

WSR 05-19-023**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed September 12, 2005, 9:52 a.m.]

Subject of Possible Rule Making: Chapter 308-97 WAC, Vehicle license interstate and intrastate permits, to include but not limited to WAC 308-97-011 Definitions of a motor carrier and 308-97-230 Appointment of vehicle trip permits agents. This is an alternative to such license registration, secure and operate such vehicle under authority of a trip permit issued by this state in lieu of a Washington certificate of license registration, and licensed gross weight if applicable.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.16.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required to comply with Executive Order 97-02, which requires periodic review of all rules by an agency. WAC 308-97-230 will need to have subsection (6) removed; there was a misquote on the subsection and [it] is no longer needed. WAC 308-97-011 will make the definition of motor carrier consistent with definitions in other state and federal regulations.

This rule change would result in Department of Licensing vehicle agents and subagents having a better understanding of who a motor carrier is when selling trip permits.

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 [2957], Olympia, WA 98507-2957, or by phone (360) 902-4020, fax (360) 902-3827, TTY (360) 664-8885, e-mail DBROWN@dol.wa.gov.

September 9, 2005

Robert Smith
for Steve Boruchowitz, Manager
Policy and Project Office

WSR 05-19-025**PREPROPOSAL STATEMENT OF INQUIRY
CENTRAL WASHINGTON UNIVERSITY**

[Filed September 12, 2005, 9:55 a.m.]

Subject of Possible Rule Making: Substance use and drug testing for student athletes.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.10.528 and 28B.35.120(12).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The substance use/drug policy for Central Washington University athletes is designed to prevent substance abuse among student athletes by implementing probable-cause drug testing. The intent is to protect

the personal health and safety of each athlete as well as to ensure an atmosphere of competitive equality. It will also provide an opportunity to intervene on behalf of an individual who has a drug abuse history or a perceived drug problem.

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 Judy B. Miller, Central Washington University, President's Office, 400 East University Way, Ellensburg, WA 98926-7501, (509) 963-2163, (509) 963-3206, miller@cwu.edu.

September 8, 2005

Jerilyn S. McIntyre
President

WSR 05-19-049**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

(Board of Physical Therapy)

[Filed September 15, 2005, 11:20 a.m.]

Subject of Possible Rule Making: WAC 246-915-XXX Sharp debridement and 246-915-XXX Electroneuromyographic examinations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 18.74 RCW, chapter 501, Laws of 2005.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: HB 1137 (chapter 501, Laws of 2005) passed during the 2005 legislative session. The new legislation authorizes a physical therapist to perform sharp debridement, to include the use of a scalpel only upon showing evidence of adequate education and training as established by administrative rule. The new legislation also requires licensed physical therapists who perform electroneuromyographic examinations for the purpose of testing neuromuscular function to demonstrate further education and training in electroneuromyographic examinations as established by rule. Rules are required to identify what further education and training is required for licensed physical therapists to perform electroneuromyographic examinations and sharp debridement.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Department of Health, Board of Physical Therapy, Kris Waidely, Program Manager, P.O. Box 47867, Olympia, WA 98504-7867, (360) 236-4847, fax (360) 664-9077, kris.waidely@doh.wa.gov.

August 24, 2005

Kris Waidely
Program Manager

WSR 05-19-077**PREPROPOSAL STATEMENT OF INQUIRY
PUBLIC DISCLOSURE COMMISSION**

[Filed September 19, 2005, 1:40 p.m.]

Subject of Possible Rule Making: Title 390 WAC, rules relating to changes in the I-134 dollar amounts subject to inflationary adjustment under RCW 42.17.690, production of documents and use at hearing (adjudicative proceeding), regular meetings of the Public Disclosure Commission, and rules implementing chapter 445, Laws of 2005 (ESSB 5024, Electioneering communications).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.690, chapter 445, Laws of 2005, and RCW 42.17.370.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Public Disclosure Commission will consider possible rule amendments changing the dollar amounts under Initiative 134 as required in RCW 42.17.690, updating WAC 390-37-136 to accommodate electronic document transfers, amend WAC 390-12-010 to accommodate commissioner scheduling conflicts and possible new rules to implement ESSB 5034, Electioneering communications. The rules are designed to provide guidance and clarification to the general public and persons subject to the disclosure law.

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

Process for Developing New Rule: At its meeting on October 27, 2005, the commission is expected to discuss and possibly approve draft language on the above referenced rule topics. Public comment will be welcome at this meeting. Interested persons are invited to submit written comments by October 25, 2005, to Doug Ellis, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908. Written comments received by Monday, October 17, 2005, will be provided to commissioners in advance of the meeting. A formal public hearing is expected to occur in conjunction with the commission's January meeting.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Assistant Director Doug Ellis, Washington State Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, (360) 664-2735, toll free 1-877-601-2828, e-mail dellis@pdc.wa.gov.

September 19, 2005

Vicki Rippie
Executive Director**WSR 05-19-083****PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed September 20, 2005, 9:38 a.m.]

Subject of Possible Rule Making: Chapter 296-125 WAC, Nonagricultural employment of minors; chapter 296-126 WAC, Standards of labor for the protection of the safety,

health and welfare of employees for all occupations subject to chapter 49.12 RCW; chapter 296-128 WAC, Minimum wages; and chapter 296-131 WAC, Agricultural employment standards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 49.12, 49.30, 49.46 RCW, and RCW 43.22.270.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is incorporating nineteen administrative policies into the employment standard rules. The policies are used for interpretive guidance for the rules. By integrating the policies into rules, the employment standard rules will be easier to use, understand, and provide greater certainty and consistency without having to rely on additional documents.

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 Sally Elliott, Department of Labor and Industries, Specialty Compliance Services Division, P.O. Box 44400, Olympia, WA 98504-4400, phone (360) 902-6411, fax (360) 902-5292, e-mail yous235@lni.wa.gov.

September 20, 2005

Gary Weeks
Director**WSR 05-19-089****PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed September 20, 2005, 10:43 a.m.]

Subject of Possible Rule Making: Chapter 308-96A WAC, Vehicle licenses and chapter 308-93 WAC, Vessel registration and certificates of title, to include but not limited to WAC 308-96A-080 Undercover and confidential license plates—Application procedures and 308-93-241 Undercover and confidential vessel registration—Application procedures.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.08.066 and 88.02.035.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making is required to clarify language for undercover and confidential vehicle and vessel license application procedures. Revisions would also clarify language to define the types of vehicles that are included in the undercover and confidential license plate program.

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

Process for Developing New Rule: Negotiated rule making.

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

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

September 20, 2005
Steve Boruchowitz, Manager
Policy and Project Office

WSR 05-19-119
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed September 20, 2005, 4:20 p.m.]

Subject of Possible Rule Making: The Division of Child Support (DCS) is proposing new sections and/or amendments in chapter 388-14A WAC: Amending WAC 388-14A-4605 Whose picture can go on the division of child support's DCS most wanted internet site?, to clarify that the custodial parent must have an open child support case in order to request that DCS post the noncustodial parent's picture to the most wanted web site. DCS will add other amendments or new sections as necessary to update or clarify the rules regarding the most wanted web site.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 26.23.120(2) and 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: DCS seeks to clarify the rules on which parents' photographs may be posed to the DCS most wanted web site, and to clarify the process to request that a noncustodial parent be posed on the site.

Process for Developing New Rule: DCS engages in modified collaborative rule making. Those persons wishing to participate in developing the new rules are encouraged to contact Nancy Koptur at the DSHS/DCS headquarters as soon as possible. DCS will post information regarding this rule development project and others on its web site, which can be found at www.wa.gov/dshs/dcs, or on the DSHS Economic Services Administration's policy review web site, which can be found at <http://www1.dshs.wa.gov/esa/extpolicy/>. DSHS/DCS encourages the public to take part in developing the rules. After the rules are drafted, DSHS will file a copy with the Office of the Code Reviser with a notice of proposed rule making, and will send a copy to everyone currently on the mailing list and to anyone else who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Nancy Koptur, DCS Rules Coordinator, Division of Child Support, P.O. Box 9162, Mailstop 45860, Olympia, WA 98507-9162, phone (360) 664-5065, e-mail nkoptur@dshs.wa.gov, toll-free 1-800-457-6202, fax (360) 664-5055, TTY/TDD (360) 664-5011.

September 19, 2005
Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 05-19-120
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health and Recovery Services Administration)
[Filed September 20, 2005, 4:21 p.m.]

Subject of Possible Rule Making: Home health services sections and possible new sections in chapter 388-551 WAC. (Note: This preproposal statement of inquiry replaces the one filed as WSR 04-02-061 on January 6, 2004.)

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is amending these rules to update and clarify current program policy and establish a tiered health care plan that includes a continuum of home health care for medical assistance clients.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department will coordinate the rule-making process for the proposed rule with Centers for Medicare and Medicaid Services (CMS) to ensure compliance with federal regulations.

Process for Developing New Rule: The department invites the interested public to review and provide input on the draft language of these rules. Draft material and information about how to participate may be obtained by contacting the department representative listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kathy Sayre, Rules Program Manager, Health and Recovery Services Administration, Mailstop 45533, Olympia, WA 98504-5533, phone (360) 725-1342, fax (360) 586-9726, TTY 1-800-848-5429, e-mail sayrek@dshs.wa.gov.

September 19, 2005
Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 05-19-121
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health and Recovery Services Administration)
[Filed September 20, 2005, 4:23 p.m.]

The Health and Recovery Services Administration requests the withdrawal of the preproposal statement of inquiry filed as WSR 04-02-061 on January 6, 2004 (chapter 388-551 WAC).

Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 05-19-122
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Health and Recovery Services Administration)
 [Filed September 20, 2005, 4:24 p.m.]

Subject of Possible Rule Making: Chapter 388-542 WAC, State children's health insurance program (SCHIP).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.450, 74.09.510, 74.09.522.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is proposing a revision of this rule to update cross-references.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The federal Centers for Medicare and Medicaid Services (CMS) regulates Medicaid managed care programs. DSHS staff work closely with CMS staff via document review to ensure our rule is in compliance with federal regulation.

Process for Developing New Rule: The department invites the interested public to review and comment on draft material. For information about how to participate, contact the person listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Wendy L. Boedigheimer, Rules Program Manager, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1306, fax (360) 586-9727, TTY 1-800-848-5429, e-mail boediwl@dshs.wa.gov.

Andy Fernando, Manager
 Rules and Policies Assistance Unit

WSR 05-19-123
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Aging and Disability Services Administration)
 [Filed September 20, 2005, 4:26 p.m.]

Subject of Possible Rule Making: Creating a new chapter 388-828 WAC for the Division of Developmental Disabilities (DDD), full assessment and revising other related rules as appropriate. (Note: This preproposal statement of inquiry replaces the one filed as WSR 05-17-138 on August 19, 2005.)

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In June 2003, the Joint Legislative Audit and Review Committee (JLARC) recommended that DSHS develop an assessment process for developmentally disabled clients designed to be consistently applied, to all clients, in all parts of the state. Part of developing this assessment process includes defining requirements for administering a newly developed full-assessment to DDD eligible clients.

Rules are needed in WAC to govern and support the implementation of the full-assessment requirements. Adoption of these rules will help promote consistent application and understanding of the division's full-assessment process. As needed, the department may revise other related DDD rules to support implementation of the full assessment.

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

Process for Developing New Rule: At a later date, the department will file proposed rules and a proposed rule-making notice for publication in the Washington State Register, invite public comments, and hold a public hearing. The proposal will be sent to everyone on the mailing list to receive rule-making notices on this subject, and to anyone who requests the proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mark R. Eliason, Policy Manager, DDD Assessment Project, P.O. Box 45310, Olympia, WA 98504-5310, phone (360) 725-2517, fax (360) 407-09055 [407-0955], e-mail eliasmr2@dshs.wa.gov.

September 19, 2005
 Andy Fernando, Manager
 Rules and Policies Assistance Unit

WSR 05-19-124
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Aging and Disability Services Administration)
 [Filed September 20, 2005, 4:27 p.m.]

The Aging and Disability Services Administration requests the withdrawal of the preproposal statement of inquiry filed as WSR 05-17-138 on August 19, 2005 (chapter 388-828 WAC).

Andy Fernando, Manager
 Rules and Policies Assistance Unit

WSR 05-19-125
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Health and Recovery Services Administration)
 [Filed September 20, 2005, 4:28 p.m.]

Subject of Possible Rule Making: Chapter 388-527 WAC, Estate recovery.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 292, Laws of 2005 (SHB 2304); RCW 43.20B.30 [43.20B.030]; 43.20B.80 [43.20B.080]; chapter 43.20B RCW; RCW 74.08.090; and Section 1917(b) of the Social Security Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revision of this chapter is necessary to establish rules and procedural guides for the implementation of SHB 2304. Specifically to:

- Include life estates and joint tenancy among assets subject to estate recovery;
- Extend statute of limitations of liens to twenty years;
- Establish the state's use of Tax Equity Fiscal Responsibility Act (TEFRA) liens in accordance with 42 U.S.C. Sec. 1396p(a);
- Establish notice of request for transfer of real property assets; and
- Eliminate the homestead exemption as it relates to estate recovery activities.

During the course of this review, the department may identify additional changes that are required in order to improve clarity or to update policy.

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

Process for Developing New Rule: The department invites the interested public to review and comment on draft material. For information about how to participate, contact the person listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Wendy L. Boedigheimer, Rules Program Manager, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1306, fax (360) 586-9727, TTY 1-800-848-5429, e-mail boediwl@dshs.wa.gov.

September 20, 2005

Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 05-19-128

PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed September 20, 2005, 4:44 p.m.]

Subject of Possible Rule Making: Manufacturers operating under special sales permits.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The original intent of this rule was to allow manufacturers to obtain a permit to conduct a one-time sale of gambling equipment to commercial operators and tribes. We receive only a corporate disclosure of the entity and a background check is run on the primary owners or officers. No other prelicensing investigation is conducted on these manufacturers.

The intent of the rule was that the permit would be issued to a manufacturer for a one-time sale and the permit would not be renewable. Now, manufacturers reapply each year to receive a new permit for continuous sales without any investigation other than a background on the owner(s) or officers. Repealing this rule would require all manufacturers that bring

gambling equipment into Washington to undergo a full investigation to ensure they are qualified to sell equipment in Washington.

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] November 18, 2005, at the DoubleTree Guest Suites, 16500 Southcenter Parkway, Seattle, WA 98188, (206) 575-8220; on January 13, 2006, at the DoubleTree Guest Suites, 16500 Southcenter Parkway, Seattle, WA 98188, (206) 575-8820; and on February 10, 2005, at the Phelnix [Phoenix] Inn, 415 Capitol Way North, Olympia, WA 98501, (360) 570-0555.

September 19, 2005

Susan Arland

Rules Coordinator

WSR 05-19-129

PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed September 20, 2005, 4:45 p.m.]

Subject of Possible Rule Making: Manufacturers and distributors of 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: The proposal would clarify the agency's position on manufacturers and distributors participating in and displaying gambling equipment at trade shows and conventions.

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] November 18, 2005, at the DoubleTree Guest Suites, 16500 Southcenter Parkway, Seattle, WA 98188, (206) 575-8220; on January 13, 2006, at the DoubleTree Guest Suites, 16500 Southcenter Parkway, Seattle, WA

98188, (206) 575-8820; and on February 10, 2005, at the Phelnix [Phoenix] Inn, 415 Capitol Way North, Olympia, WA 98501, (360) 570-0555.

September 19, 2005
Susan Arland
Rules Coordinator

WSR 05-19-137

**PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed September 21, 2005, 8:48 a.m.]

Subject of Possible Rule Making: Chapter 392-170 WAC, Special services programs for highly capable students.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules need to be clarified and added according to RCW 28A.185.050 [28A.185.050].

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Gayle Pauley, P.O. Box 47200, Olympia, WA 98504-7200, gpauley@ospi.wednet.edu, (360) 725-6100.

September 9, 2005
Dr. Terry Bergeson
State Superintendent

WSR 05-19-145

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
NATURAL RESOURCES**

[Filed September 21, 2005, 11:02 a.m.]

Subject of Possible Rule Making: WAC 332-24-720 Forest protection zone—Pierce County, amend to remove additional lands within Pierce County from Department of Natural Resources fire protection and assign responsibility for fire protection to the respective Pierce County Fire Protection District.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 76.04.165.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To clarify the Department of Natural Resources geographic area of fire protection responsibility, as directed in RCW 76.04.165. This will result in more effective fire protection for the residents of the area.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other federal or state agencies regulate establishment of forest protection zones.

Process for Developing New Rule: The Department of Natural Resources will contact stakeholders, and affected

parties and entities to solicit their participation in the rule development process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Darrel Johnston, Department of Natural Resources, P.O. Box 47037, Olympia, WA 98504-7037, (360) 902-2112, fax (360) 902-1757.

September 20, 2005
Mark Kahley
for Pat McElroy
Executive Director of
Regulatory Programs

WSR 05-19-146

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
NATURAL RESOURCES**

[Filed September 21, 2005, 11:03 a.m.]

Subject of Possible Rule Making: New section WAC 332-24-740 Forest protection zone—Whatcom County, removal of forest land on Point Roberts from Department of Natural Resources fire protection and assign responsibility for fire protection to the respective Whatcom County Fire Protection District.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 76.04.165.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To clarify the Department of Natural Resources geographic area of fire protection responsibility, as directed in RCW 76.04.165. This will result in more effective fire protection for the residents of the area.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other federal or state agencies regulate establishment of forest protection zones.

Process for Developing New Rule: The Department of Natural Resources will contact stakeholders, and affected parties and entities to solicit their participation in the rule development process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Darrel Johnston, Department of Natural Resources, P.O. Box 47037, Olympia, WA 98504-7037, (360) 902-2112, fax (360) 902-1757.

September 20, 2005
Mark Kahley
for Pat McElroy
Executive Director of
Regulatory Programs

WSR 05-19-147
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
NATURAL RESOURCES

[Filed September 21, 2005, 11:04 a.m.]

Subject of Possible Rule Making: WAC 332-24-730 Forest protection zone—King County, amend to remove additional lands within King County from Department of Natural Resources fire protection and assign responsibility for fire protection to the respective King County Fire Protection District. Repeal WAC 332-24-735 and incorporate the current language into WAC 332-24-730.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 76.04.165.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To clarify the Department of Natural Resources geographic area of fire protection responsibility, as directed in RCW 76.04.165. This will result in more effective fire protection for the residents of the area.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other federal or state agencies regulate establishment of forest protection zones.

Process for Developing New Rule: The Department of Natural Resources will contact stakeholders, and affected parties and entities to solicit their participation in the rule development process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Darrel Johnston, Department of Natural Resources, P.O. Box 47037, Olympia, WA 98504-7037, (360) 902-2112, fax (360) 902-1757.

September 20, 2005

Mark Kahley
for Pat McElroy
Executive Director of
Regulatory Programs

WSR 05-19-148
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
NATURAL RESOURCES

[Filed September 21, 2005, 11:05 a.m.]

Subject of Possible Rule Making: WAC 332-24-710 Forest protection zone—Kitsap County, amend to remove additional lands within Kitsap County from Department of Natural Resources fire protection and assign responsibility for fire protection to the respective Kitsap County Fire Protection District.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 76.04.165.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To clarify the Department of Natural Resources geographic area of fire protection responsibility, as directed in RCW 76.04.165. This will result in more effective fire protection for the residents of the area.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other federal or state agencies regulate establishment of forest protection zones.

Process for Developing New Rule: The Department of Natural Resources will contact stakeholders, and affected parties and entities to solicit their participation in the rule development process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Darrel Johnston, Department of Natural Resources, P.O. Box 47037, Olympia, WA 98504-7037, (360) 902-2112, fax (360) 902-1757.

September 20, 2005

Mark Kahley
for Pat McElroy
Executive Director of
Regulatory Programs

WSR 05-19-149
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY

[Order 05-14—Filed September 21, 2005, 11:17 a.m.]

Subject of Possible Rule Making: This rule making will:

- Propose a new chapter 173-455 WAC, Air quality fee rule, that will include air quality program fees (from existing chapters as well as some new fees). The new fees will be for the following activities: Air pollution standards variance; portable/temporary source permits; asbestos notification; and land clearing permits.
- Move fees from existing WAC 173-400-045, 173-400-104, 173-400-116 and 173-407-040, to incorporate those fees into the new chapter.
- Move and update fees for WAC 173-425-060, 173-491-030, 173-495-060 and 173-495-070, to incorporate those fees into the new chapter.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.94 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Ecology is proposing a new chapter to make it easier for the regulated community to find all of the applicable air quality program fees.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Local air authorities also charge fees for similar activities. Ecology will invite the local air authorities to participate in the rule-making process.

Process for Developing New Rule: Ecology will use an interested party list to share information. After the rule proposal publishes [is published] in the state register, ecology will hold a public hearing and comment period to receive feedback on the proposal.

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

lication by contacting Leigh Fiedler, P.O. Box 47600, Olympia, WA 98504, (360) 407-7530, lfie461@ecy.wa.gov.

September 21, 2005

Sarah Rees
for Stuart Clark
Program Manager

State Revolving Fund Information: Cindy Price, (360) 407-7132, e-mail cpri461@ecy.wa.gov, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600.

Centennial Clean Water Program Information: Dan Filip, (360) 407-6509, e-mail dfil461@ecy.wa.gov, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600.

September 16, 2005

David C. Peeler
Water Quality Program Manager

WSR 05-19-151

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF ECOLOGY

[Order 05-16—Filed September 21, 2005, 11:18 a.m.]

Subject of Possible Rule Making: Chapter 173-98 WAC, Uses and limitations of the water pollution control revolving fund and chapter 173-95A WAC, Uses and limitations of the centennial clean water fund.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 90.50A RCW, Water pollution control facilities—Federal capitalization grants.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The foundation for these funding programs is provided by statute, but the framework for the programs is provided by rule. The rule also provides consistency and predictability for local governments and tribes. Chapter 173-95A WAC for the Centennial clean water program (centennial) and chapter 173-98 WAC for the state revolving fund (SRF) were last updated five years ago. One of the primary drivers then and now is to enhance ecology's nationally recognized integrated funding approach for the centennial, SRF, and federal Section 319 funding programs.

The water pollution control needs of Washington state communities, which the funding programs serve, have changed and evolved as new initiatives and priorities have been identified. Ecology's water quality program staff and the financial assistance council, which represents clients and stakeholders, identified areas in which the rule should be clarified or updated.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Environmental Protection Agency (EPA) has a role in regulation of the SRF program and will be closely involved in the amendment process. No other state or federal agencies regulate this subject but many have an interest in the issues and will be consulted with, coordinated with, and communicated with during the entire rule-making process.

Process for Developing New Rule: Public meetings, mailings, hearings, close work with the water quality program Financial Assistance Council (FAC), which represents a wide range of stakeholders.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Work will be accomplished early through the meetings of FAC and a series of initial workshops will be held statewide the second and third weeks in October 2005. FAC will continue their work through the entire development process, and at the appropriate times, ecology will hold public hearings. Information contacts:

