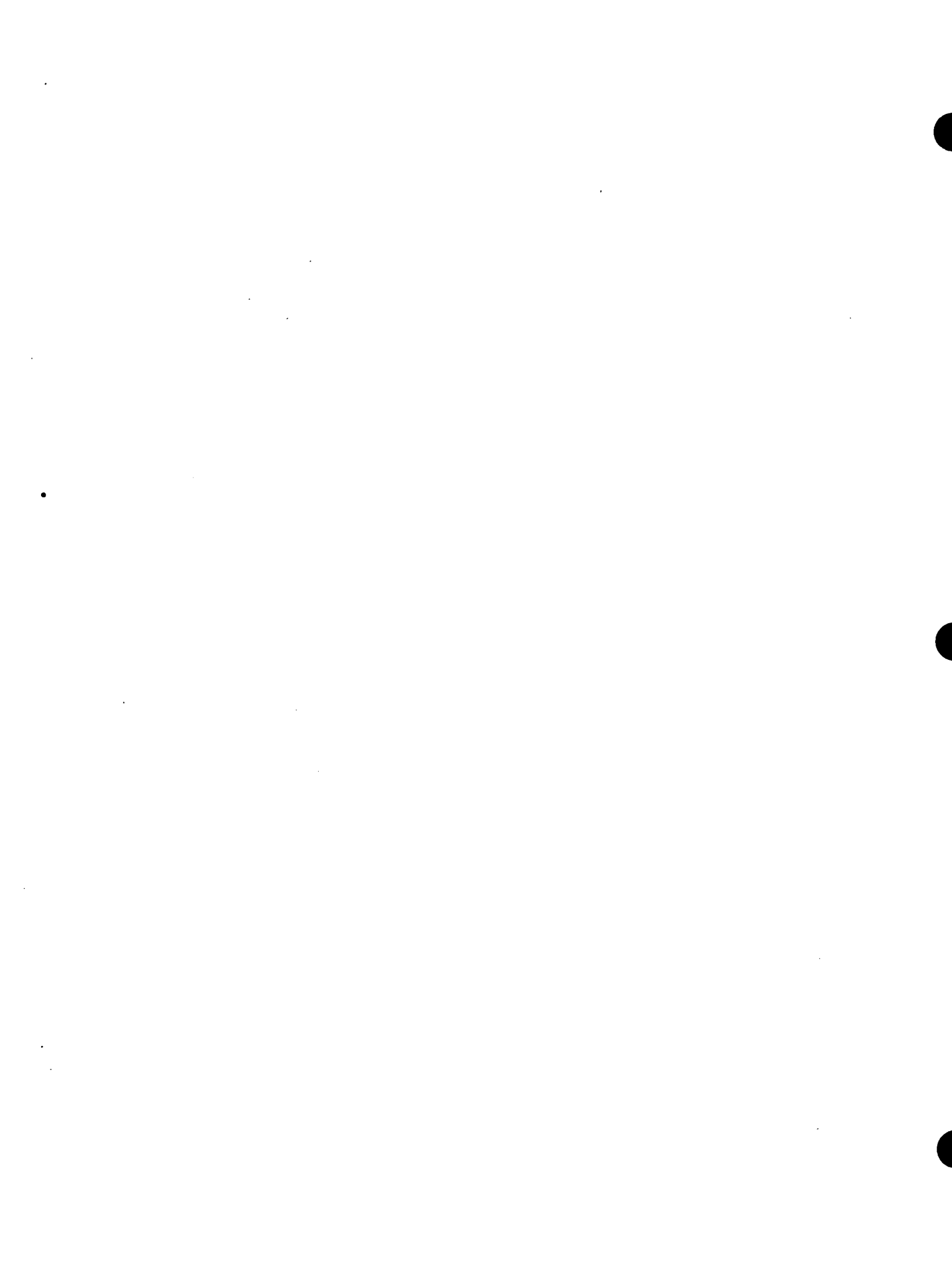
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