

**WSR 06-10-004****NOTICE OF PUBLIC MEETINGS  
SOUTH PUGET SOUND  
COMMUNITY COLLEGE**

[Memorandum—April 19, 2006]

To ensure a quorum, the South Puget Sound Community College board of trustees has changed the date of their regular meeting in May. The meeting on Thursday, May 11, 2006, has been changed to Thursday, May 4, 2006, 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 06-10-009****DEPARTMENT OF COMMUNITY,  
TRADE AND ECONOMIC DEVELOPMENT**

[Filed April 21, 2006, 2:06 p.m.]

The department of community, trade and economic development (CTED) will be publishing a draft of the low income home energy assistance program (LIHEAP) abbreviated model plan - fiscal year 2007.

The 2007 abbreviated plan will describe how the state of Washington, in conjunction with community-based public and private agencies, will provide energy assistance and weatherization services to low income households. The plan will be based on the model plan format provided by the federal Department of Health and Human Services. This format ensures that the statutory requirements are met.

A copy of the 2007 abbreviated plan will be posted no later than May 22, 2005, on the LIHEAP web site at [www.liheapwa.org](http://www.liheapwa.org) - State plans and on the CTED web site at [www.cted.wa.gov](http://www.cted.wa.gov) - Publications. The public hearing will be held at the Department of Community, Trade and Economic Development, 906 Columbia Street S.W., Second Floor Conference Room, on Monday, June 26, from 10-12.

Copies of both documents can be mailed to you upon request.

Written requests may be sent to Ms. Lisa Lipsey, Department of Community, Trade and Economic Development, Community Services, 906 Columbia Street S.W., P.O. Box 42525, Olympia, WA 98504-2525.

You may also contact Ms. Lipsey by phone at (360) 725-2861 or by e-mail at [LisaL@cted.wa.gov](mailto:LisaL@cted.wa.gov) to request a copy. Alternate format plans are available upon request by mail, or by TDD 1-800-833-6388. Please allow a minimum of ten working days.

Bruce Yasutake, Manager  
Low Income Home  
Energy Assistance Program

**WSR 06-10-010****NOTICE OF PUBLIC MEETINGS  
BELLEVUE COMMUNITY COLLEGE**

[Memorandum—April 14, 2006]

Notice of a Special Public Meeting for April 15, 2006

A special meeting of the board of trustees of Community College District VIII, State of Washington, 3000 Landerholm Circle S.E., Bellevue, WA, will be held on Saturday, April 15, 2006, in Room A201. At 4:30 p.m., there will be a business session, followed by an executive session at 4:35 p.m. where the meeting will be conducted by conference call and broadcast by speakerphone. Vijay Vashee, Chair, will preside.

**WSR 06-10-013****NOTICE OF PUBLIC MEETINGS  
DEPARTMENT OF LICENSING  
(Real Estate Appraiser Commission)**

[Memorandum—April 19, 2006]

Effective April 1, 2006, the real estate appraiser commission meetings will meet on a regular basis per WAC 308-125-225. Regular meetings are scheduled in February, May, August and November on the third Friday.

Following is the schedule for the remainder of the year 2006:

May 19, 2006	Tri-City Association of Realtors 7151 West Clearwater Avenue Kennewick, WA
August 17, 2006	Best Western Summit Inn Summit Room II Snoqualmie, Washington
November 17, 2006	2502 112th Street E., #200 Parkland, WA

**WSR 06-10-017****INTERPRETIVE OR POLICY STATEMENT  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

[Filed April 24, 2006, 4:14 p.m.]

**DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT**

Document Title: DCS Administrative Policy 3.00 Authority for Legal Forms.

Subject: Authority for legal forms.

Effective Date: April 20, 2006.

Document Description: This policy describes how the director of the division of child support delegates authority to certain staff to initiate locate, establishment, and enforcement actions for the department, including subpoenas.

To receive a copy of the interpretive or policy statement, contact Jeff Kildahl, Division of Child Support, P.O. Box 11520, Tacoma, WA 98411-5520, phone (360) 664-5278,

TDD (360) 753-9122, fax (360) 586-3274, e-mail JKildahl@dshs.wa.gov.

April 20, 2006  
Jeff Kildahl

**WSR 06-10-018**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed April 24, 2006, 4:16 p.m.]

**DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT**

Document Title: DCS Administrative Policy 3.04  
Claims Officers Handling Cases in Tribal Court.

Subject: Claims officers handling cases in tribal court.  
Effective Date: April 20, 2006.

Document Description: This policy provides DCS claims officers with a clear statement authorizing their appearance in tribal court on behalf of DCS.

To receive a copy of the interpretive or policy statement, contact Jeff Kildahl, Division of Child Support, P.O. Box 11520, Tacoma, WA 98411-5520, phone (360) 664-5278, TDD (360) 753-9122, fax (360) 586-3274, e-mail JKildahl@dshs.wa.gov.

April 20, 2006  
Jeff Kildahl

**WSR 06-10-036**  
**NOTICE OF PUBLIC MEETINGS**  
**STATE BOARD OF EDUCATION**

[Memorandum—April 26, 2006]

The location for the May meeting of the state board of education has been changed to May 11-12, 2006, Red Lion Hotel SeaTac, SeaTac, Washington.

**WSR 06-10-042**  
**INTERPRETIVE STATEMENT**  
**DEPARTMENT OF REVENUE**

[Filed April 28, 2006, 3:41 p.m.]

**ISSUANCE OF INTERPRETIVE STATEMENT**

The department is announcing the issuance of this interpretive statement in the Washington state register pursuant to the requirements of RCW 34.05.230(4).

**ETA 2031.04.183—Camping Clubs Receiving Initiation Fees and Dues Income:** Excise Tax Advisory 2031.04.183 (ETA 2031) has been issued to explain that for purposes of determining whether income is deductible as bona fide initiation fees or dues, a camping club must first show that it receives some income from dues and/or initiation fees solely for social benefits and not for services rendered. It explains that the fact that a camping club may have barbecues or other events for its members at no separate charge does not

demonstrate that the member pays a portion of his or her dues for social benefits.

A copy of this document is available via the internet at <http://www.dor.wa.gov/content/laws/eta/eta.aspx> or a request for copies may be directed to Roseanna Hodson, Interpretations and Technical Advice Unit, P.O. Box 47453, Olympia, WA 98504-7453, phone (360) 570-6119, fax (360) 586-5543.

Alan R. Lynn  
Rules Coordinator

**WSR 06-10-043**  
**INTERPRETIVE STATEMENT**  
**DEPARTMENT OF REVENUE**

[Filed April 28, 2006, 3:44 p.m.]

**ISSUANCE OF INTERPRETIVE STATEMENT**

The department is announcing the issuance of this interpretive statement in the Washington state register pursuant to the requirements of RCW 34.05.230(4).

**ETA 2030.12.271 Agricultural Burning Exemption (Prior to July 1, 2005):** Excise Tax Advisory 2030.12.271 (ETA 2030) has been issued to provide guidelines for determining whether equipment is used "more than half of the time" in an activity qualifying for the agricultural burning exemption provided by RCW 82.08.840 and 82.12.840. It also explains how the review period is established and how the value of the equipment is determined. It is important to note that these guidelines pertain only to the agricultural burning exemption **before** the law change effective July 1, 2005.

A copy of this document is available via the internet at <http://www.dor.wa.gov/content/laws/eta/eta.aspx> or a request for copies may be directed to Roseanna Hodson, Interpretations and Technical Advice Unit, P.O. Box 47453, Olympia, WA 98504-7453, phone (360) 570-6119, fax (360) 586-5543.

Alan R. Lynn  
Rules Coordinator

**WSR 06-10-050**  
**NOTICE OF PUBLIC MEETINGS**  
**TACOMA COMMUNITY COLLEGE**

[Memorandum—April 25, 2006]

Pursuant to RCW 42.30.075, the following are revisions to the May and June 2006 meetings for District 22 Tacoma Community College board of trustees meetings:

Date	Originally Scheduled Meeting	Revised Schedule
May 11, 2006	Tenure Review: 2:30 Ellen Pinto Interviews: 3:00 Regular Meeting: 4:00	Special Meeting 2:30-4:00 Regular Meeting 4:00-6:00
June 8, 2006	4:00	Meeting will begin at 3:30 for tenure review

All meetings of the board of trustees will be held at Tacoma Community College, 6501 South 19th Street, Tacoma, WA 98466.

If you need any other information, you may call Cathie Bitz at (253) 566-5101 or e-mail [cbitz@tcc.etc.edu](mailto:cbitz@tcc.etc.edu).

**WSR 06-10-051**  
**RULES COORDINATOR**  
**DEPARTMENT OF AGRICULTURE**

[Filed May 1, 2006, 2:36 p.m.]

Teresa Norman will be replacing George Huffman as the new rules coordinator for the department of agriculture. Her contact information is Teresa Norman, Rules Coordinator, Administrative Regulations, 1111 Washington Street S.E., Second Floor, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-2043, fax (360) 902-2092, e-mail [tnorman@agr.wa.gov](mailto:tnorman@agr.wa.gov).

April 26, 2006  
 John Swannack  
 Acting Deputy Director

**WSR 06-10-052**  
**OFFICE OF THE GOVERNOR**

[Filed May 1, 2006, 2:40 p.m.]

**NOTICE OF APPEAL**  
 RCW 34.05.330(3)

Pursuant to RCW 34.05.330(3), you are hereby notified for publication in the Washington State Register that:

On April 7, 2006, the Governor received an appeal from E. A. Coffey of Arlington, Washington, relating to the Gambling Commission's denial of a petition to it to develop and adopt a new rule.

DATE: April 28, 2006

Richard E. Mitchell  
 General Counsel to the Governor

OFFICE OF THE GOVERNOR

April 28, 2006

E. A. Coffey  
 Bingo & Casino Supplies  
 26018 25th Avenue NE  
 Arlington, WA 98223

Dear Ms. Coffey:

On January 24, 2006, the Gambling Commission (Commission) received a petition from you requesting the adoption of a rule, pursuant to Chapter 34.05.330 RCW. You petitioned the Commission to reinstate WAC 230-12-330 Availability of gambling equipment and related products and services—Prices—Contracts—Discounts—Restriction—Exemptions, which had been repealed by the Commission on October 10, 2005.

On a 4-1 vote, the Commission heard and orally denied your petition at its March 6, 2006, meeting. The denial was followed up in writing by a letter to you on March 20, 2006, as required by RCW 34.05.330(1). That letter summarized the Commission's reasoning for its decision, as required by law, and provided you with appeal information.

The appeal information that the Commission provided to you is not accurate. An agency's denial of a petition to adopt a rule cannot be appealed under RCW 34.05.330 to the Governor. Any person may petition an agency to adopt, amend, or repeal a rule. However, only denials of petitions seeking amendment or repeal may be appealed to either the Joint Administrative Rules Committee of the Legislature, under RCW 34.05.330(2), or to the Governor, under RCW 34.05-330(3).

As there is no statutory authority to appeal an agency denial of a petition to adopt a rule under RCW 34.05.330(3), which is the nature of your pending petition, the Governor is without authority to review and/or act on your petition to her. Consequently, your petition can neither be rejected nor denied, as it cannot be considered due to lack of jurisdiction.

Richard E. Mitchell

General Counsel to the Governor

**WSR 06-10-063**

**NOTICE OF PUBLIC MEETINGS**  
**STATE BOARD OF EDUCATION**

[Memorandum—May 1, 2006]

The location for the May meeting of the state board of education has been changed:

May 11-12, 2006  
 Puget Sound Educational Service District 121  
 Renton, Washington  
 June 5, 2006  
 K-20 special meeting (various locations, will be posted on SBE web site)  
 Prime location will be Billings Conference Room,  
 Old Capitol Building, Olympia, Washington  
 June 15-16, 2006  
 North Thurston School District Board Room  
 Lacey, Washington  
 July 28-29, 2006  
 Sheraton Hotel, Tacoma (tent)  
 August 23-24, 2006  
 Yakima Valley Community College (tent)  
 September 14-15, 2006  
 Olympia area  
 October 26-27, 2006  
 SeaTac area

As soon as locations are set, we will notify you.

**WSR 06-10-069**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF AGRICULTURE**  
 (Wine Commission)  
 [Memorandum—May 1, 2006]

The May 2006 Washington wine commission meeting has been cancelled due to the lack of a quorum.

The June 2006 meeting originally scheduled for June 2nd has been changed to June 9th. The meeting location will remain the same.

If you need any additional information, please feel free to call Kim Abello at (206) 667-9463 ext. 200 or via e-mail [kabello@washingtonwine.org](mailto:kabello@washingtonwine.org).

**WSR 06-10-077**  
**NOTICE OF PUBLIC MEETINGS**  
**COMMISSION ON**  
**SUPREME COURT REPORTS**  
 [Memorandum—May 1, 2006]

The Washington court reports commission will meet from 10:00 a.m. until noon on Wednesday June 14, 2006, in the chief justice's reception room in the Temple of Justice in Olympia.

The primary issues before the commission are issuing a request for proposal (RFP) for a new publishing contract and the terms of the new publishing contract, especially copyright and database licensing/sublicensing issues. A representative from Casemaker likely will be present.

Please contact Tim Fuller if you have any questions or concerns regarding the commission or the June 14th meeting. His phone number is (360) 357-2090, his e-mail address is [tim.fuller@courts.wa.gov](mailto:tim.fuller@courts.wa.gov).

**WSR 06-10-080**  
**DEPARTMENT OF ECOLOGY**  
 [Filed May 3, 2006, 8:06 a.m.]

ANNOUNCEMENT OF MODIFICATION OF  
 SAND AND GRAVEL GENERAL PERMIT

**Introduction:** On May 17, 2006, the department of ecology (ecology) modified the sand and gravel general permit, a national pollutant discharge elimination system and state waste discharge permit for discharges associated with mining and mineral processing activities in Washington state. The modified permit will become effective on June 17, 2006.

The modified permit provides coverage for industries located in Washington state that discharge process water, stormwater and mine dewatering water associated with mining and mineral processing activities. Under federal and state water quality law (Federal Clean Water Act and State Water Pollution Control Act), a permit is required for the discharge of wastewater, including process water, stormwater or mine dewatering water from industrial activities.

Permits must be reissued at least every five years and the sand and gravel general permit was reissued by ecology on

January 5, 2005, with an expiration date of February 4, 2010. On February 3, 2005, the permit was appealed to the pollution control hearings board (PCHB) by the Washington Aggregate and Concrete Association and Puget Soundkeeper Alliance.

Over the spring and summer of 2005 ecology worked with both appealing parties in an attempt to reach a negotiated settlement of the two appeals of the sand and gravel general permit. In late September the three parties reached a settlement which resulted in the three parties signing a stipulation and agreed order of dismissal. On October 21, 2005, the PCHB entered the stipulation and agreed order of dismissal and dismissed the two appeals.

**Summary of Public Process:** Ecology held a public comment period on the draft modified permit from December 21, 2005, to January 31, 2006. During the public comment period ecology received written comments from four parties. In addition, ecology held a public hearing in Lacey, Washington on January 25, 2006, at which one commentor provided testimony. These comments did not result in any further revisions to the modifications described below.

**Summary of Revisions Based on Public Comments and Testimony:** Ecology has prepared a response to comments document to address all relevant written comments and testimony received during the public comment period. No changes were made to the final modified permit as a result of public comments or testimony. The response to comments are posted on ecology's sand and gravel webpage at <http://www.ecy.wa.gov/programs/wq/sand/index.html>.

**Summary of Permit Modifications:** As a result of the settlement agreement, the following modifications have been made to the current permit which was issued on January 5, 2005. The changes become effective June 17, 2006.

- Dropped the requirement to sample type 2 stormwater.
- Added language to make the permit consistent with other applicable laws. For example, no discharge can cause or contribute to a violation of other water quality standards.
- Changed total maximum daily load (TMDL) requirements. TMDLs issued after the final sand and gravel permit are only applicable to facility, if ecology imposes them through the issuance of an administrative order.
- Changed pH monitoring requirements. If a facility meets standards for eighteen consecutive months, it can reduce monitoring from once per month to once per quarter. The permit restores original monitoring frequency, if a facility violates pH limits or significantly changes its processing.
- Clarified conditions for reducing frequency of turbidity monitoring.
- Changed daily effluent limitation for oil sheen to "no visible sheen." The permittee may now monitor for oil sheen at representative locations, rather than the discharge point.
- Added new conditions for public access to a facility's stormwater pollution prevention plan.
- Changed reference for "equivalent stormwater management guidance documents" to either the stormwater

management manuals for either eastern or western Washington.

- Clarified inspection processes to make consistent with applicable laws and requirements for inactive mining sites and certification of inspection reports.

Ecology also agreed to provide an opportunity for public comment regarding the frequency of pH monitoring in condition S2 of the permit.

For all detailed changes, please consult the draft modified permit and fact sheet addendum posted on ecology's sand and gravel webpage at <http://www.ecy.wa.gov/programs/wq/sand/index.html>.

**Permit Coverage:** Those facilities that have coverage under the current permit continue to have coverage under the modified permit unless otherwise notified by ecology. Non-permitted facilities seeking permit coverage should request an application for coverage from ecology's headquarters office at the address below.

Anyone with knowledge as to why a specific facility should or should not receive coverage under this general permit may contact ecology's headquarters office at the address below (see appeal procedures).

**Appeal Procedures:** Pursuant to chapter 43.21B RCW, the modified terms and conditions of the permit may be appealed within thirty days of receipt of the modified general permit. An appeal must be filed with the Pollution Control Hearings Board, P.O. Box 40903, Olympia, WA 98504-0903. In addition, a copy of this appeal must be served on the Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600. The procedures and requirements for the appeal process are contained in RCW 43.21B.310.

The terms and conditions of a general permit, as they apply to an individual discharger, are appealable within thirty days of the effective date of coverage of that discharger, in accordance with chapter 43.21B RCW. This appeal is limited to the general permit's applicability or nonapplicability to a specific discharger.

Ecology is an equal opportunity agency. If you have special accommodation needs or require the fact sheet addendum and proposed modified permit in an alternative format, please contact James LaSpina at (360) 407-6442 or TDD (only) at (360) 407-6006.

the president's office at 752-6777 (or TDD 647-3279) as soon as possible to allow sufficient time to make arrangements.

Next month's meeting reminder: Wednesday, June 14, 2006.

The board of trustees may adjourn to an executive session to discuss items provided for in RCW 42.30.110(1):

(b) to consider the selection of a site or the acquisition of real estate by lease or purchase...;

(c) to consider the minimum price at which real estate will be offered for sale or lease...;

(d) to review negotiations on the performance of a publicly bid contract...;

(f) to receive and evaluate complaints or charges brought against a public officer or employee...;

(g) to evaluate the qualifications of an applicant for public employment or to review the performance of a public employee...; or as provided in RCW 42.30.140 (4)(a), to discuss collective bargaining

(h) to evaluate the qualifications of a candidate for appointment to elective office...;

(i) to discuss with legal counsel representing the agency matters relating to agency enforcement actions... or... litigation or potential litigation...

## WSR 06-10-085

### NOTICE OF PUBLIC MEETINGS

### WHATCOM COMMUNITY COLLEGE

[Memorandum—May 3, 2006]

BOARD OF TRUSTEES

Wednesday, May 10, 2006

2:00 p.m.

Laidlaw Boardroom

237 West Kellogg Road

Bellingham, WA 98226

If you are a person with a disability and require an accommodation while attending the meeting, please contact