

**WSR 06-16-002**  
**PROPOSED RULES**  
**DEPARTMENT OF LICENSING**

[Filed July 19, 2006, 2:57 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-11-001.

Title of Rule and Other Identifying Information: Chapter 308-96A WAC, Vehicle licenses, specifically WAC 308-96A-530 Veteran remembrance license plate emblems.

Hearing Location(s): Department of Licensing, Conference Room 108, 1125 Washington Street S.E., Olympia, WA 98507, on September 12, 2006, at 10 a.m.

Date of Intended Adoption: October 3, 2006.

Submit Written Comments to: Dale R. Brown, P.O. Box 2957, Mailstop 48200, 1125 Washington Street S.E., Olympia, WA 98507-2957, e-mail [dbrown@dol.wa.gov](mailto:dbrown@dol.wa.gov), fax (360) 902-0140, by September 11, 2006.

Assistance for Persons with Disabilities: Contact Dale R. Brown by September 11, 2006, TTY (360) 664-8885.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Rule making is required to add which emblems are available for purchase.

Reasons Supporting Proposal: This amendment establishes in rule which campaign medal emblems are available to those qualified.

Statutory Authority for Adoption: RCW 46.16.110, 46.16.335, 46.16.276.

Statute Being Implemented: RCW 46.16.319.

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

Name of Agency Personnel Responsible for Drafting: Jennifer Dana, 1125 Washington Street S.E., Olympia, WA, (360) 902-3710; Implementation and Enforcement: Toni Wilson, 1125 Washington Street S.E., Olympia, WA, (360) 902-3811.

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). The proposed rule making does not impose more than a minor cost on businesses in the industry.

A cost-benefit analysis is not required under RCW 34.05.328. The contents of the proposed rules are explicitly and specifically dictated by statute.

July 19, 2006

Julie Knittle, Administrator  
 Title and Registration Services

AMENDATORY SECTION (Amending WSR 02-16-071, filed 8/6/02, effective 9/6/02)

**WAC 308-96A-530 Veteran remembrance license plate emblems.** (1) **What veteran remembrance license plate emblems are available?** The following veteran remembrance license plate emblems are available:

(a) Veteran remembrance vehicle license plate emblem with the words "U.S. VETERAN" (referred to as veteran emblem);

(b) The United States flag waving on a staff without wording (referred to as the flag emblem); and

(c) Campaign medal emblem authorized in RCW 46.16.319(3).

(2) **Who may purchase veteran remembrance emblems?** Only persons qualified under RCW 46.16.319(2) (~~and (3)~~) may purchase veteran remembrance license plate emblems.

(3) **What will I receive when I purchase veteran remembrance license plate emblems (~~what will I receive~~)?** In addition to a receipt, you will receive an emblem package including:

(a) One US veteran emblem;

(b) One US flag and campaign ribbon emblem; or

(c) Two campaign ribbon emblems; or

(d) Two US flag emblems.

(4) **What emblems are available for purchase?**

(a) Afghanistan Campaign Medal.

(b) American Campaign Medal WWII.

(c) Armed Forces Expedition Medal.

(d) Armed Forces Services Medal.

(e) Asiatic - Pacific Campaign Medal WWII.

(f) European-African-Middle Eastern Campaign Medal WWII.

(g) Iraq Campaign Medal.

(h) Korean Defense Medal.

(i) Korean Service Medal.

(j) Kosovo Campaign Medal.

(k) Merchant Marines Atlantic War Zone Medal.

(l) Merchant Marines Middle East War Zone Medal.

(m) Merchant Marines Pacific War Zone Medal.

(n) National Defense Medal.

(o) South Asia Service Medal.

(p) U.S. Flag decal.

(q) U.S. Veteran decal.

(r) Vietnam Service Medal.

(s) War on Terrorism Expeditionary Medal.

(t) War on Terrorism Service Medal.

(u) World War I Victory Medal.

(5) **How much (~~will I be charged for the~~) do veteran remembrance license plate emblem packages cost?** Veteran remembrance license plate emblem packages cost ten dollars per package, in addition to fees authorized in RCW 46.01.140 (5)(b) (~~a fee of ten dollars is collected for each package~~).

~~((5))~~ (6) **How (~~are the emblems to be displayed on my license plate~~) do I display my license plate emblems?** In addition to the requirements and limitations in RCW 46.16.327:

(a) When the VETERAN emblem is displayed on a license plate, it must be displayed between the bottom license plate bolt holes;

(b) The FLAG emblem must be displayed to the left of the bottom left license plate bolt hole. When two FLAG emblems are displayed, one is displayed on the outside of each bottom license plate bolt hole. No more than two FLAG emblems may be affixed to any one license plate;

(c) The CAMPAIGN emblem must be displayed to the right of the bottom right license plate bolt hole. When two CAMPAIGN emblems are displayed, one is displayed on the outside of each bottom license plate bolt hole. No more than

two CAMPAIGN emblems may be affixed to any one license plate;

~~((6))~~ (d) For two-plated vehicles, you may display the emblems on either the front or rear license plate, or you may buy a second package if you want to display emblems on both license plates.

(7) Do the veteran remembrance emblems on my front license plate have to match the emblems on the rear license plate? No, emblems displayed on the front license plate do not need to match emblems displayed on the rear license plate.

~~((7))~~ (8) May I transfer my veteran remembrance license plate emblems to different vehicles? ~~((Veteran remembrance license plate emblems may be transferred to another vehicle only if they have been affixed to a specialized license plate which may be transferred to other vehicles.))~~ Yes, veteran remembrance license plate emblems are transferred when they are attached to a license plate that is eligible for transfer to a different vehicle. Otherwise, the veteran remembrance license plate emblems are transferred to the new owner of the vehicle upon transfer of ownership.

~~((8))~~ (9) May I obtain a replacement or additional veteran remembrance license plate emblem package? ~~(- You may):~~

(a) If you choose to purchase an additional set, you will be charged the fee in subsection (4) of this section; or

(b) When the original emblems become faded or unrecognizable, you may obtain a replacement set at no fee; or

(c) When the license plates are replaced as required by the mandatory plate replacement law, a replacement set will be provided at no fee.

## WSR 06-16-004

### PROPOSED RULES

#### DEPARTMENT OF LICENSING

[Filed July 20, 2006, 8:14 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-09-019 [06-09-018].

Title of Rule and Other Identifying Information: Chapter 308-94A WAC, Off-road and nonhighway vehicles, specifically WAC 308-94A-005 Certificates of ownership and registration.

Hearing Location(s): Department of Licensing, Conference Room 108, 1125 Washington Street S.E., Olympia, WA 98507, on September 8, 2006, at 10:00 a.m.

Date of Intended Adoption: October 3, 2006.

Submit Written Comments to: Dale R. Brown, P.O. Box 2957, Mailstop 48200, 1125 Washington Street S.E., Olympia, WA 98507-2957, e-mail [dbrown@dol.wa.gov](mailto:dbrown@dol.wa.gov), fax (360) 902-0140, by September 4, 2006.

Assistance for Persons with Disabilities: Contact Dale R. Brown by September 4, 2006, TTY (360) 664-8885.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Rule making is required to correct language and make the rule more clear.

Reasons Supporting Proposal: Normal rule review schedule requires clarifying language to make it easier to understand.

Statutory Authority for Adoption: RCW 46.01.110.

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

Name of Agency Personnel Responsible for Drafting: Dale Brown, 1125 Washington Street S.E., Olympia, WA, (360) 902-4020; Implementation and Enforcement: Toni Wilson, 1125 Washington Street S.E., Olympia, WA, (360) 902-3811.

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). The proposed rule making does not impose more than a minor cost on businesses in the industry.

A cost-benefit analysis is not required under RCW 34.05.328. The contents of the proposed rules are explicitly and specifically dictated by statute.

July 17, 2006

Julie Knittle, Administrator  
Title and Registration Services

AMENDATORY SECTION (Amending WSR 01-13-008, filed 6/8/01, effective 7/9/01)

**WAC 308-94A-005 Certificates of ownership and registration.** (1) ~~((May I apply for a certificate of ownership for my off-road/nonhighway vehicle? Yes, you may apply for a certificate of ownership at your Washington vehicle licensing office or through the department. If the vehicle is not eligible for road use, the certificate of ownership will show not eligible for road use.))~~ Is a certificate of ownership issued for off-road and nonhighway vehicles? Yes, a certificate of ownership is issued using the same laws, rules, and procedures for other classes of vehicles. The certificate of ownership will indicate the brand "not eligible for road use," if a vehicle is not manufactured for road use.

(2) ~~((Do I have to purchase registration when applying for certificate of ownership? No, if you choose not to purchase registration when titling your vehicle, the record will be established without a road or off-road/nonhighway vehicle registration.))~~ What are the licensing options for off-road and nonhighway vehicles described in RCW 46.09.020? Licensing options include:

(a) If your vehicle is licensed for road use under chapter 46.16 RCW:

(i) Your license plates will be valid for off-road use, but you may need an ORV license in designated areas:

(ii) You may purchase an annual or temporary off-road use permit.

(b) If your vehicle is not manufactured for road use, you may only purchase an annual or temporary off-road use permit:

(c) You may choose to title your vehicle without licensing it.

(3) What ((are the different ways I may register my)) is an off-road/nonhighway vehicle use permit? ~~((You may register your off-road/nonhighway vehicle in one of the following ways:~~

## WSR 06-16-011

## PROPOSED RULES

## PUBLIC DISCLOSURE COMMISSION

[Filed July 21, 2006, 10:12 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-11-011.

Title of Rule and Other Identifying Information: New WAC 390-24-201 relating to limited liability partnerships (LLP's), limited liability companies (LLC's), and/or similar entities, and reporting requirements for the personal financial affairs statements (PDC F-1 forms) pursuant to RCW 42.17-241.

Hearing Location(s): Commission Hearing Room, 711 Capitol Way, Room 206, Olympia, WA 98504, on September 28, 2006, at 9:30 a.m.

Date of Intended Adoption: September 28, 2006.

Submit Written Comments to: Doug Ellis, Public Disclosure Commission (PDC), P.O. Box 40908, Olympia, WA 98504-0908, e-mail dellis@pdc.wa.gov, fax (360) 753-1112, by September 25, 2006.

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

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This rule is designed to capture, for reporting purposes, relative new entities such as limited liability partnerships (LLP's), limited liability companies (LLC's), and/or similar entities when filing statements of personal financial affairs as required under RCW 42.17.240.

Reasons Supporting Proposal: To provide guidance and clarification to the general public and persons subject to the disclosure law.

Statutory Authority for Adoption: RCW 42.17.241 (1)(n) and 42.17.370.

Statute Being Implemented: RCW 42.17.241.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The new rule is designed to require limited liability partnerships (LLP's), limited liability companies (LLC's), and/or similar entities to file reports under RCW 42.17.241.

Name of Proponent: [PDC], governmental.

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

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

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

(a) If the manufacturer's statement of origin or certificate of ownership indicates the vehicle is not eligible for road use, you may only purchase an off-road use permit (registration);

(b) If your vehicle is eligible for road use under chapter 46.16 RCW you may purchase registration for road use off-road use or both; or

(c) If your vehicle is not licensed for off road use, you may purchase a temporary off road vehicle permit.)) (a) The temporary off-road/nonhighway use permit authorized under RCW 46.09.070 is:

(i) Valid for sixty days from the date of application;

(ii) Available to nonresidents and Washington residents who choose not to annually license their ORV;

(iii) Not transferable to another vehicle.

(b) The permanent off-road/nonhighway use permit authorized under RCW 46.09.070 is:

(i) Valid for one year from the date of application;

(ii) Available to residents of Washington who choose to annually license their ORV;

(iii) Not transferable to another vehicle.

(4) ~~((What information does the department require I apply for an off-road/nonhighway vehicle use permit? An application for an off-road/nonhighway vehicle use permit must include the following:~~

~~(a) Name and address of the applicant;~~

~~(b) Off road or nonhighway vehicle plate or registration number if registered in another state;~~

~~(c) Make and year of vehicle;~~

~~(d) Expiration date of the foreign state registration;~~

~~(e) Vehicle identification number;~~

~~(f) Appropriate fees; and~~

~~(g) Signature of the registered owner(s).~~

~~(5) Where do I carry the temporary or annual off-road/nonhighway use permit? The permit may be carried by the operator or in a moisture proof protective case attached to the vehicle. The use permit must be made available at all times for inspection by any person having the authority to enforce the provisions of the Off Road and Nonhighway Vehicle Act.~~

~~(6)) What do I do with the annual or temporary off-road permit? The permit must be:~~

~~(a) Carried on the vehicle whenever in use;~~

~~(b) Made available to any law enforcement officer on request.~~

(5) May I operate my off-road/nonhighway vehicle using a temporary or annual vehicle use permit on any dirt or gravel road, or trail in Washington? ((It is recommended you check with local, state, or federal authorities in the areas you intend to operate to insure you are operating in accordance with their requirements.)) No, there may be different requirements, depending upon the jurisdiction control of the dirt, gravel road, or trail area. It is recommended you check with local, state, or federal authorities in the areas you intend to operate the vehicle to ensure you are operating in accordance with their requirements.

has not made section 201 application to the adoption of this rule.

June 29, 2006  
Vicki Rippie  
Executive Director

#### NEW SECTION

**WAC 390-24-201 Report of compensation by limited partnerships, limited liability partnerships, limited liability companies, and similar entities.** For the purposes of filing financial disclosures required by RCW 42.17.241:

(1) The terms partnership, general partnership, limited partnership, limited liability partnership, and limited liability company as defined in Title 25 RCW will apply.

(2) Persons who have a partnership or membership in limited partnerships, limited liability partnerships, limited liability companies, and similar entities including but not limited to professional limited liability companies, shall file a personal financial affairs form (PDC F-1) as required in RCW 42.17.241, and shall also provide the information described in subsection (3) of this section.

(3) A person filing a personal financial affairs statement shall report the name of any limited partnership, limited liability partnership, limited liability company, professional limited liability company, and similar entity in which a partnership or membership is held by the person or member of the person's immediate family, and any title held. The person shall also report the following:

(a) Regarding a governmental unit in which the filer seeks or holds any office or position, if the entity has received compensation during the reporting period from the governmental unit, the value of the compensation and the consideration given or performed in exchange for the compensation; and

(b) The name of each governmental unit, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from which the entity has received compensation in the amount equal to or greater than the amount specified in WAC 390-24-010 and 390-24-020 (the F-1 reporting forms) during the reporting period and the consideration given or performed in exchange for the compensation.

**WSR 06-16-017**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed July 24, 2006, 8:20 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-12-001.

Title of Rule and Other Identifying Information: WAC 220-88B-040 Coastal spot shrimp pot experimental fishery—Season and gear—Species restriction.

Hearing Location(s): Natural Resources Building, Room 172, 1111 Washington Street S.E., Olympia, WA, on October 6, 2006, begins 8:00 a.m. on October 6, 2006.

Date of Intended Adoption: October 6, 2006.

Submit Written Comments to: Rules Coordinator, 600 Capitol Way, Olympia, WA 98501-1091, e-mail barkemwb@dfw.wa.gov, fax (360) 902-2944, by October 4, 2006.

Assistance for Persons with Disabilities: Contact Nancy Burkhardt by September 22, 2006, TTY (360) 902-2207 or (360) 902-2267.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Provide a season closure to protect spot shrimp during egg bearing period, further insuring reproductive capacity. Current rule is open year around.

Reasons Supporting Proposal: Bulk of females in population are in egg bearing status during closure period proposed.

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: Morris W. Barker, 1111 Washington Street S.E., Olympia, WA, (360) 902-2826; Implementation: Lew Atkins, 1111 Washington Street S.E., Olympia, WA, (360) 902-2651; and Enforcement: Bruce Bjork, 1111 Washington Street S.E., Olympia, WA, (360) 902-2373.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

#### Small Business Economic Impact Statement

1. Description of the Reporting, Record-keeping, and Other Compliance Requirements of the Proposed Rule: There is no reporting or record-keeping requirement.

2. Kinds of Professional Services That a Small Business is Likely to Need in Order to Comply with Such Requirements: None required.

3. Costs of Compliance for Businesses, Including Costs of Equipment, Supplies, Labor, and Increased Administrative Costs: No compliance costs. Calendars are readily available at minimal costs.

4. Will Compliance with the Rule Cause Businesses to Lose Sales or Revenue? Yes. In the short term fishers who have fished during this fall/winter period will lose the opportunity to fish during the period that will be closing; however, the long-term result will provide for a more productive level of resource, which is available during the open season period.

5. Cost of Compliance for the 10% of Businesses That are the Largest Businesses Required to Comply with the Proposed Rules Using One or More of the Following as a Basis for Comparing Costs:

1. Cost per employee;
2. Cost per hour of labor; or
3. Cost per one hundred dollars of sales.

This segment of the commercial fishing industry represents less than 1/2% of the total industry.

6. Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses or Reasonable Justification for Not Doing So: The agency has delayed the implementation of a season closure period for a number of years in an attempt to gather more definitive data. The gathering of that data has been slow in coming and has been largely dependent on the industry for cooperation. Not enough cooperation and limited fishing effort during the time period of data need has forestalled more exact information. The department is taking a proactive approach towards conservation at this point and can liberalize the season in the future if better information is obtained.

7. A Description of How the Agency Will Involve Small Businesses in the Development of the Rule: The fishers who participate in this fishery will be notified by mail of the proposed action and invited to discuss the proposal with staff and/or provide testimony to the fish and wildlife commission during their public hearing process.

8. A List of Industries That Will Be Required to Comply with the Rule: The ocean spot shrimp pot fishery.

A copy of the statement may be obtained by contacting Morris W. Barker, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2826, fax (360) 902-2944, e-mail barkemwb@dfw.wa.gov.

A cost-benefit analysis is not required under RCW 34.05.328. These proposals do not affect hydraulics.

July 24, 2006  
Morris W. Barker  
Rules Coordinator

AMENDATORY SECTION (Amending Order 04-21, filed 2/10/04, effective 3/12/04)

**WAC 220-88B-040 Coastal spot shrimp pot experimental fishery—Season and gear—Species restriction.** It is unlawful to fish for spot shrimp for commercial purposes in coastal and offshore waters using shellfish pot gear except as provided in this section:

(1) Season - Open to shellfish pot gear (~~(the entire year)~~) April 1 through August 31.

(2) Gear restrictions:

(a) Maximum of 500 shellfish pots per permit.

(b) Pot size is limited to a maximum 153 inch bottom perimeter and a maximum 24 inch height.

(c) Shrimp pot gear must be constructed with net webbing or rigid mesh, and at least 50 percent of the net webbing or mesh covering the sides of the pot must easily allow passage of a seven-eighths inch diameter dowel.

(d) Pot gear is required to have an escape mechanism as provided for in WAC 220-52-035.

(e) Groundline end marker buoys must be floating and visible on the surface of the water, equipped with a pole, flag, radar reflector and operating light, and marked with the clear identification of the permittee.

(3) Incidental catch: It is unlawful to retain any species of finfish or shellfish taken with spot shrimp pot gear, except that it is lawful to retain octopus, squid, and up to 50 pounds round weight of other shrimp species taken with shrimp pot gear. It is unlawful for persons fishing in the coastal spot shrimp experimental fishery to deliver spot shrimp while

having on board bottomfish taken in the coastal bottomfish fishery under WAC 220-44-050.

**WSR 06-16-017A**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
[Filed July 24, 2006, 8:21 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-08-050.

Title of Rule and Other Identifying Information: WAC 220-56-175 Catch record cards and 220-69-236 Description of catch record cards and required information.

Hearing Location(s): Natural Resources Building, Room 172, 1111 Washington Street S.E., Olympia, WA, on October 6-7, 2006, begins 8:00 a.m. on October 6, 2006.

Date of Intended Adoption: October 6, 2006.

Submit Written Comments to: Rules Coordinator, 600 Capitol Way, Olympia, WA 98501-1091, e-mail barkemwb@dfw.wa.gov, fax (360) 902-2944, by October 4, 2006.

Assistance for Persons with Disabilities: Contact Nancy Burkhart by September 22, 2006, TTY (360) 902-2207 or (360) 902-2267.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Eliminates catch record card requirements for recreational Dungeness crab outside of Puget Sound.

Reasons Supporting Proposal: Provides increased capability to provide reliable Puget Sound catch statistics and eliminates unnecessary requirements for coastal recreational crab fisheries.

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: Morris W. Barker, 1111 Washington Street, Olympia, (360) 902-2826; Implementation: Lew Atkins, 1111 Washington Street, Olympia, (360) 902-2651; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, (360) 902-2373.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules do not directly regulate small businesses. These regulations only affect recreational crab fishers.

A cost-benefit analysis is not required under RCW 34.05.328. These proposals do not affect hydraulics.

July 24, 2006  
Morris W. Barker  
Rules Coordinator

AMENDATORY SECTION (Amending Order 06-135, filed 6/13/06, effective 7/14/06)

**WAC 220-56-175 Catch record cards.** It is unlawful for any person to fail to comply with the catch record requirements as provided for in this section:

(1) In order to fish for or possess for personal use any crab in Catch Record Card Area 4 east of the Bonilla-Tatoosh Line and in Catch Record Card Areas 5-13, anadromous salmon, sturgeon, halibut, or steelhead, an angler must obtain and have in personal possession a valid appropriate catch record card as described in WAC 220-69-236 except for commercially caught salmon retained for personal use as provided for in WAC 220-20-016 and commercially caught sturgeon retained for personal use as provided for in WAC 220-20-021. Notwithstanding the provisions of this subsection, a catch record card is not required for landlocked steelhead or for salmon in waters designated as "landlocked salmon rules apply" in WAC 232-28-619.

(2) Any angler, after obtaining a catch record card shall validate the catch record card by completely, accurately, and legibly completing all personal identification information in ink on the catch record card prior to detaching the catch record card from the underlying copy of the catch record card or, for automated licenses, affixing the appropriate validation sticker to the catch record card. A catch record card remains valid so long as there are one or more unfilled spaces available for the species being fished for, except:

(a) In the mainstem Columbia River downstream from where the river forms the common boundary between Oregon and Washington for sturgeon a catch record card remains valid when the sturgeon portion of the catch record card is filled. A person may not retain sturgeon after the sturgeon portion of the catch record card is filled.

(b) A second or subsequent catch record card is invalid for retention of sturgeon.

(3) Immediately upon catching and possessing a salmon, steelhead, sturgeon or halibut, the angler shall enter in ink in the appropriate space the place, date of catch, species (catch type), for sturgeon, length, for halibut, vessel type and for salmon, whether or not the fish was marked.

(4) Immediately upon retaining a Dungeness crab aboard a vessel or on the shore, the fisher must enter in ink in the appropriate space the place and date of catch, fishery type and enter a tally mark for each Dungeness crab retained from each catch record card area fished. At the end of the fishing day, the fisher shall enter the total number of crab tally marks for each fishery type.

(5) Every person possessing a catch record card shall by April 30 of the year following the year printed on the card return such card to the department of fish and wildlife.

(6) Any person possessing a catch record card shall, upon demand of any law enforcement officer or authorized department employee, exhibit said card to such officer or employee for inspection.

(7) A catch record card shall not be transferred, borrowed, altered, or loaned to another person.

AMENDATORY SECTION (Amending Order 05-15, filed 2/10/05, effective 5/1/05)

**WAC 220-69-236 Description of catch record cards and required information.** (1) The department shall prepare and distribute a catch record card for the following:

(a) Anadromous salmon (salmon);

(b) Dungeness crab taken from Catch Record Card Area 4 east of the Bonilla-Tatoosh line and Catch Record Card Areas 5-13;

(c) Halibut taken from Catch Record Card Areas 5 through 13;

(d) Steelhead; and

(e) Sturgeon.

(2) Each catch record card shall contain space for the following information, which must be recorded prior to the catch record card being separated from the underlying copy of the catch record card:

(a) Name of fisher;

(b) Home address;

(c) City, state, and zip code;

(d) Date of issuance;

(e) Or, for automated licenses, the catch record card shall contain space for the appropriate validation sticker.

(3) Each catch record card shall contain space for the following information:

(a) Month of catch;

(b) Day of catch;

(c) Catch record card area, river code, or stream: Location of catch;

(d) A species code for salmon and sturgeon and a marked or unmarked space for salmon;

(e) A space for designating the type of vessel from which halibut was taken, either charter (c) or personal/kicker (k) boat;

(f) A space for the length of sturgeon;

(g) For Dungeness crab:

(i) The type of crab fishery as described on the Dungeness crab catch record card;

(ii) The total crab retained by fishery type;

(iii) A tally mark for each crab retained.

**WSR 06-16-018**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed July 24, 2006, 8:22 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-12-067.

Title of Rule and Other Identifying Information: WAC 220-88E-030 Hagfish pot trial fishery—Seasons and gear.

Hearing Location(s): Natural Resources Building, Room 172, 1111 Washington Street S.E., Olympia, WA, on October 6-7, 2006, begins 8:00 a.m. on October 6, 2006.

Date of Intended Adoption: October 6, 2006.

Submit Written Comments to: Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, e-mail

barkemwb@dfw.wa.gov, fax (360) 902-2944, by October 4, 2006.

Assistance for Persons with Disabilities: Contact Nancy Burkhart by September 22, 2006, TTY (360) 902-2207 or (360) 902-2267.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Increases pot limits to one hundred pots per trial permit.

Reasons Supporting Proposal: Increases economic efficiency of fishers by reducing operating costs in relationship to harvest.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

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

Name of Proponent: Department of fish and wildlife, governmental.

Name of Agency Personnel Responsible for Drafting: Morris W. Barker, 1111 Washington Street S.E., Olympia, (360) 902-2826; Implementation: Lew Atkins, 1111 Washington Street S.E., Olympia, (360) 902-2651; and Enforcement: Bruce Bjork, 1111 Washington Street S.E., Olympia, (360) 902-2373.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

#### Small Business Economic Impact Statement

1. Description of the Reporting, Record-keeping, and Other Compliance Requirements of the Proposed Rule: Permit holders will be required to maintain and file logbooks on a quarterly basis.

2. Kinds of Professional Services That a Small Business is Likely to Need in Order to Comply with Such Requirements: None - this is a common requirement in commercial fisheries and can be easily implemented by the fisher.

3. Costs of Compliance for Businesses, Including Costs of Equipment, Supplies, Labor, and Increased Administrative Costs: No costs anticipated - logbooks are supplied by the department, complete with a postage paid return envelope.

4. Will Compliance with the Rule Cause Businesses to Lose Sales or Revenue? No - as no current fishery exists, no revenue will be gained without the implementation of these rules.

5. Cost of Compliance for the 10% of Businesses That are the Largest Businesses Required to Comply with the Proposed Rules Using One or More of the Following as a Basis for Comparing Costs:

1. Cost per employee;
2. Cost per hour of labor; or
3. Cost per one hundred dollars of sales.

There is no compliance cost - without the rules there is no business opportunity.

6. Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses or Reasonable Justification for Not Doing So: No steps taken as no costs are anticipated.

7. A Description of How the Agency Will Involve Small Businesses in the Development of the Rule: The department will conduct a public hearing under the auspices of the fish and wildlife commission process for adopting rules.

8. A List of Industries That Will Be Required to Comply with the Rule: All emerging commercial fishery license holders who hold trial fishery permits for hagfish.

A copy of the statement may be obtained by contacting Morris W. Barker, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2826, fax (360) 902-2944, e-mail barkemwb@dfw.wa.gov.

A cost-benefit analysis is not required under RCW 34.05.328. These rule proposals do not affect hydraulics.

July 24, 2006

Morris W. Barker

Rules Coordinator

AMENDATORY SECTION (Amending Order 05-245, filed 10/14/05, effective 11/14/05)

**WAC 220-88E-030 Hagfish pot trial fishery—Season and gear.** It is unlawful to fish for hagfish for commercial purposes except as provided in this section:

- (1) Season - Open year-round to hagfish pot gear only.
- (2) Area - Open only in Pacific Ocean waters greater than 50 fathoms in depth.
- (3) Gear restrictions:
  - (a) Maximum of ~~((50))~~ 100 hagfish pots per permit. Pots may be fished individually or on a common ground line.
  - (b) Hagfish pot gear requirements:
    - (i) Maximum entrance tunnel size of eleven square inches. Entrance tunnels may be of any shape.
    - (ii) Each pot is required to have at least one escape exit of at least nine and one-half square inches in opening and which must be constructed of 120 thread size or smaller untreated cotton twine.
  - (c) Buoy requirements: Hag fish pot gear must be buoyed. Marker buoys must be floating and visible on the surface of the water, equipped with a pole, flag, radar reflector and operating light, and marked with the clear identification of the permittee. If ground lines are used, ground line end marker buoys must display the number of pots on the ground line.

#### WSR 06-16-023

#### WITHDRAWAL OF PROPOSED RULES HORSE RACING COMMISSION

[Filed July 24, 2006, 3:09 p.m.]

The Washington horse racing commission (WHRC) would like to withdraw our notice of proposed rule making regarding WAC 260-32-175, filed under WSR 06-03-092.

During an adoption hearing on March 9, 2006, the commission chose not to adopt the proposed new section in chapter 260-32 WAC.

R. J. Lopez

Deputy Secretary

**WSR 06-16-033**  
**PROPOSED RULES**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**

[Docket UT-060676—Filed July 25, 2006, 1:47 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-10-089.

Title of Rule and Other Identifying Information: Elimination of price lists in chapter 480-80 WAC, Utilities general—Tariff; chapter 480-120 WAC, Telephone companies; and chapter 480-121 WAC, Registration, competitive classification and price lists of telecommunications companies.

Hearing Location(s): Commission Hearing Room, Second Floor, Chandler Plaza, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, on September 13, 2006, at 1:30 p.m.

Date of Intended Adoption: September 13, 2006.

Submit Written Comments to: Carole J. Washburn, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, e-mail records@wutc.wa.gov, fax (360) 586-1150, by August 23, 2006. Please include "Docket UT-060676" in your comments.

Assistance for Persons with Disabilities: Contact Mary DeYoung by September 11, 2006, TTY (360) 586-8203 or (360) 664-1133.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: SSB 6473, chapter 347, Laws of 2006, eliminates price list requirements for telecommunications services effective June 8, 2006.

The statutory change allows the commission to amend and adopt rules that will require companies to communicate with customers directly using a written contract or customer service agreement instead of using price lists.

The commission received four written stakeholder comments in support of repealing rules concerning price lists and filing of price lists.

The commission proposes changes deleting references to price lists and filing requirements to reflect the review of existing rules and in response to comments received. The detailed changes are shown in legislative format on the commission's web site at [www.wutc.wa.gov/060676](http://www.wutc.wa.gov/060676).

Reasons Supporting Proposal: See above.

Statutory Authority for Adoption: RCW 80.01.040 and 80.04.160.

Statute Being Implemented: SSB 6473, chapter 347, Laws of 2006.

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

Name of Proponent: Washington utilities and transportation commission, governmental.

Name of Agency Personnel Responsible for Drafting: Tom Wilson, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, (360) 664-1282; Implementation and Enforcement: Carole J. Washburn, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, (360) 664-1174.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rules will not result in or impose an increase in costs. Because there

will not be any increase in costs resulting from the proposed rule changes, a small business economic impact statement is not required under RCW 19.85.030(1).

A cost-benefit analysis is not required under RCW 34.05.328. The proposed rules are not significant legislative rules of the sort referenced in RCW 34.05.328(5).

July 25, 2006

Carole J. Washburn

Executive Secretary

**Chapter 480-80 WAC**

**UTILITIES GENERAL—TARIFFS(~~(-PRICE LISTS,))~~  
AND CONTRACTS**

AMENDATORY SECTION (Amending General Order R-510, Docket No. A-010648, filed 11/24/03, effective 1/1/04)

**WAC 480-80-010 Application of rules.** (1) The rules in this chapter apply to any public service company that is subject to the jurisdiction of the commission as to rates and services under the provisions of Title 80 RCW.

(2) The tariffs(~~(-price lists,))~~ and contracts filed by public service companies must conform with these rules. If the commission accepts a tariff(~~(-price list,))~~ or contract that conflicts with these rules, the acceptance does not constitute a waiver of these rules unless the commission specifically approves the variation consistent with WAC 480-80-015 (Exemptions from rules in chapter 480-80 WAC). Tariffs(~~(-price lists,))~~ or contracts that conflict with these rules without approval are superseded by these rules.

(3) Any affected person may ask the commission to review the interpretation of these rules by a public service company or customer by posing an informal complaint under WAC 480-07-910 (Informal complaints), or by filing a formal complaint under WAC 480-07-370 (Pleadings—General).

(4) No deviation from these rules is permitted without written authorization by the commission. Violations will be subject to penalties as provided by law.

(5) Any tariff(~~(-price list,))~~ or contract on file and in effect or pending on the effective date of these rules is not required to be refiled to comply with these rules.

AMENDATORY SECTION (Amending General Order R-510, Docket No. A-010648, filed 11/24/03, effective 1/1/04)

**WAC 480-80-015 Exemptions from rules in chapter 480-80 WAC.** (1) The commission may grant an exemption from the provisions of any rule in this chapter, if consistent with the public interest, the purposes underlying regulation, and applicable statutes.

(2) To request a rule exemption, a person must file with the commission a written request identifying the rule for which an exemption is sought, giving a full explanation of the reason for requesting the exemption.

(3) The commission will assign the request a docket number, if it does not arise in an existing docket, and will schedule the request for consideration at one of its regularly scheduled open meetings or, if appropriate under chapter



34.05 RCW, in an adjudication. The commission will notify the person requesting the exemption, and other affected persons, of the date of the hearing or open meeting when the commission will consider the request.

(4) In determining whether to grant the request, the commission may consider whether application of the rule would impose undue hardship on the petitioner, of a degree or a kind different from hardship imposed on other similarly situated persons, and whether the effect of applying the rule would be contrary to the purposes of the rule.

(5) The commission will enter an order granting or denying the request or setting it for hearing, pursuant to chapter 480-07 WAC.

~~((6) Competitive telecommunications companies previously granted exemptions from chapter 480-80 WAC Utilities general— Tariffs, price lists, and contracts, are not exempt from Part I and Part III of this chapter. Exemptions from the provisions of chapter 480-80 WAC include only the provisions in effect at the time the exemption was granted. This subsection confirms that there is no change in exemptions previously granted to telecommunications companies that have been classified as competitive as a result of:~~

~~(a) Moving rules between chapters 480-80 and 480-120 WAC; and~~

~~(b) Renumbering sections within chapters 480-80 and 480-120 WAC.))~~

AMENDATORY SECTION (Amending Docket No. U-991301, General Order No. R-498, filed 5/14/02, effective 6/17/02)

**WAC 480-80-030 Definitions.** The definitions in this section apply throughout the chapter unless the context clearly requires otherwise:

**"Advice number"** means a number assigned by the applicant to a tariff filing or contract filing for internal tracking purposes.

**"Banded rate"** means a rate that has a minimum and maximum rate.

**"Commission"** means the Washington utilities and transportation commission.

**"Competitive telecommunications company"** means a telecommunications company that has been classified as competitive by the commission pursuant to RCW 80.36.310.

**"Fax"** means the transmittal of electronic signals over telephone lines for conversion into written text.

~~("Price list" means a telecommunications company's standard offer to the general public or to other telecommunications companies of one or more intrastate telecommunications services that the commission has determined to be subject to effective competition.))~~

**"Public service company"** means every gas company, electric company, telecommunications company, water company, or irrigation plant that is subject to the jurisdiction of the commission as to rates and service.

**"RCW"** means the Revised Code of Washington.

**"Tariff"** is a document that sets forth terms and conditions of regulated service, including rates, charges, tolls, rentals, rules, and equipment and facilities, and the manner in which rates and charges are assessed for regulated services

provided to customers, and rules and conditions associated with offering service.

**"Unified Business Identifier (UBI) number"** means the standard nine-digit sequential number issued by Washington state and used by all state agencies to uniquely identify a business entity. The department of licensing, department of revenue, and secretary of state's office are authorized to issue UBI numbers.

**"Utility"** means every public service company that has not been classified as competitive by the commission.

**"WAC"** means the Washington Administrative Code.

AMENDATORY SECTION (Amending Docket No. U-991301, General Order No. R-498, filed 5/14/02, effective 6/17/02)

**WAC 480-80-031 Delivery of tariff(~~(, price list,)~~) and contract filings.** (1) The commission records center will accept a tariff(~~(, price list,)~~) or contract filing delivered in person, by mail, fax, or ~~((when procedures are in place))~~ electronic means. The commission records center will stamp a filing received on Saturdays, Sundays, and state holidays, or after 5:00 p.m., Pacific time, as received on the next business day.

(2) In person or by mail.

(a) In order to be deemed received on a given day, the commission records center must receive an original and two copies of the filing(s) and a transmittal letter by 5:00 p.m., Pacific time.

(b) A filing delivered by mail must be free from all charges for postage. The commission records center will return any postage-due filing to the sender.

(3) Fax filing.

(a) The commission records center must receive an original and two copies of the filing the following business day.

(b) The commission will use the date and time the fax filing is received and printed at the commission records center as the official file date.

(c) The commission records center must receive a faxed filing in its entirety by 5:00 p.m., Pacific time, Monday through Friday, except on state holidays, to be considered received on that business day.

(4) Electronic filing.

(a) An electronic filing must conform to commission procedures for electronic filing.

(b) After accepting an electronic filing, the commission records center will return an electronic mail message noting the receipt date.

~~**((III. PRICE LISTS AND CONTRACTS: COMPETITIVE COMPANIES AND SERVICES))**~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 480-80-201 Use of price lists.

WAC 480-80-202 Interpretation and application of price lists.

WAC 480-80-203	Transmittal letter.
WAC 480-80-204	Price lists format and content.
WAC 480-80-205	Effective date of price list filings.
WAC 480-80-206	Price list availability to customers.
WAC 480-80-241	Filing contracts for services classified as competitive.
WAC 480-80-242	Using contracts for services classified as competitive.

**AMENDATORY SECTION** (Amending General Order R-510, Docket No. A-010648, filed 11/24/03, effective 1/1/04)

**WAC 480-120-011 Application of rules.** (1) The rules in this chapter apply to any company that is subject to the jurisdiction of the commission as to rates and services under the provisions of RCW 80.01.040 and chapters 80.04 and 80.36 RCW.

(2) The tariffs ~~((and price lists))~~ filed by companies must conform to these rules. If the commission accepts a tariff ~~((or price list))~~ that conflicts with these rules, the acceptance does not constitute a waiver of these rules unless the commission specifically approves the variation consistent with WAC 480-120-015 (Exemptions from rules in chapter 480-120 WAC). Tariffs ~~((or price lists))~~ that conflict with these rules without approval are superseded by these rules.

(3) Any affected person may ask the commission to review the interpretation of these rules by a company or customer by posing an informal complaint under WAC 480-07-910 (Informal complaints), or by filing a formal complaint under WAC 480-07-370 (Pleading—General).

(4) No deviation from these rules is permitted without written authorization by the commission. Violations will be subject to penalties as provided by law.

**AMENDATORY SECTION** (Amending Docket No. UT 040015, General Order No. R-516, filed 1/10/05, effective 2/10/05)

**WAC 480-120-021 Definitions.** The definitions in this section apply throughout the chapter except where there is an alternative definition in a specific section, or where the context clearly requires otherwise.

**"Access charge"** means a rate charged by a local exchange company to an interexchange company for the origination, transport, or termination of a call to or from a customer of the local exchange company. Such origination, transport, and termination may be accomplished either through switched access service or through special or dedicated access service.

**"Access line"** means a circuit providing exchange service between a customer's standard network interface and a serving switching center.

**"Affiliate"** means an entity that directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or control with, another entity.

**"Ancillary services"** means all local service features excluding basic service.

**"Applicant"** means any person applying to a telecommunications company for new service or reconnection of discontinued service.

**"Average busy hour"** means a time-consistent hour of the day during which a switch or trunk carries the most traffic. This definition is applied on an individual switch and an individual trunk basis.

**"Basic service"** means service that includes the following:

- Single-party service;
- Voice grade access to the public switched network;
- Support for local use;
- Dual tone multifrequency signaling (touch-tone);
- Access to emergency services (E911);
- Access to operator services;
- Access to interexchange services;
- Access to directory assistance; and
- Toll limitation services.

**"Business"** means a for profit or not-for-profit organization, including, but not limited to, corporations, partnerships, sole proprietorships, limited liability companies, government agencies, and other entities or associations.

**"Business days"** means days of the week excluding Saturdays, Sundays, and official state holidays.

**"Business office"** means an office or service center provided and maintained by a company.

**"Business service"** means service other than residential service.

**"Busy season"** means an annual, recurring, and reasonably predictable three-month period of the year when a switch or trunk carries the most traffic. This definition is applied on an individual switch and an individual trunk basis.

**"Call aggregator"** means any corporation, company, partnership, or person, who, in the ordinary course of its operations, makes telephones available to the public or to users of its premises for telephone calls using a provider of operator services, including, but not limited to, hotels, motels, hospitals, campuses, and pay phones (see also pay phone service providers).

**"Category of service"** means local, data services such as digital subscriber line service, interexchange, or CMRS. Information about a customer's intraLATA and interLATA primary interexchange carrier freeze status is part of the local category.

**"Central office"** means a company facility that houses the switching and trunking equipment serving a defined area.

**"Centrex"** means a telecommunications service providing a customer with direct inward dialing to telephone extensions and direct outward dialing from them.

**"Class A company"** means a local exchange company with two percent or more of the access lines within the state of Washington. The method of determining whether a company is a Class A company is specified in WAC 480-120-034 (Classification of local exchange companies as Class A or Class B).

**"Class B company"** means a local exchange company with less than two percent of the access lines within the state of Washington. The method of determining whether a com-

pany is a Class B company is specified in WAC 480-120-034 (Classification of local exchange companies as Class A or Class B).

**"Commercial mobile radio service (CMRS)"** means any mobile (wireless) telecommunications service that is provided for profit that makes interconnected service available to the public or to such classes of eligible users as to be effectively available to a substantial portion of the public.

**"Commission (agency)"** in a context meaning a state agency, means the Washington utilities and transportation commission.

**"Company"** means any telecommunications company as defined in RCW 80.04.010.

**"Competitively classified company"** means a company that is classified as competitive by the commission pursuant to RCW 80.36.320.

**"Customer"** means a person to whom the company is currently providing service.

**"Customer premises equipment (CPE)"** is equipment located on the customer side of the SNI (other than a company) and used to originate, route, or terminate telecommunications.

**"Discontinue; discontinuation; discontinued"** means the termination or any restriction of service to a customer.

**"Drop facilities"** means company-supplied wire and equipment placed between a premises and the company distribution plant at the applicant's property line.

**"Due date"** means the date an action is required to be completed by rule or, when permitted, the date chosen by a company and provided to a customer as the date to complete an action.

**"Emergency response facility"** means fire stations, hospitals, police stations, and state and municipal government emergency operations centers.

**"Exchange"** means a geographic area established by a company for telecommunications service within that area.

**"Extended area service (EAS)"** means telephone service extending beyond a customer's exchange, for which the customer may pay an additional flat-rate amount per month.

**"Facility or facilities"** means lines, conduits, ducts, poles, wires, cables, cross-arms, receivers, transmitters, instruments, machines, appliances, instrumentalities and all devices, real estate, easements, apparatus, property and routes used, operated, owned or controlled by a telecommunications company to facilitate the provision of telecommunications service.

**"Force majeure"** means natural disasters, including fire, flood, earthquake, windstorm, avalanche, mudslide, and other similar events; acts of war or civil unrest when an emergency has been declared by appropriate governmental officials; acts of civil or military authority; embargoes; epidemics; terrorist acts; riots; insurrections; explosions; and nuclear accidents.

**"Interexchange"** means telephone calls, traffic, facilities or other items that originate in one exchange and terminate in another.

**"Interexchange company"** means a company, or division thereof, that provides long distance (toll) service.

**"Interoffice facilities"** means facilities connecting two or more telephone switching centers.

**"InterLATA"** is a term used to describe services, revenues, functions, etc., that relate to telecommunications originating in one LATA and terminating outside of the originating LATA.

**"IntraLATA"** is a term used to describe services, revenues, functions, etc., that relate to telecommunications that originate and terminate within the same LATA.

**"Local access and transport area (LATA)"** means a local access transport area as defined by the commission in conformance with applicable federal law.

**"Local calling area"** means one or more rate centers within which a customer can place calls without incurring long-distance (toll) charges.

**"Local exchange company (LEC)"** means a company providing local exchange telecommunications service.

**"Major outages"** means a service failure lasting for thirty or more minutes that causes the disruption of local exchange or toll services to more than one thousand customers; total loss of service to a public safety answering point or emergency response agency; intercompany trunks or toll trunks not meeting service requirements for four hours or more and affecting service; or an intermodal link blockage (no dial tone) in excess of five percent for more than one hour in any switch or remote switch.

**"Missed commitment"** means orders for exchange access lines for which the company does not provide service by the due date.

**"Order date"** means the date when an applicant requests service unless a company identifies specific actions a customer must first take in order to be in compliance with tariffs (~~(-price lists,)~~) or commission rules. Except as provided in WAC 480-120-061 (Refusing service) and 480-120-104 (Information to consumers), when specific actions are required of the applicant, the order date becomes the date the actions are completed by the applicant if the company has not already installed or activated service.

When an applicant requests service that requires customer-ordered special equipment, for purposes of calculating compliance with the one hundred eighty-day requirement of WAC 480-120-112 (Company performance for orders for nonbasic service) the order date is the application date unless the applicant fails to provide the support structure or perform other requirements of the tariff (~~(or price list)~~). In the event the applicant fails to provide the support structure or perform the other requirements of the tariff (~~(or price list)~~), a new order date is established as the date when the applicant does provide the support structure or perform the other requirements of the tariff (~~(or price list)~~).

**"Pay phone" or "pay telephone"** means any telephone made available to the public on a fee-per-call basis independent of any other commercial transaction. A pay phone or pay telephone includes telephones that are coin-operated or are activated by calling collect or using a calling card.

**"Pay phone services"** means provision of pay phone equipment to the public for placement of local exchange, interexchange, or operator service calls.

**"Pay phone service provider (PSP)"** means any corporation, company, partnership, or person who owns or operates and makes pay phones available to the public.

**"Payment agency"** means a physical location established by a local exchange company, either on its own premises or through a subcontractor, for the purpose of receiving cash and urgent payments from customers.

**"Person"** means an individual, or an organization such as a firm, partnership, corporation, municipal corporation, agency, association or other entity.

**"Prior obligation"** means an amount owed to a local exchange company or an interexchange company for regulated services at the time the company physically toll-restricts, interrupts, or discontinues service for nonpayment.

**"Proprietary"** means owned by a particular person.

**"Provision"** means supplying telecommunications service to a customer.

**"Public access line (PAL)"** means an access line equipped with features to detect coins, permit the use of calling cards, and such other features as may be used to provision a pay phone.

**"Public safety answering point (PSAP)"** means an answering location for enhanced 911 (E911) calls originating in a given area. PSAPs are designated as primary or secondary. Primary PSAPs receive E911 calls directly from the public; secondary PSAPs receive E911 calls only on a transfer or relay basis from the primary PSAP. Secondary PSAPs generally serve as centralized answering locations for a particular type of emergency call.

**"Residential service"** means basic service to a household.

**"Restricted basic service"** means either the ability to receive incoming calls, make outgoing calls, or both through voice grade access to the public switched network, including E911 access, but not including other services that are a part of basic service.

**"Results of operations"** means a fiscal year financial statement concerning regulated operations that include revenues, expenses, taxes, net operating income, and rate base. The rate of return is also included as part of the results of operations. The rate of return is the percentage of net operating income to the rate base.

**"Service interruption"** means a loss of or impairment of service that is not due to, and is not, a major outage.

**"Service provider"** means any business that offers a product or service to a customer, the charge for which appears on the customer's telephone bill.

**"Special circuit"** means an access line specially conditioned to give it characteristics suitable for handling special or unique services.

**"Standard network interface (SNI)"** means the protector that generally marks the point of interconnection between company communications facilities and customer's terminal equipment, protective apparatus, or wiring at a customer's premises. The network interface or demarcation point is located on the customer's side of the company's protector, or the equivalent thereof in cases where a protector is not employed.

**"Station"** means a telephone instrument installed for a customer to use for toll and exchange service.

**"Subscriber list information (SLI)"** means any information:

(a) Identifying the listed names of subscribers of a company and those subscribers' telephone numbers, addresses, or primary advertising classifications (as such classifications are assigned when service is established), or any combination of listed names, numbers, addresses, or classifications; and

(b) That the company or an affiliate has published, caused to be published, or accepted for publication in any directory format.

**"Support structure"** means the trench, pole, or conduit used to provide a path for placement of drop facilities.

**"Telecommunications service"** means the offering of telecommunications for a fee directly to the public, or to such classes of users to be effectively available directly to the public, regardless of the facilities used.

**"Telemarketing"** means contacting a person by telephone in an attempt to sell one or more products or services.

**"Toll restriction" or "toll restricted"** means a service that prevents the use of a local access line to initiate a long distance call using a presubscribed interexchange company.

**"Traffic"** means telecommunications activity on a telecommunications network, normally used in connection with measurements of capacity of various parts of the network.

**"Trouble report"** means a report of service affecting network problems reported by customers, and does not include problems on the customer's side of the SNI.

**"Trunk"** means, in a telecommunications network, a path connecting two switching systems used to establish end-to-end connection. In some circumstances, both of its terminations may be in the same switching system.

AMENDATORY SECTION (Amending Docket No. UT-990146, General Order No. R-480, filed 7/11/01, effective 8/11/01)

**WAC 480-120-026 Tariffs ((~~and price lists~~)).** Companies must file tariffs ((~~and price lists~~)) in accordance with chapter 480-80 WAC, Utilities general—Tariffs((~~, price lists,~~)) and contracts.

AMENDATORY SECTION (Amending Docket No. UT-990146, General Order No. R-480, filed 7/11/01, effective 8/11/01)

**WAC 480-120-028 Registration.** Companies must file registration applications as required by RCW 80.36.350 and in accordance with chapter 480-121 WAC, Registration, competitive classification ((~~and price lists~~)) of telecommunications companies.

AMENDATORY SECTION (Amending Docket No. UT-990146, General Order No. R-507, filed 12/12/02, effective 7/1/03)

**WAC 480-120-061 Refusing service.** (1) A company may refuse to connect with, or provide service to, an applicant under the following conditions:

(a) When service will adversely affect the service to existing customers.

(b) When the installation is considered hazardous.

(c) When the applicant has not complied with commission rules, company tariff ((~~or price list~~)), and state, county,

or municipal codes concerning the provision of telecommunications service such as building and electrical codes.

(d) When the company is unable to substantiate the identity of the individual requesting service.

(i) Companies must allow the applicant to substantiate identity with one piece of identification chosen from a list, provided by the company, of at least four sources of identification. The list must include a current driver's license or other picture identification.

(ii) Company business offices and payment agencies, required under WAC 480-120-132 and 480-120-162, must provide a means for applicants to provide identification at no charge to the applicant.

(e) When the applicant has previously received service from the company by providing false information, including false statements of credit references or employment, false statement of premises address, or use of an alias or false name with intent to deceive, until the applicant corrects the false information to the satisfaction of the company.

(f) When the applicant owes an overdue, unpaid prior obligation to the company for the same class of service, until the obligation is paid or satisfactory arrangements are made.

(g) When the applicant requests service at an address where a former customer is known to reside with an overdue, unpaid prior obligation to the same company for the same class of service at that address and the company determines, based on objective evidence, that the applicant has cooperated with the prior customer with the intent to avoid payment. However, a company may not deny service if a former customer with an overdue, unpaid prior obligation has permanently vacated the address.

(h) When all necessary rights of way, easements, and permits have not been secured. The company is responsible for securing all necessary public rights of way, easements, and permits, including rights of way on every highway as defined in RCW 36.75.010(11) or created under RCW 36.75.070 or 36.75.080. The applicant is responsible for securing all necessary rights of way or easements on private property, including private roads or driveways as defined in RCW 36.75.010(10). A private road or driveway is one that has been ascertained by the company not to be public.

(2) A company may not withhold or refuse to release a telephone number to a customer who is transferring service to another telecommunications company within the same rate center where local number portability has been implemented.

(3) A telecommunications company must deny service to a nonregistered telecommunications company that intends to use the service requested to provide telecommunications for hire, sale, or resale to the general public within the state of Washington. Any telecommunications company requesting service from another telecommunications company must state in writing whether the service is intended to be used for intrastate telecommunications for hire, sale, or resale to the general public. If the service is intended for hire, sale, or resale on an intrastate basis, the company must certify in writing, in the same manner as required by RCW 9A.72.085, that it is properly registered with the commission to provide the service.

AMENDATORY SECTION (Amending Docket No. UT-990146, General Order No. R-507, filed 12/12/02, effective 7/1/03)

**WAC 480-120-102 Service offered.** (1) Classes of service. The classes of service are business and residential. Each local exchange company (LEC) must file with the commission, as part of its tariff (~~(or price list)~~), a description of the classes and types of service available to customers in each class. LECs must record for each access line whether local exchange service is residential or business class.

(2) Types of service. LECs must offer, at a minimum, flat-rate local exchange service. In addition, companies may offer service alternatives, such as measured service.

(3) Grade of service. Local exchange service offered by companies must be only one-party service.

AMENDATORY SECTION (Amending Docket No. UT-990146, General Order No. R-507, filed 12/12/02, effective 7/1/03)

**WAC 480-120-103 Application for service.** (1) When contacted by an applicant, or when a company contacts a person, a company must:

(a) Accept and process applications when an applicant for service for a particular location has met all tariff (~~(or price list)~~) requirements and applicable commission rules;

(b) Establish the due date as the date requested by the applicant but is not required to establish a due date that is fewer than seven business days after the order date. If the company establishes a due date other than the date requested by the applicant, it must inform the applicant of the specific date when service will be provided or state that an estimated due date will be provided within seven business days as required by subsection (2) of this section; and

(c) Maintain a record in writing, or in electronic format, of each application for service, including requests for a change of service.

(2) If the company does not provide the applicant with a due date for installation or activation at the time of application as required in subsection (1)(b) of this section, the company must state the reason for the delay. Within seven business days of the date of the application, the company must provide the applicant with an estimated due date for installation or activation. The standards imposed by WAC 480-120-105 and 480-120-112 are not altered by this subsection.

(3) When the company informs the customer that installation of new service orders requires on-premises access by the company, the company must offer the customer an opportunity for an installation appointment that falls within a four-hour period.

(4) When the application for service requires a service extension as defined in WAC 480-120-071, the requirement of subsection (1)(b) of this section does not apply and, for the purpose of determining when an extension must be completed, the order date is the application date or six weeks prior to the date the customer makes the required initial payment, whichever is later.

When a service extension is required, the company must inform the customer within six weeks of a request for service that it will construct the extension and also request payment

from the customer according to WAC 480-120-071, or inform the customer in writing that it will request an exemption from the commission pursuant to WAC 480-120-071(7).

In the event a company informs the customer it will request an exemption, the company must submit the request to the commission within four weeks of informing the customer of its decision. A copy of the exemption request must be mailed to the customer not later than the date the request is filed.

AMENDATORY SECTION (Amending Docket No. UT-990146, General Order No. R-507, filed 12/12/02, effective 7/1/03)

**WAC 480-120-104 Information to consumers.** (1) ~~((Except for services provided under contract pursuant to WAC 480-80-241 (Filing contracts for services classified as competitive),))~~ Each company must provide an applicant for initial service with a confirming notice or welcome letter, either in writing or with permission of the customer, electronically. The confirming notice or welcome letter must be provided to the applicant or customer no later than fifteen days after installation of service and must provide, at a minimum:

(a) Contact information for the appropriate business office, including a toll-free telephone number, a TTY number, mailing address, repair number, electronic address if applicable, and business office hours, that the customer can contact if they have questions;

(b) Confirmation of the services being provided to the customer by the company, and the rate for each service. If the service is provided under a banded rate schedule, the current rate, including the minimum and maximum at which the customer's rate may be shifted; and

(c) If the application is for local exchange service, the LEC must either provide information required in WAC 480-120-251 (6)(a) through (f) or must inform the customer that additional information pertaining to local exchange service may be found in the consumer information guide of the local telephone directory as required in WAC 480-120-251.

(2) ~~((Except for services provided under contract pursuant to WAC 480-80-241 (Filing contracts for services classified as competitive),))~~ Each company must provide each customer a confirming notice, either in writing or, with permission of the customer, electronically, within fifteen days of initiating a material change in service which results in the addition of a service, a change from one rate schedule to another, or a change in terms or conditions of an existing service. The confirming notice must provide at a minimum, the following information in clear and conspicuous language:

(a) Contact information for the appropriate business office, including a toll-free telephone number, a TTY number, and business office hours, that customers can contact if they have questions; and

(b) The changes in the service(s), including, if applicable, the rate for each service.

(3) When a LEC is acting as an executing carrier under WAC 480-120-147, it must make the following information available upon request:

(a) The name of the intraLATA and interLATA interexchange company to which the customer's account is currently subscribed; and

(b) A minimum of six months' account history, when available, including the date of the changes and the name of the interexchange company.

(4) When an applicant or customer contacts the LEC to select or change an interexchange company, the LEC must notify the carrier of the customer's selection or recommend that the customer contact the chosen interexchange company to confirm that an account has been or is being established by the interexchange carrier for the applicant.

AMENDATORY SECTION (Amending Docket No. UT 040015, General Order No. R-516, filed 1/10/05, effective 2/10/05)

**WAC 480-120-122 Establishing credit—Residential services.** This section applies only to the provision of residential services.

(1) For a local exchange company (LEC) that offers basic service as part of any bundled package of services, the requirements of this subsection apply only to its lowest-priced, flat-rated residential basic service offering. The LEC may require an applicant or customer of residential basic service to pay a local service deposit only if:

(a) The applicant or customer has received two or more delinquency notices for basic service during the last twelve month period with that company or another company;

(b) The applicant or customer has had basic service discontinued by any telecommunications company;

(c) The applicant or customer has an unpaid, overdue basic service balance owing to any telecommunications company;

(d) The applicant's or customer's service is being restored following a discontinuation for nonpayment or acquiring service through deceptive means under WAC 480-120-172(1); or

(e) The applicant or customer has been disconnected for taking service under deceptive means as described in WAC 480-120-172(1).

(2) A LEC may, if provided for in its tariff or ~~((price list))~~ rates, terms and conditions of services provided pursuant to competitive classification, require an applicant or customer of ancillary services to demonstrate satisfactory credit by reasonable means, pay a deposit, or make advanced payments consistent with subsections (4) and (5) of this section.

The company must inform applicants that local service cannot be withheld pending payment of a deposit or advanced payments for ancillary services.

(3) An interexchange company may, if provided for in its tariff or ~~((price list))~~ rates, terms and conditions of services provided pursuant to competitive classification, require an applicant or customer of interexchange services to demonstrate satisfactory credit by reasonable means or pay a deposit consistent with subsections (4) and (5) of this section.

The company must inform applicants that local service cannot be withheld pending payment of a deposit for interexchange services.

(4) When a company requests a deposit from an applicant or customer, the amount of the deposit may not exceed two months' customary use for an applicant or customer with previous verifiable service of the same class, or two months' estimated use for an applicant or customer without previous verifiable service. Customary use is calculated using charges for the previous three months' service.

(5) When an applicant or customer is required to pay a basic service deposit or an interexchange deposit, but is unable to pay the entire amount in advance of connection or continuation of service, the company must offer the applicant or customer the following options:

(a) Pay no more than fifty percent of the requested deposit amount before installation or continuation of service, with the remaining amount payable in equal amounts over the following two months; or

(b) Where technology permits, the applicant or customer must have the option of accepting toll-restricted basic service in lieu of payment of the deposit. A company must not charge for toll restriction when it is used as an alternative to a deposit.

A company must remove toll restriction unless the customer requests to retain it when the customer makes full payment of the requested interexchange company deposit or pays fifty percent of the requested deposit and enters into payment arrangements as provided for in (a) of this subsection.

(6) A company may require an applicant or customer to pay a deposit or make advanced payments equal to two months' charges for ancillary service before providing or continuing ancillary services.

(7) A company may require an applicant or customer to pay a deposit if it finds that service was provided initially without a deposit based on incorrect information and the customer otherwise would have been required to pay a deposit.

(a) When a company requests a new deposit or a larger deposit amount after service has been established, the company must provide a written notice to the customer listing the reason(s) for the request, the date the deposit must be paid, and the actions the company may take if the deposit is not paid.

(b) Except for circumstances described in subsection (8) of this section, the deposit or additional deposit amount may not be due and payable before 5:00 p.m. of the sixth business day after notice of the deposit requirement is mailed or 5:00 p.m. of the second business day following delivery, if the notice is delivered in person to the customer.

(8)(a) A company authorized by the commission to collect deposits or advanced payments may require a customer to pay unbilled toll charges or pay a new or additional deposit amount when the customer's toll charges exceed thirty dollars, or exceed customary use over the previous six months by twenty dollars or by twenty percent, whichever is greater. A company may toll-restrict a customer's services if the customer is unable to pay the toll or deposit amount.

(b) When a customer has exceeded the toll levels in (a) of this subsection, the company may require payment before the close of the next business day following delivery of either written or oral notice to the customer indicating that failure to pay one of the following may result in toll restriction of the

customer's service. The company must give the customer the option to pay one of the following:

(i) All outstanding toll charges specified in the notice; or

(ii) All toll charges accrued to the time of payment providing the customer was notified the customer would be liable for all unbilled toll charges that accrued between the time of the notice and time of the payment; or

(iii) Payment of a new or additional deposit in light of the customer's actual use based upon two months' customary use.

(c) When an applicant does not have a customary utilization amount from a previous service, the company may request that the applicant estimate the greatest monthly toll amount the applicant expects to use. If the company asks for an estimate, it must explain that if the customer's toll charges exceed the amounts in (a) of this subsection, the company may toll restrict or require a deposit as permitted in this subsection.

**AMENDATORY SECTION** (Amending Docket No. UT 040015, General Order No. R-516, filed 1/10/05, effective 2/10/05)

**WAC 480-120-161 Form of bills. (1) Bill frequency.**

Companies must offer customers, at a minimum, the opportunity to receive billings on a monthly interval, unless subsection (11) of this section applies.

(2) **Length of time for payment of a bill.** Bill due dates must reflect a date which at a minimum allows a customer fifteen days from the date of mailing for payment.

(a) Upon showing of good cause, a customer may request and the company must allow the customer to pay by a date that is not the normally designated payment date on their bill. Good cause may include, but not be limited to, adjustment of the billing cycle to parallel receipt of income.

(i) A company may not assess late payment fees for the period between the regularly scheduled due date and the customer-chosen due date so long as the customer makes payment in full by the customer-chosen due date.

(ii) A company may refuse to establish a preferred payment date that would extend the payment date beyond the next normally scheduled payment or due date.

(b) If a company is delayed in billing a customer, the company must offer arrangements upon customer request or upon indication that a payment arrangement is necessary, that are equal to the length of time the bill is delayed beyond the regularly scheduled billing interval (e.g., if the bill includes two months delayed charges, the customer must be allowed to pay the charges over two months).

Companies may not charge a customer late payment fees on the delayed charges during the extended payment period.

(3) **Form of bill.** With the consent of the customer, a company may provide regular billings in electronic form if the bill meets all the requirements of this rule. The company must maintain a record of the customer's request, and the customer may change from electronic to printed billing upon request.

(4) **Bill organization.** Telephone bills must be clearly organized, and must comply with the following requirements:

(a) Bills may only include charges for services that have been requested by the customer or other individuals authorized to request such services on behalf of the customer, and that have been provided by the company;

(b) The name of the service provider associated with each charge must be clearly and conspicuously identified on the telephone bill;

(c) Where charges for two or more companies appear on the same telephone bill, the charges must be separated by service provider;

(d) The telephone bill must clearly and conspicuously identify any change in service provider, including identification of charges from any new service provider; and

(e) The telephone bill must include the internet address (uniform resource locator) of the web site containing the service provider's tariff or ~~((price list, if the service provider is a telecommunications company required to publish its tariff or price list))~~ rates, terms and conditions of services provided pursuant to competitive classification on a web site pursuant to WAC ~~((480-80-206(2) (Price list availability to customers)) 480-120-266(3) (Rates, terms and conditions for telecommunications services provided pursuant to competitive classification)~~ or WAC 480-120-193 (Posting of tariffs for public inspection and review). This requirement may be satisfied by including the address of a web site other than that of the telecommunications company itself, if the web site provides access to the tariff or ~~((price list))~~ rates, terms and conditions of services provided pursuant to competitive classification that applies to the service being billed.

For purposes of this subsection, "new service provider" means a service provider that did not bill the customer for service during the service provider's last billing cycle. This definition includes only providers that have continuing relationships with the customer that will result in periodic charges on the customer's bill, unless the service is subsequently canceled.

For purposes of this subsection, "clearly and conspicuously" means notice that would be apparent to a reasonable customer.

**(5) Descriptions of billed charges.**

(a) The bill must include a brief, clear, nonmisleading, plain language description of each service for which a charge is included. The bill must be sufficiently clear in presentation and specific enough in content so that the customer can determine that the billed charges accurately reflect the service actually requested and received, including individual toll calls and services charged on a per-occurrence basis.

(b) The bill must identify and set out separately, as a component of the charges for the specific service, any access or other charges imposed by order of or at the direction of the Federal Communications Commission (FCC).

(c) The bill must clearly delineate the amount or the percentage rate and basis of any tax assessed by a local jurisdiction.

**(6) Charges for which service can be discontinued.** Where a bill contains charges for basic service, in addition to other charges, the bill must distinguish between charges for which nonpayment will result in loss of basic service. The bill must include telephone numbers by which customers may inquire or dispute any charges on the bill. A company

may list a toll-free number for a billing agent, clearinghouse, or other third party, provided such party possesses sufficient information to answer questions concerning the customer's account and is fully authorized to resolve the customer's complaints on the company's behalf. Where the customer does not receive a paper copy of the telephone bill, but instead accesses that bill only by e-mail or internet, the company may comply with this requirement by providing on the bill an e-mail or web site address. Each company must make a business address available upon request from a customer.

**(7) Itemized statement.** A company must provide an itemized statement of all charges when requested by a customer, including, but not limited to:

(a) Rates for individual services;

(b) Calculations of time or distance charges for calls, and calculations of any credit or other account adjustment; and

(c) When itemizing the charges of information providers, the name, address, telephone number, and toll-free number, if any, of the providers.

**(8) Methods of payment.**

(a) Companies must, at a minimum, allow the following methods of payment: Cash, certified funds (e.g., cashier check or money order), and personal checks.

(b) Upon written notice to a customer, companies may refuse to accept personal checks when that customer has tendered two or more nonsufficient-funds checks within the last twelve months.

**(9) Billing companies.** A company may bill regulated telecommunications charges only for companies properly registered to provide service within the state of Washington or for billing agents. The company must, in its contractual relationship with the billing agent, require the billing agent to certify that it will submit charges only on behalf of properly registered companies; and that it will, upon request of the company, provide a current list of all companies for which it bills, including the name and telephone number of each company. The company must provide a copy of this list to the commission for its review upon request.

**(10) Crediting customer payments.** Unless otherwise specified by the customer, payments that are less than the total bill balance must be credited first to basic service, with any remainder credited to any other charges on the bill.

For purposes of this subsection, basic service includes associated fees and surcharges such as FCC access charges. Basic service does not include ancillary services such as caller identification and custom calling features.

**(11) Exemptions from this rule.** Prepaid calling card services (PPCS) are exempt from subsections (1) through (10) of this section.

AMENDATORY SECTION (Amending Docket No. UT-990146, General Order No. R-507, filed 12/12/02, effective 7/1/03)

**WAC 480-120-171 Discontinuing service—Customer requested.** (1) This section applies to residential, business, and resale services discontinued at the customer's request. The customer must notify the company of the date the customer wishes to discontinue service. If the customer moves from the service address and fails to request discontinuation



of service, the customer must pay for service taken at the service address until the company can confirm that the customer has vacated the premises or a new party has taken responsibility for the service.

(2) A company must stop a customer's monthly recurring or minimum charges effective on the requested discontinuation date. The customer may be held responsible for use charges incurred after the requested discontinuation date when the company can prove that the calls were made or authorized by the customer of record. This section does not preclude a company from collecting minimum service commitment penalties when a customer disconnects service prior to fulfilling the tariff(~~(-price list,))~~) or contract commitment.

(3) The company must discontinue service as follows:

(a) For services that do not require a field visit, the company must discontinue service not later than one business day from the date requested by the customer; and

(b) For services that require a premises visit to complete the request, the company must disconnect service no later than two business days from the date requested by the customer.

(4) When a customer directs the local exchange company (LEC) to discontinue service, the LEC must either notify the customer's presubscribed interLATA and intraLATA toll carriers of the discontinuation or inform the customer that it is the customer's obligation to contact those carriers directly.

**AMENDATORY SECTION** (Amending Docket No. UT 040015, General Order No. R-516, filed 1/10/05, effective 2/10/05)

**WAC 480-120-172 Discontinuing service—Company initiated.** (1) A company may discontinue service without notice or without further notice when after conducting a thorough investigation, it finds the customer has used deceptive means to initiate or continue service including, but not limited to:

(a) Tampering with the company's property;

(b) Using service through an illegal connection; or

(c) Unlawfully using service or using service for unlawful purposes.

(2)(a) A company may discontinue service without notice or without further notice when after conducting a thorough investigation, it determines the customer has:

(i) Vacated the premises without informing the company;

(ii) Paid a delinquent balance in response to a delinquency notice as described in subsection (7) of this section with a check or electronic payment that is subsequently dishonored by the bank or other financial institution; or

(iii) Failed to keep payment arrangements agreed upon in response to a delinquency notice as described in subsection (7) of this section.

(b) The company must restore service once the customer has corrected the reason for discontinuance as described in subsection (2)(a) of this section.

(c) The company may require a deposit from a customer that it has disconnected due to the reasons described in subsection (2)(a) of this section.

(3) A company may discontinue service after providing proper notice, or may issue a discontinuation notice, if, and only if:

(a) The company determines the customer has violated a rule, statute, service agreement, filed tariff, or ~~((price list))~~ rates, terms and conditions of services provided pursuant to competitive classification;

(b) The company determines the customer has used customer-owned equipment that adversely affects the company's service to its other customers;

(c) The company determines the customer has not paid regulated charges or has not paid a deposit as provided in the tariff or ~~((price list))~~ rates, terms and conditions of services provided pursuant to competitive classification of the company or another company with which it has a billing and collection agreement, except for nonpayment of charges incurred from information delivery services as provided for in WAC 480-120-254 (Telephone solicitation) or disputed third party-billed charges;

(d) The company is unable to substantiate the identity of the individual requesting service:

(i) Companies must allow the applicant to substantiate identity with one piece of identification chosen from a list, provided by the company, of at least four sources of identification. The list must include a current driver's license or other picture identification;

(ii) Company business offices and payment agencies, required under WAC 480-120-132 (Business offices) and 480-120-162 (Cash and urgent payments), must provide a means for applicants to provide identification at no charge to the applicant;

(e) The company determines the customer has received service from the company by providing false information, including false statements of credit references or employment, false statement of premises address, use of an alias or false name with intent to deceive, or rotation of service among roommates or persons living together for the purpose of avoiding the debts of one or more persons; or

(f) The company determines the customer is receiving service at an address where a former customer is known to reside with an overdue, unpaid prior obligation to the same company for the same class of service at that address and there is evidence that the applicant lived at the address while the overdue, unpaid prior obligation was incurred and helped incur the obligations. However, a company may not deny service if a former customer with an overdue, unpaid prior obligation has permanently vacated the address.

(4) Except as provided in subsections (1), (2), and (3) of this section, a company may discontinue:

(a) Basic service only for nonpayment of basic service charges;

(b) Ancillary services only for nonpayment of ancillary charges or if the company properly discontinues basic service;

(c) Interexchange access only for nonpayment of interexchange charges or if the company properly discontinues basic service:

(i) At its discretion, the company may permit access to toll-free numbers while a customer's interexchange access service is discontinued or restricted;

(ii) The company may not charge fees for toll restriction when it has discontinued or restricted the customer's interexchange access service under this section;

(d) A company must not shift a rate plan as a discontinuation method.

(5) When a company discontinues service to a customer, it must also discontinue billing for service as of the date of the discontinuation.

**(6) Medical emergencies.**

(a) When a local exchange company (LEC) has caused to discontinue residential basic service or has discontinued service, it must postpone total service discontinuation or reinstate toll-restricted basic service that permits both making and receiving calls and access to E911 for a grace period of five business days after receiving either oral or written notice of the existence of a medical emergency, as described in (b) of this subsection. The LEC must reinstate service during the same day if the customer contacts the LEC prior to the close of the business day and requests a same-day reconnection. Otherwise, the LEC must restore service by 12:00 p.m. the next business day. When service is reinstated, the LEC cannot require payment of a reconnection charge or deposit before reinstating service but may bill the charges at a later date.

(b) The LEC may require that the customer submit written certification from a qualified medical professional, within five business days, stating that the discontinuation of basic service or restricted basic service would endanger the physical health of a resident of the household. "Qualified medical professional" means a licensed physician, nurse practitioner, or physician's assistant authorized to diagnose and treat the medical condition without supervision of a physician. Nothing in this subsection precludes a company from accepting other forms of certification, but the maximum the company can require is written certification. If the company requires written certification, it may require only:

(i) The address of the residence;

(ii) An explanation of how discontinuation of basic service or restricted basic service would endanger the physical health of the resident;

(iii) A statement of how long the condition is expected to last; and

(iv) The title, signature, and telephone number of the person certifying the condition.

(c) The medical certification is valid only for the length of time the medical professional certifies the resident's health would be endangered, but no longer than ninety days unless renewed.

(d) A medical emergency does not excuse a customer from paying delinquent and ongoing charges. The company may require that, within the five-day grace period, the customer pay a minimum of twenty-five percent of the delinquent basic service balance or ten dollars, whichever is greater, and enter into an agreement to pay the remaining delinquent basic service balance within ninety days, and agree to pay subsequent bills when due.

Nothing in this subsection precludes the company from agreeing to an alternate payment plan, but the company must not require the customer to pay more than this section pre-

scribes and must send a notice to the customer confirming the payment arrangements within two business days.

(e) The company may discontinue basic service or restrict basic service without further notice if, within the five-day grace period, the customer fails to provide an acceptable medical certificate or pay the amount required under (d) of this subsection. The company may discontinue basic service or restrict basic service, without further notice, if the customer fails to abide by the terms of the payment agreement.

(f) The company must ensure that the records of medical emergencies are used or disclosed only for the purposes provided for in this section.

**(7) Discontinuation notice requirements.** The company must provide the customer notice before discontinuing service in accordance with (a) through (c) of this subsection, except as provided in subsection (1) of this section, and except as provided in WAC 480-120-122(8).

(a) Each company must provide a written discontinuation notice to the customer either by first class mail, personal delivery to the customer's service address, or electronically delivered when the company has the technical capability and the customer consents to this delivery method. A company must provide delivered notice by handing the notice to a person of apparent competence in the residence; to a person employed at the place of business of the customer if it is a business account; or attached to the primary door of the residential unit or business office where service is provided if no person is available to receive notice. The discontinuation notice must include, at a minimum:

(i) A discontinuation date that is not less than eight business days after the date the notice is mailed, transmitted electronically, or personally delivered;

(ii) The amount(s) owing for the service(s) that is subject to discontinuation or restriction;

(iii) A statement that clearly indicates the amount a customer must pay to maintain basic service or restricted basic service, regardless of the full amount owed by the customer;

(iv) Instructions on how to correct the problem to avoid the discontinuation;

(v) Information about any discontinuation or restoration charges that may be assessed;

(vi) Information about how a customer can avoid discontinuation under the medical emergency rules described in subsection (6) of this section; and

(vii) The company's name, address, toll-free number, and TTY number where the customer may contact the company to discuss the pending discontinuation of service.

(b) If the company discovers that the information provided on the notice failed to meet the requirements of (a) of this subsection, or if the company discovers it provided incorrect information on the notice, the company must restore service and issue a second notice with accurate information as described in this section.

(c) If the company has not discontinued service within ten business days of the first day the discontinuation may be implemented, the discontinuation notice is void, unless the customer and the company have entered into a mutually acceptable payment agreement with payment dates that exceed the ten-day period. Upon a void notice, the company

must provide a new discontinuation notice to the customer if the company intends to discontinue service at a later date.

(8) In addition to the notice required in subsection (7) of this section, a company must attempt to make personal contact with a customer prior to discontinuing service. Any of the following methods will satisfy the personal contact requirement:

(a) **Delivered notice.** A company must provide delivered notice handing the notice to a person of apparent competence in the residence; to a person employed at the place of business of the customer if it is a business account; or attached to the primary door of the residential unit or business office where service is provided if no person is available to receive notice. The notice must state a scheduled discontinuation date that is not earlier than 5:00 p.m. of the next business day after the date of delivery;

(b) **Electronically issued notice.** If the company has the technical capability to provide electronic notice and the customer has agreed to receive notice in electronic form, the notice sent by the company must state a scheduled discontinuation date that is not earlier than 5:00 p.m. of the second business day after the date of delivery;

(c) **Mailed notice.** The notice mailed by the company may not include a scheduled discontinuation date that is earlier than 5:00 p.m. of the third business day after the date of mailing. The date of mailing is not the first day of the notice period; or

(d) **Telephone notice.** The company must attempt at least two times to contact the customer during regular business hours. If the company is unable to reach the customer on the first attempt, the company must attempt to contact the customer using any business or message number provided by the customer as a contact number. The company must keep a log or record of the calls for a minimum of ninety calendar days showing the telephone number called, the time of the call, and details of the results of each attempted call. The disconnection must not take place before 5:00 p.m. of the next business day after the phone calls or attempts.

(e) A company need not attempt personal contact as provided for in (a) through (d) of this subsection when the company has had cause, in any two previous billing periods during a consecutive twelve-month period, to attempt such contact and the company has notified the customer in writing that such contact will not be attempted in the future before effecting a discontinuation of services.

(9) Except in case of danger to life or property, companies may not discontinue service on days that it is not fully staffed to discuss discontinuation and reestablish service to the customer on the same or the following day.

(10) When the company has reasonable grounds to believe that service is to other than the party of record, the company must make reasonable efforts to inform the occupants at the service address of the impending discontinuation. Upon request of one or more service users, the company must allow a minimum period of five business days to permit the service user to arrange for continued service.

The company is not required to allow the additional five days when a thorough investigation indicates there is deceptive activity at the service address.

(11) LECs must provide notice of pending local service discontinuation to the secretary, Washington state department of social and health services, and to the customer, where it provides service to a facility with resident patients including, but not limited to, hospitals, medical clinics, or nursing homes. Upon request from the secretary or a designee, the company must allow a delay in discontinuation of no less than five business days from the date of notice so that the department may take whatever steps are necessary in its view to protect the interests of patients living within the facilities.

(12) **Remedy and appeals.** The company must not discontinue or restrict service while a customer is pursuing any remedy or appeal provided for by these rules, if the customer pays any amounts not in dispute when due and the customer corrects any conditions posing a danger to health, safety, or property. The company must inform the customer of these provisions when the customer is referred to a company's supervisor or the commission.

During a dispute a company may, upon authorization from commission staff, discontinue service when a customer's toll charges substantially exceed the amount of any deposit or customary use and it appears the customer may incur excessive, uncollectible toll charges while an appeal is being pursued. A customer whose service is subject to discontinuation may maintain service pending resolution of any dispute upon payment of outstanding toll charges subject to refund if the dispute is resolved in the customer's favor.

(13) **Payment at a payment agency.** Payment of any past-due amounts to a designated payment agency of the company constitutes payment to the company when the customer informs the company of the payment and the company verifies the payment.

AMENDATORY SECTION (Amending Docket No. UT-990146, General Order No. R-507, filed 12/12/02, effective 7/1/03)

**WAC 480-120-255 Information delivery services.** (1) For purposes of this section:

"Information-delivery services" means telephone recorded messages, interactive programs, or other information services that are provided for a charge to a caller through an exclusive telephone number prefix.

"Information provider" means the persons or corporations that provide the information, prerecorded message, or interactive program for the information-delivery service.

"Interactive program" means a program that allows a caller, once connected to the information provider's announcement machine, to access additional information by using the caller's telephone.

(2) Local exchange companies (LECs) offering access to information-delivery services must provide each residential customer the opportunity to block access to all information delivery services offered by that company. Companies must fulfill an initial request for blocking free of charge. Companies may charge a tariffed fee or (~~(price-listed-fee)~~) rate set forth in rates, terms and conditions of services provided pursuant to competitive classification for subsequent blocking requests (i.e., if a customer has unblocked his or her access).

(3) The LEC must inform residential customers of the blocking service through a single-topic bill insert and publication of a notice in a conspicuous location in the consumer information pages of the local white pages telephone directory. The LEC must include in the notice and bill insert the residential customers' rights under the law, the definition of "information delivery services" as defined in subsection (1) of this section, and a statement that these services often are called "900" numbers. The LEC must include notice that customers have the right under Washington law to request free blocking of access to information-delivery services on their residential telephone lines, that blocking will prevent access to information-delivery services from their residential telephone line, that customers may request free blocking of access to information-delivery services on their residential telephone lines by calling the LEC at a specified telephone number, that the Washington utilities and transportation commission is authorized under RCW 80.36.500 to enforce this law, and that customers may contact the commission for further information. The LEC must include the commission's address, toll-free telephone number, and web site:

Washington Utilities and Transportation Commission  
Consumer Affairs Section  
1300 South Evergreen Park Drive, SW  
P.O. Box 47250  
Olympia, WA 98504-7250  
1-800-562-6150  
www.wutc.wa.gov

(4) Any company that provides billing, customer service, or collection services for an information provider must require, as a part of its contract for that service, that the information provider include in any advertising or promotion a prominent statement of the cost to the customer of the information service.

AMENDATORY SECTION (Amending Docket No. UT-990146, General Order No. R-507, filed 12/12/02, effective 7/1/03)

**WAC 480-120-263 Pay phone service providers (PSPs).** (1) A local exchange company (LEC) within the state of Washington must allow pay phone service providers (PSPs) to connect pay phones to its network, and a LEC must file a tariff (~~(or price list)~~) with the commission to include the rates and conditions applicable to providing service to pay phones via its network. For services provided to pay phones pursuant to WAC 480-120-266 (Rates, terms and conditions for telecommunications services provided pursuant to competitive classification).

**(2) Registration and application of rules.**

(a) PSPs operating a pay phone within the state of Washington must register by:

- (i) Submitting a master business application to the master license service, department of licensing; and
- (ii) Obtaining a unified business identifier (UBI) number. A PSP that already has a UBI number need not reapply.

(b) Except where pay phone services or PSPs are specifically referenced, the rules of general applicability to public service companies or telecommunications companies do not

apply to pay phone services. This does not exempt PSPs from rules applicable to complaints and disputes (WAC 480-120-165), or remedies or sanctions for violations of rules applicable to PSP operations.

(3) **Access.** At no charge to the calling party, pay phones must provide access to:

- (a) Dial tone;
- (b) Emergency services by dialing 911 without the use of a coin or entering charge codes;
- (c) Operator;
- (d) Telecommunications relay service calls for the hearing-impaired;
- (e) All available toll-free services; and
- (f) All available interexchange companies, including the LEC.

(4) **Disclosure.** PSPs must post clearly and legibly, in an unobstructed location on or near the front of the pay phone:

- (a) The rate for local calls, including any restrictions on the length of calls in thirty point or larger type print or a different and contrasting color;
- (b) Notice that directory assistance charges may apply, and to ask the operator for rates;
- (c) Notice that the pay phone does not make change, if applicable;
- (d) The emergency number (E911);
- (e) The name, address, phone number, and unified business identifier (UBI) number of the owner or operator;
- (f) A toll-free number to obtain assistance if the pay phone malfunctions, and procedures for obtaining a refund;
- (g) The name, address, and toll-free number of all pre-subscribed operator service providers (OSPs), as registered with the commission. This information must be updated within thirty days of a change in the OSP. Refer to WAC 480-120-262 for OSP definition and rules;
- (h) Notice to callers that they can access other long distance companies;
- (i) The phone number of the pay phone, including area code. When the pay phone is in an area that has had an area code change, the area code change must be reflected on the pay phone within thirty days of the area code conversion; and
- (j) In contrasting colors, the commission compliance number for customer complaints, to include the following information:

"If you have a complaint about service from this pay phone and are unable to resolve it by calling the repair or refund number or operator, please call the commission at 1-888-333-WUTC (9882)."

(5) **Operation and functionality.** A PSP must order a separate public access line (PAL) for each pay phone installed. The commission may waive this requirement if a company demonstrates that technology accomplishes the same result as a one-to-one ratio by means other than through a PAL, that the service provided to customers is fully equivalent, and that all emergency calling requirements are met. This PAL must pass the appropriate screening codes to the connecting company to indicate that the call is originating from a pay phone. In addition:

(a) The pay phone, if coin operated, must return coins to the caller in the case of an incomplete call and must be capable of receiving nickels, dimes, and quarters.

(b) Pay phone keypads must include both numbers and letters.

(c) Where enhanced 911 is operational, the address displayed to the public safety answering point (PSAP) must be that of the phone instrument if different from the public access line demarcation point and the phone number must be that of the pay phone. To comply with this subsection, PSPs must provide an emergency response location (ERL) to the LEC supplying the PAL within two working days of establishing the location, or changed location, of the phone instrument. The ERL must provide sufficient information to aid emergency personnel in the rapid location of the phone instrument, e.g., building floor number, compass quadrant (e.g., northeast corner), and room number.

(d) Extension telephones may be connected to a PAL only for the purpose of monitoring emergency use. The pay phone must be clearly labeled to indicate that "911 calls are monitored locally." An extension phone must be activated only when 911 is dialed from the pay phone, and must be equipped with a "push to talk" switch or other mechanism to prevent inadvertent interruption of the caller's conversation with the PSAP.

(e) Cordless and tabletop pay phones may be connected to the telephone network only when the bill is presented to the user before leaving the premise where the bill was incurred, unless the customer requests that the call be alternatively billed.

(f) Pay phones may not restrict the number of digits or letters that can be dialed.

(g) Pay phones may provide credit-only service, or coin and credit service.

(h) Pay phones must provide two-way service, and no charge may be imposed by the PSP for incoming calls. Exceptions to two-way service are allowed under the following circumstances:

(i) Service provided to hospitals and libraries where a telephone ring might cause undue disturbance;

(ii) Service provided within a building on the premises of a private business establishment, at the discretion of the business owner. For purposes of this section, premises where people have access to public transportation such as airports, bus and train stations are not considered private business establishments; and

(iii) Service at locations where local governing jurisdictions or law enforcement find that incoming calls may be related to criminal or illicit activities and have provided proper notice under subsection (6) of this section. Each pay phone restricted to one-way service must be clearly marked on or near the front of the pay phone with information detailed in subsection (6) of this section.

(6) **Restrictions.** A PSP may only limit the operational capabilities of a pay phone when a local governing jurisdiction or other governmental agency submits a notice to the commission using prescribed forms a minimum of ten days prior to the restriction. Restrictions may include, but are not limited to, blocking incoming calls, limiting touch-tone capabilities, and coin restriction during certain hours. The notice

must be signed by an agent of the local governing jurisdiction in which the pay phone is located who has authority to submit the request, and must state the jurisdiction's reasons for the restriction. A copy of the notice must also be served on the PSP no later than ten days prior to the restriction.

The requestor must post a notice prominently visible at the pay phone(s) ten days prior to the proposed restriction. The notice must explain what is proposed and how to file an objection with the governing agency.

Once the restriction is in place, the PSP must post on or near each restricted pay phone, in legible and prominent type, a description of each limitation in effect, the times when the restrictions will be in effect, and the name and toll-free number of the governmental agency recommending the restriction.

(7) **Telephone directories.** The provider of the PAL must furnish without charge one current telephone directory each year for each PAL. The PSP must ensure that a current directory is available at every pay phone.

(8) **Malfunctions and rule violations.** The PSP must correct, within five days, malfunctions of the pay phone or rule violations reported to the repair or refund number or the commission.

AMENDATORY SECTION (Amending Docket No. A-030832, General Order No. R-509, filed 10/29/03, effective 11/29/03)

**WAC 480-120-264 Prepaid calling services.** (1) For the purposes of this section, prepaid calling services (PPCS) means any transaction in which a customer pays for service prior to use and applies only to those services where the number of available minutes decreases as the customer uses the service. Prepaid calling services do not include flat-rated basic local service that is billed in advance of use.

(a) PPCS may require the use of an access number or authorization code.

(b) This section excludes credit cards and cash equivalent cards. Services provided at pay telephones using these cards are regulated under the provisions of WAC 480-120-263 (Pay phone service providers (PSPs)).

(2) PPCS providers must provide customers a without-charge telephone number staffed by personnel capable of:

(a) Responding to technical problems or questions related to their service twenty-four hours a day, seven days a week;

(b) Responding to general account-related questions during regular business hours; and

(c) Providing the commission's toll-free number and address to dissatisfied customers as required by WAC 480-120-165 (Customer complaints).

(3) Billing requirements for PPCS.

(a) A PPCS provider may charge only for the actual time a circuit is open for conversation. The (~~price list or~~) tariff and presale document must define billing increments. The provider must not round up the length of conversation time for less than a full billing increment beyond that full increment.

(i) If a PPCS provider uses an increment based on a time measurement, the increment must not exceed one minute.

(ii) If a PPCS provider bills usage in "unit" measurements, it must clearly define units using both equivalent dollar amounts and time measurement. Unit billing increments cannot exceed the equivalent one minute rate.

(b) At the customer's request, a PPCS provider may add additional time to an existing account in exchange for an additional payment at a rate not to exceed those on file on tariff with the commission or at rates, terms and conditions pursuant to competitive classification. The PPCS provider must inform the customer of the new rates at the time of the recharge request.

(4) PPCS providers must maintain the following call-data for a minimum of twenty-four months:

(a) Dialing and signaling information that identifies the inbound access number called or the access identifier;

(b) The number of the originating phone when the information is passed to the PPCS provider;

(c) The date and time the call was originated;

(d) The duration or termination time of the call;

(e) The called number; and

(f) The personal identification number (PIN), or account number.

(5) Disclosure requirements - Prepaid calling services.

(a) A PPCS provider must disclose, prior to the sale, the following information:

(i) The PPCS provider's name as registered with the commission;

(ii) The "doing business as" name as registered with the commission, if applicable;

(iii) The maximum charge per billing increment. A PPCS provider charging varying rates for intrastate and interstate calls must ~~((provide))~~ disclose all applicable rates. The rates disclosed must be no more than those in its ~~((price list or))~~ rates, terms and conditions pursuant to competitive classification or tariff on file with the commission at the time of purchase;

(iv) Charges for all services, including any applicable surcharges, fees, or taxes, and the method of application;

(v) Expiration date, if applicable. If a card expires after a set period of time from activation, the PPCS provider must specify the expiration date on the card. If an expiration date is not disclosed on the card it will be considered unexpired indefinitely; and

(vi) Recharge policy, if applicable. If a PPCS provider does not disclose the expiration date at the time service is recharged, the service will be considered unexpired indefinitely.

(b) A PPCS provider must disclose, at the time of purchase, the following information:

(i) The without-charge telephone number(s) a customer may use to resolve technical problems, service-related questions, and general account-related questions; and

(ii) Authorization code, if required, to access the service or, if applicable, the without-charge telephone number used to establish access capability.

(c) If the PPCS provider is not the entity that packages the services for sale to the public, it must require the company that does so, through a written agreement, to comply with the disclosure requirements of this section.

(6) Time of use disclosure requirements. The PPCS provider must:

(a) Announce at the beginning of each call the time remaining on the prepaid account or prepaid calling card; and

(b) Announce the time remaining at least one minute before the prepaid account balance is depleted.

(7) When a PPCS provider has failed to provide service at rates disclosed prior to the sale or quoted at the time an account is recharged, or the PPCS provider has failed to meet performance standards, it must provide refunds for any unused service or provide equivalent service credit when requested by a customer. Refunds or credits must equal the value remaining on the prepaid calling account. The customer may choose either the refund or equivalent service credit option.

(8) Performance standards for prepaid calling services. Each PPCS provider must ensure that:

(a) Customers can complete a minimum of ninety-eight percent of all call attempts to the called party's number. The PPCS provider will consider any busy signals or unanswered calls as completed calls.

(b) Customers can complete a minimum of ninety-eight percent of all call attempts to the PPCS provider. The PPCS provider will not consider any busy signals or unanswered calls as completed calls.

#### NEW SECTION

**WAC 480-120-266 Rates, terms and conditions for telecommunications services provided pursuant to competitive classification.** (1) Rates, terms and conditions for telecommunications services offered pursuant to competitive classification must conform to all applicable laws, rules, and orders.

(a) The commission does not review or approve rates, terms and conditions of services offered pursuant to competitive classification.

(b) The commission will, when appropriate, investigate or complain against a rate, term or condition provided pursuant to competitive classification.

(c) If the commission determines that a rate, term or condition for service offered pursuant to competitive classification is ambiguous, there is a rebuttable presumption that the ambiguity should be construed in the favor of the customer.

(2) A telecommunications company offering intrastate telecommunications services pursuant to competitive classification shall make available to any member of the public, in at least one location, during regular business hours, information concerning its current rates, terms and conditions for all of its intrastate telecommunications services. Such information shall be made available in an easy to understand format and in a timely manner. Following an inquiry or complaint from the public concerning rates, terms and conditions for such services, a carrier shall specify that such information is available and the manner in which the public may obtain the information.

(3) In addition, a telecommunications company offering intrastate telecommunications services pursuant to competitive classification shall make information about rates, terms, and conditions of services specified in subsection (2) of this

section available on-line at its internet web site in a timely and easily accessible manner, and shall update this information regularly.

(4) The rates, charges, and prices of services classified as competitive under RCW 80.36.330 must cover the cost of providing the service. Costs must be determined using a long-run incremental cost analysis, including as part of the incremental cost, the price charged by the offering company to other telecommunications companies for any essential function used to provide the service, or any other commission-approved cost method.

AMENDATORY SECTION (Amending Docket No. A-021178 and TO-030288, General Order No. R-518, filed 2/28/05, effective 3/31/05)

**WAC 480-120-352 Washington Exchange Carrier Association (WECA).** (1) The Washington Exchange Carrier Association (WECA) may:

- (a) File petitions with the commission;
- (b) Publish and file tariffs with the commission; and
- (c) Represent before the commission those members that so authorize. WECA's rules of procedure are on file with the commission under Docket No. UT-920373, and may be obtained by contacting the commission's records center.

(2) Subject to all the procedural requirements and protections associated with company filings before the commission, WECA must submit to the commission:

- (a) All initial WECA tariffs; and
  - (b) All changes to the tariffs.
- (3) A member of WECA may file directly with the commission:
- (a) Tariffs (~~(price lists)~~) and contracts;
  - (b) Revenue requirement computations;
  - (c) Revenue objectives;
  - (d) Universal service support cost calculations;
  - (e) Total service long run incremental cost studies;
  - (f) Competitive classification petition;
  - (g) Other reports; or
  - (h) Any other item it or the commission deems necessary.

(4) The commission has the authority to supervise the activities of WECA. However, such supervision will not compromise the independent evaluation by the commission of any filing or proposal that must be submitted to the commission for approval.

(5) To the extent that WECA is involved in the collection and redistribution of funds under commission orders authorizing certain revenue sharing arrangements under common tariff, it must maintain, provide, and report to the commission annual financial reports, by July 1 of each year, relating to the arrangements. Annual financial reports must include:

- (a) Actual fund collections and distributions to each member company;
- (b) The basis upon which the collection and distribution is made;
- (c) Board membership;
- (d) Special committee membership; and
- (e) The status and description of any open WECA docket proceedings.

(6) Each local exchange company in the state of Washington has the option of using WECA as its filing agent, tariff bureau, or both. Companies using WECA collectively may file intrastate rates, tariffs, or service proposals.

(7) Nothing in this section will be construed as amending or modifying WECA's current methods of administration. WECA's access charge pooling administration plan is on file with the commission and may be obtained by contacting the commission's records center and requesting the "Ninth Supplemental Order in Docket No. UT-971140 with Attachment" dated June 28, 2000.

AMENDATORY SECTION (Amending Docket No. UT-990146, General Order No. R-507, filed 12/12/02, effective 7/1/03)

**WAC 480-120-436 Responsibility for drop facilities and support structure.** (1) **Initial provision of service to a premise with no existing drop facilities.** Companies are responsible for designating the route of the drop facility and the type of support structure.

(a) Provision of drop facilities. The company is responsible for all work and materials associated with drop facilities.

(b) Provision of support structure. The company may require the applicant to provide a support structure that meets company standards. Once the company provides service, the company is responsible for maintenance and repair of the existing drop facilities and support structure as provided for in WAC 480-120-437.

(c) Nothing in this rule prohibits the company from offering the applicant an alternative to pay the company a tariffed (~~(or price listed)~~) rate or rate pursuant to competitive classification for provision of the support structure.

(2) **Requests for initial service or additional service at a premise where all existing pairs within a drop facility are not in use.** A company is responsible for all work and materials associated with the drop facilities and if applicable the support structure so long as the total number of lines requested by the customer does not exceed the original capacity of the drop facility.

Any work or materials associated with repair of abandoned or defective pairs is considered maintenance and repair under WAC 480-120-437.

(3) **Requests for additional service to premises where all existing pairs within a drop facility are not in use or where the total number of lines requested by a customer exceeds the original capacity of the existing drop facility.**

(a) The company is responsible for all costs, including the costs of work and materials, associated with placement of additional drop facilities.

(b) The company may require the applicant to provide a support structure for placement of the new drop facility.

(c) A company must use an existing support structure for placement of the new drop facility when:

(i) The support structure it is large enough to support placement of the new facility; and

(ii) It follows a path which remains suitable to the company; and

(iii) The customer makes the support structure accessible to the company (e.g., uncovers the entry to the conduit and

removes any items that would impede the use of the conduit, such as tree roots).

AMENDATORY SECTION (Amending Docket No. UT 040015, General Order No. R-516, filed 1/10/05, effective 2/10/05)

**WAC 480-120-450 Enhanced 9-1-1 (E911) obligations of local exchange companies.** "Private branch exchange (PBX)" means customer premises equipment installed on the customer's premises that functions as a switch, permitting the customer to receive incoming calls, to dial any other telephone on the premises, to access a tie trunk leading to another PBX or to access an outside trunk to the public switched telephone network.

"Data base management system (DBMS)" means a data base used by local exchange companies (LECs) to provide automatic location information (ALI) to public safety answering points (PSAPs).

"Emergency location identification number (ELIN)" means a telephone number that is used to route the call to a PSAP and is used to retrieve the automatic location information (ALI) for a PSAP.

"Emergency response location (ERL)" means a location to which a 911 emergency response team may be dispatched.

(1) Local exchange companies (LECs) must provide enhanced 9-1-1 (E911) services including:

(a) For single line service, the ability for customers to dial 911 with the call and caller's ELIN transmitted to the E911 selective router serving the location associated with the ERL for that line;

(b) For multiline customers, the ability for customers to dial 911 with common signal protocols available which permit the call and caller's ELIN to be transmitted to the E911 selective router serving the location associated with the ERL for that line;

(c) For pay phones served by pay phone access lines (PALs) the ability for customers to dial 911 with the call and the ELIN transmitted to the E911 selective router serving the location of the ERL for that line. The ELIN must be that of the pay phone.

(2)(a) LECs that provide or make available E911 data base management, whether directly or through contract, must provide to all PBX owners or their agents (including LECs) a simple, internet-based method to maintain customer records in the E911 data base, and the LEC may provide an option of a secure dial up access method for the PBX owner or agent to maintain customer records in the E911 data base. The method must use a generally accepted national format for customer record information.

(b) LECs that provide or make available E911 data base management, whether directly or through contract, must provide or make available to all other LECs a simple, internet-based method to maintain customer records in the E911 data base for their non-PBX customers, and the LEC may provide an option of a secure dial up access or direct data link method for LECs to maintain customer records in the E911 data base. The LEC may offer methods for maintaining station location information that are not internet-based in addition to the required internet-based method.

(c) LECs that provide pay phone access lines must maintain customer record information, including ELIN and ERL information, for those access lines using a method required by (b) of this subsection. The LEC must forward the records to the data base manager within one business day of a record's posting to the company records system.

(d) For single line services, PBX main station lines, and pay phone lines, LECs must transmit updated location information records to the data base management system (DBMS) within one business day of those records being posted to the company record system.

The LEC must correct records that do not post to the DBMS because of address errors within two working days. If modifications are necessary to the audit tables of the master street address guide, the LEC must resubmit the record within one business day of notification that the master street address guide has been updated.

(e) The LEC or its agent administering the data base must resolve E911 data base errors and inquiries, including selective routing errors, reported by county E911 data base coordinators or PSAPs within five working days of receipt.

(3) LECs choosing to provide E911 services including selective routing, data base management and transmission of the call to a PSAP must file with the commission tariffs and supporting cost studies (~~or price lists, whichever applies;~~) that specify the charges and terms for E911 services. For E911 services provided pursuant to competitive classification, rates and conditions governing E911 services including selective routing, data base management and transmission of the call to a PSAP must be maintained on the carrier's web site in compliance with WAC 480-120-266.

(4)(a) The LEC must permit PBX customers who choose to maintain their own E911 data base or contract that maintenance to a third party, if the customer maintains the data in a generally accepted national format for customer record information.

(b) PBX customers who choose to not use LEC data base management may transmit, or have a third-party transmit, customer record information to their LEC's national data service gateway at no additional charge.

AMENDATORY SECTION (Amending Docket No. UT 040015, General Order No. R-516, filed 1/10/05, effective 2/10/05)

**WAC 480-120-540 Terminating access charges.**

(1)(a) Except for any universal service rate allowed pursuant to subsection (1)(b) of this section, the rates charged by a local exchange company for terminating access service offered by tariff must not exceed the lowest rate charged by the local exchange company for the comparable local interconnection service (in each exchange), such as end office switching or tandem switching. If a local exchange company does not provide local interconnection service (or does so under a bill and keep arrangement), the rates charged for terminating access must not exceed the cost of the terminating access service being provided.

(b) If a local exchange company is authorized by the commission to recover any costs for support of universal access to basic telecommunications service through access



charges, it shall recover such costs as an additional, explicit universal service rate element applied to terminating access service.

(2) The rates charged by a local exchange company for terminating access services ~~((offered by price list))~~ that are classified as competitive pursuant to RCW 80.36.320 or 80.36.330 must not exceed the rates charged by the incumbent local exchange company for terminating access service in the comparable geographic area. For purposes of this subsection, the rates charged by the incumbent local exchange company include any universal service rate charged pursuant to subsection (1)(b) of this section.

(3) The cost of the terminating access must be determined based on the total service long-run incremental cost of terminating access service plus a reasonable contribution to common or overhead costs. Local loop costs are considered "shared" or "joint" costs and must not be included in the cost of terminating access. However, nothing in this rule prohibits recovery of local loop costs through originating access charges (including switched, special, and dedicated as defined in subsection (4)(a) of this section).

(4) Definitions.

(a) "Access charge" means a rate charged by a local exchange company to an interexchange company for the origination, transport, or termination of a call to or from a customer of the local exchange company. Such origination, transport, and termination may be accomplished either through switched access service or through special or dedicated access service.

(b) "Terminating access service" includes transport only to the extent that the transport service is bundled to the end office or tandem switching service. Dedicated transport unbundled from switching services is not subject to subsection (1) of this section.

(c) "Bill and keep" (also known as "mutual traffic exchange" or "payment in kind") is a compensation mechanism where traffic is exchanged among companies on a reciprocal basis. Each company terminates the traffic originating from other companies in exchange for the right to terminate its traffic on that company's network.

(5) The requirement of subsection (1) of this section that any terminating rate be based on cost must not apply to any local exchange company that is a small business, or to any local exchange company that is competitively classified, if it concurs in the terminating rate of any local exchange company that has filed a terminating rate that complies with the requirements of subsection (1) of this section. For the purposes of this subsection, "small business" has the same meaning as it does in RCW 19.85.020.

(6) Any local exchange company that is required to lower its terminating access rates to comply with this rule may file tariffs or ~~((price lists))~~ maintain rates, terms and conditions pursuant to WAC 480-120-266 (as appropriate) to increase or restructure its originating access charges. The commission will approve the revision as long as it is consistent with this rule, in the public interest and the net effect is not an increase in revenues.

AMENDATORY SECTION (Amending General Order R-510, Docket No. A-010648, filed 11/24/03, effective 1/1/04)

**WAC 480-120-560 Collocation.** (1) Definitions.

"CLEC" means a competing local exchange carrier that orders collocation from an ILEC.

"Collocation" means the ability of a CLEC to place equipment, including microwave equipment, within or upon an ILEC's premises.

"Deliver" or "delivery date" means the point when the ILEC turns the collocation space and related facilities over to the CLEC and the space and facilities are ready for service. Deliver or delivery includes, but is not necessarily limited to, providing the CLEC with access to the collocation space for collocation other than virtual collocation, as well as providing power, telephone service, and other services and facilities ordered by the CLEC for provisioning by the delivery date.

"ILEC" means an incumbent local exchange carrier that is required to provide collocation.

"ILEC premises" means an ILEC wire center, central office, or any other location owned and/or controlled by the ILEC at which interconnection with the ILEC's network or access to ILEC unbundled network elements is technically feasible.

"Points of interface (POI)" means the demarcation between the networks of an ILEC and a CLEC. The POI is the point where the exchange of traffic takes place.

(2) ILEC response to CLEC order for collocation. Within ten calendar days of receipt of an order for collocation, an ILEC must notify the CLEC whether sufficient space exists in the ILEC premises to accommodate the CLEC's collocation requirements. As part of that notification, the ILEC must also notify the CLEC of any circumstance that may delay delivery of the ordered collocation space and related facilities.

(3) Provisioning collocation. If the ILEC notifies a CLEC that sufficient space exists to accommodate the CLEC's order for collocation, the following procedures apply:

(a) Within twenty-five calendar days of receipt of the order, the ILEC must provide the CLEC with a written quote detailing the nonrecurring and recurring charges applicable to provisioning the ordered collocation. After providing the written quote and upon reasonable notice of a request by the CLEC, the ILEC must permit the CLEC at least one accompanied site visit to the designated collocation space without charge to the CLEC, to enable the CLEC to verify and inspect the space the ILEC offers for collocation. The CLEC's acceptance of the written quote and payment of one-half of the nonrecurring charges specified in the quote must be within seven calendar days and does not preclude the CLEC from later disputing the accuracy or reasonableness of those charges.

(b) If the ordered collocation space was included in a periodic forecast submitted by the CLEC to the ILEC at least three months in advance of the order, the ILEC must complete construction of, and deliver, the ordered collocation space and related facilities within forty-five calendar days after the CLEC's acceptance of the written quote and payment of one-half of the nonrecurring charges specified in the quote.

(c) If the ordered collocation space was not included in a periodic forecast submitted by the CLEC to the ILEC at least three months in advance of the order, the commission declines to apply the forty-five calendar day interval in (3)(b) and the national standards adopted by the FCC shall apply.

(d) Following any initial notification as required in section (2) above, the ILEC must notify the CLEC of any change in circumstances as soon as the ILEC is aware of those circumstances and must take all reasonable steps to avoid or minimize any delays caused by those circumstances, including but not limited to joint provisioning of collocation elements by the ILEC and CLEC, or sole construction by the CLEC, through a mutually acceptable third party contractor.

(e) If the ILEC fails to deliver the collocation space by the required delivery date, the ILEC must credit the CLEC in an amount equal to one-tenth of the total nonrecurring charge for the ordered collocation for each week beyond the required delivery date. Recurring charges will not begin to accrue for any element until the ILEC delivers that element to the CLEC. To the extent that a CLEC self-provisions any collocation element, the ILEC may not impose any charges for provisioning that element.

(f) The ILEC must provide periodic notices to the CLEC during construction of the CLEC's collocation space, including scheduled completion and delivery dates. At least thirty calendar days prior to the scheduled delivery date, the ILEC must provide the CLEC with sufficient information to enable the ILEC and the CLEC to establish firm Common Language Location Identifier (CLLI) codes and any other codes necessary to order interconnection and cross-connection circuits for the equipment the CLEC intends to collocate, and the ILEC must accept and process CLEC orders for such circuits. The ILEC must provision points of interface (POIs) and other circuits concurrent with delivery of the collocation space and related facilities, unless the CLEC agrees to a later date.

(g) The ILEC must conduct an inspection with the CLEC of the collocation space at least five business days prior to completion of construction of the collocation space. The ILEC must correct any deviations to the CLEC's original or jointly amended requirements after the inspection, at the ILEC's sole expense.

(h) Upon order of the CLEC and concurrent with delivery of the collocation space and related facilities, the ILEC must provide basic telephone service to the collocation space under the rates, terms, and conditions of the ILEC's current tariff (~~or price list~~) offering for the service ordered. The ILEC must also provide CLEC employees, contractors, and representatives with reasonable access to basic facilities, such as restroom facilities and parking, while at the ILEC premises.

(4) Denial of order for collocation. If the ILEC notifies a CLEC that insufficient space exists to accommodate the CLEC's order for collocation, the following procedures apply:

(a) As part of its notification of lack of space, the ILEC must notify the CLEC if any space is available for collocation and, if so, how much space is available. The ILEC must also verify that the ILEC cannot reclaim space for collocation by consolidating or removing inactive or underutilized equipment.

(b) The ILEC must permit the CLEC to tour the ILEC premises within fourteen calendar days of the CLEC's written request.

(c) If the CLEC notifies the ILEC that it contests the denial of an order for collocation, the ILEC must, within twenty-five calendar days of the notification, file a petition asking the commission to determine that the space requested by the CLEC is not available. Upon request and execution of an appropriate confidentiality agreement, the ILEC must also provide a copy of the petition to the CLEC. The ILEC must prepare the petition at its sole expense, and the petition must include the following information:

(i) Central Office CLLI, where applicable;

(ii) Ordering CLEC, including the amount of space sought by the CLEC;

(iii) Written inventory of active, inactive, and underutilized equipment, including the signatures of ILEC personnel certifying the accuracy of the information provided;

(iv) Color-coded floor plans that identify office space work areas, provide spatial dimensions to calculate the square footage for each area, and locate inactive and underutilized equipment;

(v) Narrative of the central office floor space use;

(vi) Total amount of space occupied by interconnecting collocators for the sole purpose of interconnection;

(vii) Total amount of space occupied by third parties for purposes other than interconnection, and a narrative of the space use;

(viii) The number of central office employees employed and job titles;

(ix) Description of central office renovation/expansion plans and time frames for completion;

(x) Description of conversion of administrative, maintenance, equipment, and storage space plans and time frames for completion; and

(xi) Description of any internal policies for conversion of administrative, maintenance, equipment, and storage space in central offices.

(d) The commission will decide any petition filed under subsection (4)(c) through an expedited proceeding conducted in accordance with the relevant procedural requirements and time lines established in WAC 480-07-650. The ILEC bears the burden to prove to the commission that the ordered collocation is not practical for technical reasons or because of space limitations. The ILEC may be relieved of its obligation to provide collocation at a particular ILEC premises only to the extent expressly provided by commission order.

(e) Each ILEC must maintain a list of all of its central offices in Washington in which insufficient space exists to accommodate one or more types of collocation. The list must specify which types of collocation are unavailable in each office and whether the commission has approved the ILEC's denial of collocation in that office. The ILEC must post this list on its publicly accessible web site and provide a copy of the list to any CLEC upon request. The ILEC must update this list within ten business days of (i) denying a CLEC's order for collocation; (ii) the service date of any order from the commission approving or disapproving such a denial; (iii) providing notice to CLECs previously denied collocation that space has become available in a central office; or (iv) obtain-

ing knowledge through any other means that space for one or more types of collocation is no longer available or has become available in a particular central office.

(f) Each ILEC must maintain for each central office a waiting list of all unfilled orders for collocation space and the date of each order. After an ILEC has announced that one or more types of collocation space are not available in an office, any CLEC may submit a letter of intent to order collocation space in lieu of a collocation order, and this letter of intent must be included on the waiting list. If space for collocation becomes available in any central office, the ILEC must inform all CLECs, that ordered collocation or submitted a letter of intent to order collocation, of the availability of that space and must provide each such CLEC with fifteen calendar days to renew its original collocation order. The ILEC must provision collocation to these CLECs on a first-come, first-served basis according to the dates on which each ordered collocation or submitted a letter of intent to collocate in that central office.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 480-120-196	Customer notice requirements—Competitively classified telecommunications companies or services.
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#### **Chapter 480-121 WAC**

#### **REGISTRATION(~~(S)~~) AND COMPETITIVE CLASSIFICATION (~~(AND PRICE LISTS)~~) OF TELECOMMUNICATIONS COMPANIES**

AMENDATORY SECTION (Amending General Order R-510, Docket No. A-010648, filed 11/24/03, effective 1/1/04)

**WAC 480-121-011 Application of rules.** (1) The rules in this chapter apply to any telecommunications company that is subject to the jurisdiction of the commission as to rates and services under the provisions of RCW 80.01.040 and chapters 80.04 and 80.36 RCW.

(2) ~~((Price list provisions filed by telecommunications companies must conform with these rules. If the commission accepts a price list that conflicts with these rules, the acceptance does not constitute a waiver of these rules unless the commission specifically approves the variation consistent with WAC 480-121-015. Price lists that conflict with these rules without approval are superseded by these rules.~~

~~((3))~~ Any affected person may ask the commission to review the interpretation of these rules by a telecommunications company or customer by posing an informal complaint under WAC 480-07-910 (Informal complaints) or by filing a formal complaint under WAC 480-07-370 (Pleadings—General).

~~((4))~~ (3) No deviation from these rules is permitted without written authorization by the commission. Violations will be subject to penalties as provided by law.

AMENDATORY SECTION (Amending General Order No. R-499, Docket No. UT-991922, filed 5/14/02, effective 6/17/02)

**WAC 480-121-018 Delivery of a filing.** (1) The commission will accept ~~((an))~~ application(~~(S)~~) for registration as a telecommunications company and petition for competitive classification(~~(S) and initial price list~~) filings delivered in person, by mail, fax, or (when procedures are in place) electronic means. The commission will stamp a filing received on Saturdays, Sundays, and state holidays, or after 5:00 p.m., Pacific time, as received on the next business day.

(2) In person or by mail.

(a) In order to be deemed received on a given day, the commission records center must receive an original and two copies of the filing by 5:00 p.m., Pacific time.

(b) A filing delivered by mail must be free from all charges for postage. The commission records center will return any postage-due filing to the sender.

(3) Fax filing.

(a) The commission must receive an original and two copies of the filing the following business day.

(b) The commission will use the date and time the fax filing is received and printed at the records center as the official file date.

(c) The commission records center must receive a faxed filing in its entirety by 5:00 p.m., Pacific time, Monday through Friday, except on state holidays, to be considered received on that business day.

(4) Electronic filing.

(a) An electronic filing must conform to commission procedures for electronic filing.

(b) After accepting an electronic filing, the commission will return an electronic mail message noting the receipt date.

AMENDATORY SECTION (Amending General Order No. R-499, Docket No. UT-991922, filed 5/14/02, effective 6/17/02)

**WAC 480-121-020 Requirements for applications for registration(~~(S)~~) and petitions for competitive classification(~~(S) and initial price lists~~).** (1) Applications for registration and petitions for competitive classification must be in the form prescribed by the commission.

(2) Applications for registration:

(a) Must be filed with a petition for competitive classification (~~(and an initial price list)~~) unless applicant will not be subject to effective competition;

(b) Must comply with the rules set forth in chapters 480-80 and 480-120 WAC;

(c) Must be filed at the office of the commission in Olympia, Washington; and

(d) Will be assigned a docket number. All documents subsequently filed in the matter must bear that docket number.

(3) The commission may require, with or without hearing, that an applicant for registration clearly show:

(a) Adequate financial resources to provide the proposed service;

(b) Adequate technical competence to provide the proposed service; and

(c) Compliance with all applicable federal, state, and local telecommunications technical and business regulations.

(4) The commission may request that an applicant provide information regarding the applicant's regulatory performance in other states where it operates.

**WSR 06-16-041**  
**PROPOSED RULES**  
**BOARD OF**  
**PILOTAGE COMMISSIONERS**

[Filed July 26, 2006, 9:03 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-12-044.

Title of Rule and Other Identifying Information: WAC 363-116-078 Training program.

Hearing Location(s): 2901 3rd Avenue, Fourth Floor Rainier Conference Room, Seattle, WA 98121, on September 14, 2006, at 9:30 a.m.

Date of Intended Adoption: September 14, 2006.

Submit Written Comments to: Captain Harry Dudley, Chairman, 2901 3rd Avenue, Seattle, WA 98121, e-mail LarsonP@wsdot.wa.gov, fax (206) 515-3906, by September 7, 2006.

Assistance for Persons with Disabilities: Contact Peggy Larson by September 11, 2006, (206) 515-3904.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rule modifies subsection (10) of WAC 363-116-078 entitled "Stipend." The purpose of the proposal is to clarify the criteria for a pilot trainee to earn a training stipend. The proposed rule addresses the requirements and expectations for pilot trainees while engaged in a training program, whether in a stipend or nonstipend status. It also establishes the process for administering the stipend payments.

Entitlement to a monthly stipend payment will be based upon a pilot trainee's commitment to full-time training, fulfillment of a set minimum number of monthly training trips, timely completion of hard-to-get trips, and proper documentation of completed training trips.

The proposed rule also modifies subsection (5) of WAC 363-116-078 entitled "Initial evaluation." The purpose of the proposed amendment is to require board approval of the initial evaluation portion of each applicant's training program established by the trainee evaluation committee.

Reasons Supporting Proposal: It is recommended by the trainee evaluation committee that the proposed rule be adopted in order to resolve the difficulty in understanding the qualifications and administration of the stipend program.

Statutory Authority for Adoption: RCW 88.16.105.

Statute Being Implemented: Chapter 88.16 RCW.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The board may adopt a rule that varies from the

proposed rule upon consideration of presentations and written comments from the public and other interested parties.

Name of Proponent: Board of pilotage commissioners, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Board of Pilotage Commissioners, 2901 Third Avenue, Seattle, WA 98121, (206) 515-3904.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The Washington state board of pilotage commissioners concludes that implementation of this new rule is for purposes of clarifying the existing rule. It does not impact small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to this rule adoption. The Washington state board of pilotage commissioners is not a listed agency in RCW 34.05.328 (5)(a)(i).

July 25, 2006

Peggy Larson

Administrator

AMENDATORY SECTION (Amending WSR 05-18-021, filed 8/29/05, effective 10/1/05)

**WAC 363-116-078 Training program.** After passing the written examination and simulator evaluation, applicants pursuing a pilot license must enter and successfully complete a training program specified by the board.

(1) Notification. Applicants on the list waiting to enter the training program shall provide the board with a current address to be used for notification for entry into the training program. Such address shall be a place at which mail is delivered. In addition, an applicant may provide the board with other means of contact such as a phone number, fax number, and/or an e-mail address. The mailing address will, however, be considered the primary means of notification by the board. It will be the responsibility of the applicant to ensure that the board has a current mailing address at all times. If an applicant cannot personally receive mail at the address provided to the board for any period of time, another person may be designated in writing with a notarized copy to the board as having power of attorney specifically to act in the applicant's behalf regarding such notice. If notice sent to the address provided by the applicant is returned after three attempts to deliver, that applicant will be skipped and the next applicant on the list will be contacted for entry into the training program. A person so skipped will remain next on the list. An applicant or his designated attorney in fact shall respond within fifteen calendar days of receipt of notification to accept, refuse, or request a delayed entry into the training program.

(2) Entry. At such time that the board chooses to start an applicant in the training program, notification shall be given to the first person on the list. Applicants shall be eligible in the order of their total combined scores on the written examination and simulator evaluation. Any applicant who refuses entry into the program will be removed from the waiting list with no further obligation by the board to offer a position in the training program. An applicant who is not able to start the training program within two months of the board's notice

may, with written consent of the board, delay entry into the training program. The board will then give notice to the next applicant on the list to enter the training program. The applicant who delays entry, shall remain eligible for the next position in the training program, provided that the next position becomes available within the earlier of:

(a) Four years from the applicant's taking the written examination; or

(b) The date scheduled for the next pilotage examination. Applicants not able to start in the training program within two months of the board's notice of eligibility and who do not obtain the board's written consent to delay entry into the training program shall no longer be eligible for the training program without retaking the examination provided in WAC 363-116-076 and the simulator evaluation provided in WAC 363-116-077.

(3) Training license. Prior to receiving a training license applicants must pass a physical examination by a physician designated by the board and in accordance with the requirements of WAC 363-116-120 for initial applicants. A form provided by the board must be completed by the physician and submitted to the board along with a cover letter indicating the physician's findings and recommendations as to the applicant's fitness to pilot. The physical examination must be taken not more than forty-five days before issuance of the training license. Holders of a training license will be required to pass a general physical examination annually within forty-five days prior to the anniversary date of that license. Training license physicals will be at the expense of the applicant. All training licenses shall be signed by the chairperson or his/her designee and shall have an expiration date and fee established by the board. Training licenses shall be surrendered to the board upon completion or termination of the training program.

(4) Development. As soon as practical after receiving notification of eligibility for entry into the training program as set forth in this section, the applicant shall meet with the trainee evaluation committee for the purpose of devising a training program for that applicant. The training program shall be tailored to the ability and experience of the individual applicant and shall consist of observation trips, training trips in which the applicant pilots the vessel under the supervision of licensed pilots, ship assist tug trips, and such other forms of learning and instruction that may be designated. The trainee evaluation committee shall recommend a training program for adoption by the board. After adoption by the board, it will be presented to the applicant. If the applicant agrees in writing to the training program, the board shall issue a training license to the applicant, which license shall authorize the applicant to take such actions as are contained in the training program. If the applicant does not agree to the terms of the training program in writing within fifteen business days of it being received by the applicant, that applicant shall no longer be eligible for entry into the training program and the board may give notice to the next available applicant that he/she is eligible for the training program.

(5) Initial evaluation.

(a) The trainee evaluation committee shall create an initial evaluation at the beginning of each applicant's training program subject to approval by the board. The goal of the ini-

tial evaluation is to, as soon as practical after adequate observation trips, have the pilot trainee involved in hands-on piloting and ship handling under the supervision of licensed pilots and subject to the evaluation of training pilots. To this end the trainee evaluation committee shall devise an initial evaluation of a specified length not to exceed six months if the pilot trainee is on stipend and nine months if not on stipend. The initial evaluation shall:

(i) Afford the pilot trainee early and concentrated exposure to a commonly navigated waterway, channel or tributary within the pilotage district and the main ship channel routes between such area and the seaward boundary of the pilotage district;

(ii) Except for pilot trainees taking an examination prior to July 1, 2008, provide the pilot trainee the opportunity to study for and pass any local knowledge examination provided by the board as to the conditions found in such waterway, channel or tributary;

(iii) Specify a number of training trips in which the pilot trainee pilots vessels under the supervision of licensed pilots; and

(iv) Specify a number of training trips in which the pilot trainee pilots vessels under the supervision of training pilots and the pilot members of the trainee evaluation committee.

(b) As a condition of completing the initial evaluation, the pilot trainee shall:

(i) Pass any required local knowledge examination given by the board covering the routes described in (a)(i) of this subsection. This examination can be repeated as necessary, provided that it may not be taken more than once in any thirty day period and further provided that it must be successfully passed before the expiration date of the initial evaluation; and

(ii) Possess a first class pilotage endorsement without tonnage or other restrictions on his/her United States government license to pilot in at least one route in the pilotage district in which the pilot applicant seeks a license.

(c) After completion of the initial evaluation, the trainee evaluation committee shall make a recommendation to the board and the board shall determine, whether the pilot trainee has demonstrated the potential for superior piloting and ship handling and has demonstrated the ability to assimilate and retain the local knowledge necessary to pilot. Unless the board finds that such superior potential exists, it shall terminate the pilot trainee's participation in the training program.

(6) Specification of trips. To the extent possible, the training program shall provide a wide variety of assignments, observation and training trips. The training program may contain deadlines for achieving full or partial completion of certain necessary actions. Where relevant, it may specify such factors as route, sequence of trips, weather conditions, day or night, stern or bow first, draft, size of ship and any other relevant factors. The board may designate specific trips or specific numbers of trips that shall be made with training pilots or with the pilot members of the trainee evaluation committee or with pilots of specified experience. In the Puget Sound pilotage district, applicants taking an examination before July 1, 2008, shall have a minimum of one hundred thirty trips. After July 1, 2008, all Puget Sound applicants shall have a minimum of one hundred fifty trips. The board shall set from time to time the minimum number of

trips for applicants in the Grays Harbor pilotage district. The board will ensure that during the training program the pilot trainee will get significant review by training pilots and the pilot members of the trainee evaluation committee.

(7) Local knowledge. The training program shall provide for the education and testing of pilot trainees on the local knowledge necessary to become a pilot. This education program shall be developed by the trainee evaluation committee and recommended to the board for adoption and shall be tailored to the needs of the individual pilot trainee. Prior to the completion of the training program, the board, or its designee, shall give a local knowledge examination(s) to the pilot trainees who shall be required to pass such examination(s) before completing the training program. Pilot trainees taking an examination before July 1, 2008, shall not be required to take local examinations. These local examinations can be repeated as necessary, except that an examination for the same local area may not be taken more than once in any thirty day period and all required local knowledge examinations must be successfully passed before the expiration date of the training program. The local knowledge examination(s) may include the following subjects as they pertain to the pilotage district for which the pilot trainee seeks a license:

- (a) Area geography;
- (b) Waterway configurations including channel depths, widths and other characteristics;
- (c) Hydrology and hydraulics of large ships in shallow water and narrow channels;
- (d) Tides and currents;
- (e) Winds and weather;
- (f) Local aids to navigation;
- (g) Bottom composition;
- (h) Local docks, berths and other marine facilities including length, least depths and other characteristics;
- (i) Mooring line procedures;
- (j) Local traffic operations e.g., fishing, recreational, dredging, military and regattas;
- (k) Vessel traffic system;
- (l) Marine VHF usage and phraseology, including bridge-to-bridge communications regulations;
- (m) Air draft and keel clearances;
- (n) Submerged cable and pipeline areas;
- (o) Overhead cable areas and clearances;
- (p) Bridge transit knowledge - signals, channel width, regulations, and closed periods;
- (q) Lock characteristics, rules and regulations;
- (r) Commonly used anchorage areas;
- (s) Danger zone and restricted area regulations;
- (t) Regulated navigation areas;
- (u) Naval operation area regulations;
- (v) Maneuvering behavior for different vessel types;
- (w) Impact of propulsion and maneuvering machinery on vessel navigation;
- (x) Local ship assist and escort tug characteristics;
- (y) Tanker escort rules - state and federal;
- (z) Use of anchors and knowledge of ground tackle;
- (aa) Applicable federal and state marine and environmental safety law requirements;
- (bb) Marine security and safety zone concerns;
- (cc) Marine port security regulations;

(dd) Harbor safety plan and harbor regulations; and  
 (ee) Chapter 88.16 RCW and other relevant state and federal regulations.

(8) Length.

(a) In the Puget Sound pilotage district, for applicants taking an examination before July 1, 2008, the minimum length of the training program shall be seven months. For applicants who take an examination on or after July 1, 2008, the minimum length of the training program shall be eight months. The maximum length of the training program shall be thirty-six months if the applicant elects to receive a stipend. The length of the training program shall be established by the board based on the recommendation of the trainee evaluation committee.

(b) In the Grays Harbor pilotage district, the length of the training program shall be set by the board based on the recommendation of the trainee evaluation committee.

(9) Rest. It is the pilot trainee's responsibility to provide adequate rest time so that he/she is fully able to pilot on training trips. Pilot trainees shall not take pilot training trips in which they will be piloting the vessel without observing the rest rules in place by federal or state law or regulation. For purposes of calculating rest required before a training trip in which the pilot trainee will be piloting after an observation trip in which the pilot trainee did not pilot the vessel, such observation trip shall be treated as though it had been a normal pilotage assignment. Nothing herein shall be construed as requiring any particular amount of rest before any observation trip in which the pilot trainee will not be piloting.

(10) Stipend.

(a) At the initial meeting with the trainee evaluation committee the applicant shall indicate whether he/she wishes to receive a stipend during the training program. In the Puget Sound pilotage district, as a condition of receiving such stipend, applicants will agree to forego during the training program other full- or part-time employment which prevents them from devoting themselves on a full-time basis to the completion of the training program. With the consent of the board and the restructuring of the training program, pilot trainees may elect to change from a stipend to nonstipend status, and vice versa, during the training program. The stipend paid to pilot trainees shall be six thousand dollars per month (or such other amount as may be set by the board from time to time), shall be contingent upon the board's setting of a training surcharge fee in the tariffs levied pursuant to WAC 363-116-185 and 363-116-300 sufficient to cover the expense of the stipend and shall be paid from a pilot training account as directed by the board and pursuant thereto shall be paid to pilot trainees as set forth below:

(i) The stipend will be paid on a full calendar month basis except that prorations may be used for the first and last months in which the trainee is found unfit for duty and in which the trainee changes to a nonstipend status.

(ii) Determinations as to stipend entitlement will be made on a calendar month basis and documentation of trips will be submitted to the board by the fifth day of the following month. The stipend will be paid on an all or nothing basis for each month except that prorations shall be allowed at the rate of two hundred dollars per day (or such other amount as

may be set by the board from time to time), under the following circumstances:

(A) For the first and last months of the training program (unless the training program starts on the first or ends on the last day of a month); or

(B) The trainee is deemed unfit for duty by the board during a training month; or

(C) A trainee requests a change to a nonstipend status as set forth in (a)(vii) of this subsection.

(iii) A certain minimum number of trips are required each month for eligibility to receive the stipend. To obtain eligibility for the stipend, trips must be required in the training program. These will be documented at the end of the month.

(iv) It is the trainee's responsibility to make all hard-to-get trips before the end of the training program. A trainee can expect that if a training program is extended due to a failure to get all of these trips, the extension will be without payment of a stipend if the missing trips were available to the trainee but not taken.

(v) The trainee evaluation committee with approval by the board may allocate, assign or specify training trips among multiple trainees. Generally, the trainee who finished the qualifying examination and simulator evaluation with the highest score has the right to first choice of training trips provided that the trainee evaluation committee may with approval by the board allocate or assign training trips differently as follows:

(A) When it is necessary to accommodate any trainee's initial evaluation program;

(B) When it is necessary to spread hard-to-get trips among trainees so that as many as possible complete required trips on time. If a trainee is deprived of a hard-to-get trip by the trainee evaluation committee, that trip will not be considered "available" under (a)(iii) of this subsection. However, the trainee will still be required to complete the minimum number of trips for the month in order to receive a stipend, and the minimum number of trips as required to complete his/her training program;

(vi) If a trainee elects to engage in any full- or part-time employment, the terms and conditions of such employment must be submitted to the trainee evaluation committee for prior determination by the board of whether such employment complies with the intent of this section prohibiting employment that "prevents (trainees) from devoting themselves on a full-time basis to the completion of the training program."

(vii) If a trainee requests to change to a nonstipend status as provided in this section such change shall be effective for a minimum nonstipend period of thirty days, provided that before any change takes effect the board and the trainee must agree in writing on the terms of a revised training program.

(b) Any approved pilot association or other organization collecting the pilotage tariff levied by WAC 363-116-185 or 363-116-300 shall transfer the pilot training surcharge receipts to the board at least once a month or otherwise dispose of such funds as directed by the board. The board may set different training stipends for different pilotage districts. Receipts from the training surcharge shall not belong to the pilot providing the service to the ship that generated the fee or

to the pilot association or other organization collecting the surcharge receipts, but shall be disposed of as directed by the board. Pilot associations or other organizations collecting surcharge receipts shall provide an accounting of such funds to the board on a quarterly basis or at such other intervals as may be requested by the board. Any audited financial statements filed by pilot associations or other organizations collecting pilotage tariffs shall include an accounting of the collection and disposition of these surcharge fees. The board shall direct the disposition of all funds in the account.

(11) Trainee evaluation committee. There is hereby created a trainee evaluation committee to which members shall be appointed by the board. The committee shall include: Three active licensed Washington state pilots, who, to the extent possible, shall be from the district in which the pilot trainee seeks a license and at least one of whom shall be a member of the board; one representative of the marine industry from the relevant pilotage district (who may be a board member) who holds, or has held, the minimum U.S. Coast Guard license required by RCW 88.16.090; and one public representative member of the board. The committee shall be chaired by a pilot member of the board and shall meet as necessary to complete the tasks accorded it.

(12) Training pilots. The board shall designate as training pilots those pilots with a minimum of seven years of piloting in the relevant district who are willing to undergo such training as the board may require and provide. The board may establish a lower experience level for the Grays Harbor pilotage district. Training pilots shall receive such training from the board to better enable them to give guidance and training to pilot trainees and to properly evaluate the performance of pilot trainees. The board shall keep a list of training pilots available for public inspection at all times. All pilot members of the trainee evaluation committee shall also be training pilots.

(13) Evaluation. When a pilot trainee pilots a vessel under the supervision of another pilot, the supervising pilot shall, to the extent possible, communicate with and give guidance to the pilot trainee in an effort to make the trip a valuable learning experience. After each such trip, the supervising pilot shall complete a form provided by the board evaluating the pilot trainee's performance. The board shall prepare different forms to be used by supervising pilots who are training pilots and those who are not. Evaluation forms prepared by licensed pilots who are not training pilots shall be used by the trainee evaluation committee and the board for assessing a pilot trainee's progress, providing guidance to the pilot trainee and for making alterations to the training program. All evaluation forms shall be delivered or mailed by the supervising pilot to the board. They shall not be given to the pilot trainee. The supervising pilot may show the contents of the form to the trainee, but the pilot trainee has no right to see the form until it is filed with the board. The trainee evaluation committee shall review these evaluation forms from time to time and the chairperson of the trainee evaluation committee shall report the progress of all pilot trainees at each meeting of the board. If it deems it necessary, the trainee evaluation committee may recommend, and the board may make, changes from time to time in the training program

requirements applicable to a pilot trainee, including the length of the training program.

(14) Removal. A pilot trainee may be removed from the training program by the board if it finds any of the following:

(a) Failure to maintain the minimum federal license required by RCW 88.16.090;

(b) Conviction of an offense involving drugs or involving the personal consumption of alcohol;

(c) Failure to devote full time to training in the Puget Sound pilotage district if receiving a stipend;

(d) The pilot trainee is not physically fit to pilot;

(e) Failure to make satisfactory progress toward timely completion of the program or timely meeting of interim performance requirements in the training program;

(f) Inadequate performance on examinations or other actions required by the training program;

(g) Failure to demonstrate the superior skills required in the initial evaluation;

(h) Inadequate performance on training trips; or

(i) Violation of a training program requirement, law, regulation or directive of the board.

(15) Completion of the training program shall include the requirement that the pilot trainee:

(a) Successfully complete the requirements set forth in the training program;

(b) Possess a valid first class pilotage endorsement without tonnage or other restrictions on his/her United States government license to pilot in all of the waters of the pilotage district in which the pilot applicant seeks a license; and

(c) Successfully complete any local knowledge examination(s) required by the board and specified in the training program.

#### **WSR 06-16-056**

#### **PROPOSED RULES**

#### **SPOKANE COUNTY AIR**

#### **POLLUTION CONTROL AUTHORITY**

[Filed July 27, 2006, 1:59 p.m.]

Continuance of WSR 06-15-032.

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

Title of Rule and Other Identifying Information: Section 2.14 - Washington Administrative Codes (WAC).

Hearing Location(s): Spokane County Public Works Building, 1206 West Broadway, Hearing Room Lower Level, Spokane, WA 99201, on August 3, 2006, at 9:30 a.m.

Date of Intended Adoption: August 3, 2006.

Assistance for Persons with Disabilities: Contact Charles Studer.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: NOTE: The SCAPCA board postponed adoption of the proposed addition of Section 2.14 to SCAPCA Regulation I, Article II until additional "nonsubstantive" language is added to clarify why SCAPCA does not implement and enforce the exceptions listed in the section. The reason is that SCAPCA has its own

rules and regulations regarding the issues covered in the excepted sections of chapter 173-400 WAC.

SCAPCA Regulation 1 [I], Article II, Section 2.14 is informative in nature only; therefore, the attached revisions are nonsubstantive and do not impact either implementation or enforcement of SCAPCA's Regulations.

Statutory Authority for Adoption: RCW 70.94.141 and 70.94.380.

Statute Being Implemented: Chapter 70.94 RCW and 42 U.S.C. 7401 et seq.

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

Tuesday, July 18, 2006

Charles E. Studer

Environmental Engineer

#### **WSR 06-16-058**

#### **PROPOSED RULES**

#### **SPOKANE COUNTY AIR**

#### **POLLUTION CONTROL AUTHORITY**

[Filed July 28, 2006, 8:54 a.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: Revise SCAPCA Regulation I, Article X, Section 10.06 - Registration and Operating Permit Fees For Air Contaminant Sources and SCAPCA Regulation I, Article X, Section 10.07 - Application and Permit Fees for Notice of Construction and Application for Approval and for Notice of Intent to Install and Operate a Temporary Stationary Source.

Hearing Location(s): Spokane County Public Works Building, Lower Level Hearing Room, 1206 West Broadway, Spokane, WA 99201, on September 7, 2006, at 9:30 a.m.

Date of Intended Adoption: September 7, 2006.

Submit Written Comments to: April Westby, 1101 West College, Suite 403, Spokane, WA 99201, e-mail alwestby@scapca.org, fax (509) 477-6828, by September 6, 2006.

Assistance for Persons with Disabilities: Contact Barbara Nelson by September 6, 2006, (509) 477-4727, ext. 116.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Purpose: Revise SCAPCA Regulation I, Article X, Sections 10.06 and 10.07 to allow for full cost recovery of SCAPCA's air operating permit (AOP) program, as directed by SCAPCA's board of directors on June 1, 2006.

Anticipated effects: The proposed fee changes will allow SCAPCA to recover all future air operating permit costs (i.e., achieve full cost recovery) as well as recover the past air operating permit program deficit (~\$45,000) accrued over the past ten years.

Changes to existing rules:

1. Addition of SCAPCA time fee as part of the annual fee paid by sources that are subject to the AOP program during any portion of the calendar year;



2. Addition of program deficit recovery fee as part of the annual fee paid by sources that are subject to the AOP program during any portion of the calendar year. The program deficit recovery fee will expire in 2016 when the AOP program deficit will be zero; and

3. Elimination of notice of construction fees for AOP sources.

Reasons Supporting Proposal: AOP program is not currently at full cost recovery, as mandated by Federal and State Clean Air Acts.

Statutory Authority for Adoption: RCW 70.94.141 and 70.94.380(2).

Statute Being Implemented: Chapter 70.94 RCW; 42 U.S.C. 7401 et. seq.; and 42 U.S.C. 7412.

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: SCAPCA's air operating permit (AOP) program, a federally mandated program delegated to SCAPCA, commenced in 1994. No changes have been made to the AOP fee regulation since 2001. Currently, the AOP program is not at full cost recovery. The proposed changes in the AOP fees will allow for full cost recovery.

Name of Proponent: Spokane County Air Pollution Control Authority (SCAPCA), governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: April Westby, 1101 West College, Suite 403, Spokane, WA 99201, (509) 477-4727; and Enforcement: Barbara Nelson, 1101 West College, Suite 403, Spokane, WA 99201, (509) 477-4727.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This is a local air pollution control authority rule. Chapter 19.85 RCW does not apply to local air pollution control authority rule development/amendments.

A cost-benefit analysis is not required under RCW 34.05.328. This is a local agency rule and pursuant to RCW 70.94.141(1), RCW 34.05.328 does not apply to this rule amendment.

July 25, 2006  
April Westby  
Environmental Engineer

**AMENDATORY SECTION**

REGULATION I, ARTICLE X, SECTIONS 10.06 & 10.07

**ARTICLE X**

**SECTION 10.06 REGISTRATION AND OPERATING PERMIT FEES FOR AIR CONTAMINANT SOURCES**

A. Each source required by Article IV, Section 4.01 to be registered, each air operating permit source, and each source required by Article V, Section 5.02 to obtain an approved Notice of Construction and Application for Approval is subject to an annual fee for each calendar year, or portion of each calendar year, during which it operates. The owner or operator shall pay the fee, pursuant to the requirements in Section 10.02. Fees received pursuant to the registration program or

the operating permit program shall not exceed the actual costs of program administration.

B. The annual fee for each source shall be determined as follows:

1. For sources that are not subject to Section 10.06.B.3, 4, or 5. of this Regulation and which emit less than 5 tons per year of criteria and toxic air pollutants:

a. a flat fee of \$160; and

b. a \$30 fee for each stack and other emission point, not to exceed \$600; and

c. an emission fee of \$20 per ton of each criteria and toxic air pollutant; and

d. an additional fee of \$150 for each source which operated at least one incinerator or burn out oven during the registration period; and

e. an additional fee of \$100 if the source is required by the Authority to submit an annual emissions inventory to the Washington Emission Data System (WEDS).

2. For sources that are not subject to Section 10.06.B.3, 4, or 5. of this Regulation and which emit 5 tons or more per year of criteria and toxic air pollutants, but less than 100 tons per year of any one criteria pollutant:

a. a flat fee of \$215; and

b. a \$30 fee for each stack and other emission point, not to exceed \$600; and

c. an emission fee of \$20 per ton of each criteria and toxic air pollutant; and

d. an additional fee of \$150 for each source which operated at least one incinerator or burn out oven during the registration period; and

e. an additional fee of \$100 if the source is required by the Authority to submit an annual emissions inventory to the Washington Emission Data System (WEDS).

3. For facilities, where the dispensing of gasoline is the only registered emission point, and which are not subject to Section 10.06.B.4 of this Regulation, a flat fee of \$165.

~~((3))4. For ((air operating permit sources, a share of the assessment by Ecology, pursuant to RCW 70.94.162(3), determined according to Section 10.06.D of this Regulation, plus:)) sources that are subject to the air operating permit (AOP) program during any portion of the calendar year:~~

~~a. ((an)) Annual base fee of \$3,000; ((and))~~

~~b. ((an)) Emission fee of \$31.11 per ton of actual emissions from the previous calendar year;~~

c. SCAPCA time fee, as determined by the following formula:

$$TF_1 = \frac{(H_1 + H_G) \times RPC}{H_T}$$

Where,

TF<sub>1</sub> is the SCAPCA time fee for AOP source, I;

H<sub>1</sub> is the total SCAPCA staff hours spent on AOP source,

I;

H<sub>G</sub> is the total general hours SCAPCA staff spent on the AOP program divided by the total number of sources subject to the AOP program during any portion of the calendar year;

RPC is the remaining SCAPCA AOP program cost, calculated by subtracting the sum of the Section 10.06.B.4.a and b. fees from the total SCAPCA AOP program costs; and

H<sub>T</sub> is the total number of hours SCAPCA staff spent on the AOP program, including total time spent on the AOP sources and general hours spent on the AOP program.

Note: H<sub>I</sub>, H<sub>G</sub>, H<sub>T</sub>, and RPC are for the most recent SCAPCA fiscal year.

Note: H<sub>I</sub>, H<sub>G</sub>, and H<sub>T</sub> are obtained from SCAPCA time accounting records.

d. Program deficit recovery fee, as determined by the following formula:

$$PDRF_{I, y=2006 \Rightarrow 2015} = \frac{\text{Remaining Program Deficit}_y}{(2016 - y)} \times \frac{E_{I(y-1)}}{E_{T(y-1)}}$$

Where,

PDRF<sub>I</sub> is the program deficit recovery fee assessed during year "y" (from 2006-2015) to each AOP source, I, that operated during any portion of the calendar year "y";

Remaining Program Deficit<sub>y</sub> is the total cumulative funding deficit for SCAPCA's AOP program at the end of year "y";

"y" is the year, beginning in year 2006 and ending in year 2015;

E<sub>I</sub> is the total (in tons) of actual emissions from AOP source, I, during the calendar year prior to year "y" (y-1); and

E<sub>T</sub> is the sum (in tons) of the actual emissions from all AOP sources during the calendar year prior to year "y" (y-1).

Note: The program deficit recovery fee will expire in 2016 when the AOP program deficit will be zero.

e. A share of the assessment by Ecology pursuant to RCW 70.94.162(3), as determined by the following formula:

$$I = \frac{F_I \times A_E}{F_T}$$

Where,

I is the individual share of the assessment;

F<sub>I</sub> is the total individual fee assessed pursuant to Section 10.06.B.4.a., b., c., and d. of this Regulation;

A<sub>E</sub> is the total Ecology assessment pursuant to RCW 70.94.162(3); and

F<sub>T</sub> is the sum of all the individual fees assessed pursuant to Sections 10.06.B.4.a., b., c., and d. of this Regulation.

((4)5. For affected units under Section 404 of the Federal Clean Air Act (42 USC 7401 et seq):

a. A fee of \$50 per hour of time expended in carrying out the fee eligible activities specified in RCW 70.94.; and

b. A share of the assessment by Ecology pursuant to RCW 70.94.162(3), as determined by the following formula:

$$I = \frac{F_I \times A_E}{F_T}$$

Where,

I is the individual share of the assessment;

F<sub>I</sub> is the total individual fee assessed pursuant to Section 10.06.B.5.a. of this Regulation;

A<sub>E</sub> is the total Ecology assessment pursuant to RCW 70.94.162(3); and

F<sub>T</sub> is the sum of all the individual fees assessed pursuant to Sections 10.06.B.5.a. of this Regulation.

((b. a share of the assessment by Ecology, pursuant to RCW 70.94.162(3), determined pursuant to Section 10.06.D of this Regulation.

5. For facilities, where the dispensing of gasoline is the only registered emission point, and which are not subject to Section 10.06.B.3 of this Regulation, a flat fee of \$165.

C. The Board shall annually review the fee schedule for air operating permit sources and projected costs to implement the requirements of RCW 70.94.161 and determine if the total projected fee revenue to be collected pursuant to this Section is sufficient to recover program costs. Such review shall include opportunity for public review and comment on the projected costs and any changes to the operating permit fee schedule. Accordingly, the Authority shall account for program costs, including employee costs and overhead. If the Board determines that the total projected fee revenue is either significantly excessive or deficient for this purpose, then the Board shall amend the fee schedule to more accurately recover program costs.

D. Individual shares of the assessment pursuant to RCW 70.94.162(3) shall be determined by the following formula:

$$I = \frac{F_I \times A_E}{F_T}$$

Where,

I is the individual share of the assessment, and

F<sub>I</sub> is the individual fee assessed pursuant to Section 10.06.B.3, or 4. of this Regulation, and

A<sub>E</sub> is the total assessment pursuant to RCW 70.94.162(3), and

F<sub>T</sub> is the sum of all the individual fees assessed pursuant to Sections 10.06.B.3, or 4. of this Regulation.))

Reviser's note: The typographical error in the above material occurred in the copy filed by the Spokane County Air Pollution Control Authority and appears in the Register pursuant to the requirements of RCW 34.08.040.

**SECTION 10.07 APPLICATION AND PERMIT FEES FOR NOTICE OF CONSTRUCTION AND APPLICATION FOR APPROVAL AND FOR NOTICE OF INTENT TO INSTALL AND OPERATE A TEMPORARY STATIONARY SOURCE**

The fees contained in Section 10.07 do not apply to air operating permit sources.

A. Filing Fee - For each project required by Article V to file a Notice of Construction and Application for Approval (NOC) or a Notice of Intent to Install and Operate a Temporary Stationary Source, the applicant shall pay a filing fee of \$150 at the time of filing the application.

B. Project Review Fee - IN ADDITION to the filing fee provided in Section 10.07.A, the applicant shall pay a fee, according to the following:

1. Equipment fee - Sources for which an application is made for one or more emission points under one Notice of Construction or Notice of Intent to Install and Operate a Temporary Stationary Source application, as allowed in Section 5.02.G, the equipment fee, for each emissions unit and/or air pollution control system being installed or modified, shall be as follows:

a. Fuel Burning Equipment With or Without Air Pollution Control Equipment:

<u>Design Input Size (MMBtu/hr)</u>	<u>Fee</u>
.4 < 5	\$200
5 < 10	\$250
10 < 20	\$300
20 < 50	\$350
50 < 100	\$400
100 < 250	\$500
250 < 500	\$650
500 < UP	\$850

b. Refuse Burning Equipment Including Air Pollution Control Equipment:

<u>Capacity (ton/day)</u>	<u>Fee</u>
0 < 12	\$1,000
12 < 250	\$1,500
250 < UP	\$2,500

c. Process Equipment and/or Air Pollution Control Equipment or Uncontrolled Process Equipment:

<u>Actual ft<sup>3</sup>/min</u>	<u>Fee</u>
0 < 5,000	\$150
5,000 < 20,000	\$250
20,000 < 50,000	\$350
50,000 < 100,000	\$450
100,000 < 250,000	\$550
250,000 < 500,000	\$650
500,000 < UP	\$800

d. Gasoline dispensing facilities:

<u>Equipment Being Installed</u>	<u>Fee</u>
Annual facility gasoline throughput of less than 1.5 million gallons	\$150
Annual facility gasoline throughput of 1.5 million gallons or greater	\$250

e. For sources not included in the above categories, an hourly fee of \$50.00 per hour of time expended in project review.

2. Significant emissions review fee - In addition, except for projects subject to an equipment fee, pursuant to Section 10.07.B.1.e. above, for any new or modified source of air pollution to be constructed and anticipated to produce significant emissions, as defined in Article I, Section 1.04. of this Regulation, a significant emissions review fee of \$250.

3. Toxic air pollutant review fee - In addition, except for projects subject to an equipment fee, pursuant to Section 10.7.B.1.e. above, for any new or modified source of air pollution which requires review pursuant to Chapter 173-460 WAC, a toxic air pollutant review fee. For sources with one or more emission points under one Notice of Construction application, as allowed in Section 5.02.G, a separate toxic air pollutant review fee applies to each emissions unit, or each group of like-kind emissions units, being installed or modified. A group of emissions units shall be considered as like-kind if the same set of emission calculations can be used to characterize emissions from each of the emissions units. The toxic air pollutant review fee shall be as follows:

a. For a new or modified source using WAC 173-460-080 (2)(e), Small Quantity Emission Rates, to demonstrate that ambient impacts are sufficiently low to protect human health and safety, as required WAC 173-460-070 & WAC 173-460, an additional charge of \$100;

b. For a new or modified source using dispersion screening models (e.g., EPA SCREEN or TSCREEN) under WAC 173-460-080 (2)(c) to demonstrate that ambient impacts are sufficiently low to protect human health and safety, as required WAC 173-460-070, an additional charge of \$150;

c. For a new or modified source using more refined dispersion models (e.g., EPA ISC3) under WAC 173-460-080 (2)(c) to demonstrate that ambient impacts are sufficiently low to protect human health and safety, as required WAC 173-460-070, an additional charge of \$400; or

d. For a new or modified source using a second tier analysis under WAC 173-460-090 or a risk management decision under WAC 173-460-100 to demonstrate that ambient impacts are sufficiently low to protect human health and safety, as required WAC 173-460-070, an additional charge of \$1000.

4. NSPS Review Fee - In addition, except for projects subject to an equipment fee, pursuant to Section 10.07.B.1.e. above, for any new or modified source of air pollution, subject to a standard under WAC 173-400-115 (NSPS), an additional charge as follows:

a. If subject to 40 CFR Part 60, Subpart Dc, Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units, with only natural gas as a fuel, an additional charge of \$50;

b. If subject to 40 CFR Part 60, Subpart Dc, Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units, using fuels other than solely natural gas, an additional charge of \$100;

c. If subject to 40 CFR Part 60, Subpart I, Standards of Performance for Hot Mix Asphalt Facilities, an additional charge of \$100;

d. If a volatile organic liquid storage tank subject to 40 CFR § 60.110b (b) or (c), no additional charge;

e. If subject to 40 CFR Part 60, Subpart OOO, Standards of Performance for Nonmetallic Mineral Processing Plants, no additional charge; and

f. If subject to a subpart of 40 CFR Part 60, other than those covered in a. through d. above, an additional charge of \$250.

5. NESHAP Review Fee - In addition, except for projects subject to an equipment fee, pursuant to Section

10.07.B.1.e. above, for any new or modified source of air pollution, subject to a standard under WAC 173-400-075 (NES-HAP), an additional charge as follows:

a. If subject to 40 CFR Part 63, Subpart M, National Perchloroethylene Air Emissions Standards for Dry Cleaning Facilities, and/or WAC 173-400-075(6), Emission Standards for Perchloroethylene Dry Cleaners, no additional charge;

b. If subject to 40 CFR Part 63, Subpart N, National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks, an additional charge of \$100;

c. If subject to 40 CFR Part 63, Subpart T, National Emission Standards for Halogenated Solvent Cleaning, an additional charge of \$150; and

d. If subject to a subpart of 40 CFR Part 63, other than those covered in a through c. above, an additional charge of \$250.

6. Integrated Review Fee - In addition, for integrated review of a Notice of Construction and Application for Approval, as allowed under Section 5.02.J of this Regulation, an additional charge of \$250.

C. Change in Condition Fee - Sources for which application is made for a change in conditions pursuant to Section 5.10.C of this Regulation, the fee shall be one half the current fee for a Notice of Construction and Application for Approval or a Notice of Intent to Install and Operate a Temporary Stationary Source for that type of source, including the filing fee, according to Section 10.07.A, and the applicable fees, according to Section 10.07.B, or \$350, whichever is less.

D. Compliance Investigation Fee - Where a compliance investigation is conducted pursuant to Section 5.12 of this Regulation, the compliance investigation fee shall be \$300 per emissions unit, or group of like-kind emissions units, being installed or modified. A group of emissions units shall be considered as like-kind if the same set of emission calculations can be used to characterize emissions from each of the emissions units.

E. SEPA Review Fee - Where review of an Environmental Impact Statement (EIS), Environmental Checklist, or an Addendum to, or adoption of, an existing environmental document pursuant to the State Environmental Policy Act (SEPA) Chapter 197-11 WAC is required, in association with a Notice of Construction and Application for Approval or a Notice of Intent to Establish a Temporary Stationary Source, the applicant shall pay a SEPA or EIS review fee of \$50 per hour or \$125, whichever is greater. The applicant shall pay a partial SEPA review fee of \$125, at the time of submittal of the EIS or SEPA. The Authority will bill the owner, operator, or applicant for the remainder of the SEPA or EIS review fee after a threshold determination has been made and/or a preliminary determination of the Notice of Construction has been issued.

F. Complex Project Review Fee -

1. The Control Officer may notify the applicant in writing that, due to the complexity of the application, the permit processing fees will be based on the actual hours spent by the Authority staff in evaluating and verifying the proposed project's compliance with applicable federal, state, and local rules and regulations. The complexity fee applies to Notice

of Construction and Application for Approval orders and Notice of Intent to Establish a Temporary Stationary Source permissions to operate.

2. The complexity fee assessed shall be \$50 per hour and shall not exceed the actual cost of processing and reviewing the proposed project. This complexity fee may include, but is not limited to, costs associated with planning meetings and/or design evaluations, that are related to the proposed project, prior to actual submission of a complete application.

3. The complexity of a permit shall be determined by dividing the usual fee in Section 10.07.B.1.a - d. by \$50 per hour. If this number is less than the actual hours spent in review, the Authority may elect to assess a Complex Project Review Fee instead of assessing the fee according to the schedule in Section 10.07.B.1.a - d. The actual review time shall not include the time associated with review of an environmental checklist or environmental impact statement. These fees are assessed separately under Section 10.07.E.

4. The applicant may avoid being subject to a Complex Project Review Fee by providing additional information with the application that reduces the cost to the Authority in reviewing the application to a level consistent with the fee schedule in Section 10.07.B.1a - d.

**WSR 06-16-059**

**PROPOSED RULES**

**DEPARTMENT OF ECOLOGY**

[Order 05-12—Filed July 28, 2006, 11:12 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-07-039.

Title of Rule and Other Identifying Information: Amend procedural provisions in chapters 173-18, 173-20, 173-22, and 173-27 WAC pertaining to the Shoreline Management Act (SMA).

Hearing Location(s): Renton Technical College, Building H, Rooms 102 and 103, 3000 N.E. Fourth Street, Renton, WA 98056-4195, on September 21, 2006, at 6:00 p.m.; at the Lower Columbia College, Student Center Conference Room A and B, 1600 Maple Street, Longview, WA 98632, on September 25, 2006, at 6:00 p.m.; at the Veterans Hall, Wenatchee Community Center, 504 South Chelan Avenue, Wenatchee, WA 98801-2914, on September 26, 2006, at 6:00 p.m.; and at the Spokane Falls Community College, Student Union Building Lounges A and B, 3410 West Fort George Wright Drive, Spokane, WA 99224-5204, on September 27, 2006, at 6:00 p.m.

Date of Intended Adoption: November 1, 2006.

Submit Written Comments to: Tom Clingman, SMA Rule, SEA Program, Department of Ecology, P.O. Box 476000 [47600], Olympia, WA 98504-7600, e-mail tcli461@ecy.wa.gov, fax (360) 407-6902, by 5:00 p.m., October 4, 2006.

Assistance for Persons with Disabilities: Contact SEA Program by September 8, 2006, TTY (877) 833-6341 or (360) 407-6600.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Topics proposed

for amendment include, but are not limited to: Definitions; rules describing "jurisdiction" (coverage) of the Shoreline Management Act; permit thresholds and procedures; and other amendments to ensure conformity with existing statutes, NOAA guidance, and hearing board and court decisions. Additional revisions are proposed to improve clarity of administration.

The existing rules delineating "shoreslines of the state" have not been systematically updated since adoption in the 1970s. Beginning in 2006, ecology will be reviewing and approving updated shoreline master programs, which will include updated maps and descriptions of shoreslines of the state. Revision of the rules is necessary to preclude any apparent conflict between the updated maps contained in new ecology-approved shoreline master programs and the outdated rule lists of shoreline water bodies. In addition, state and federal statutes have been amended and ecology is amending the rules listed above to ensure conformity with these changes. Outcome of hearing board and court cases on point with the existing rules need to be incorporated to ensure conformity with the case decisions. Additional revisions are proposed to improve clarity of administration.

Reasons Supporting Proposal: Clarify process for updating shoreslines of the state to preclude conflict between updated shoreline master programs and the existing lists by county in the ecology rules; update rules to reflect changes in statute, case law and federal guidance; improve clarity.

Statutory Authority for Adoption: RCW 90.58.030 (3)(e), 90.58.045, 90.58.065, 90.58.140(9), 90.58.143, 90.58.147, 90.58.200, 90.58.355, 90.58.390, 90.58.515, 43.21K.080, 71.09.250, 71.09.342, 77.55.181, 89.08.460, chapters 70.105D, 80.50 RCW.

Statute Being Implemented: Chapter 90.58 RCW, Shoreline Management Act of 1971.

Rule is necessary because of state court decision, 105 Wn. App. 278; WA Court of Appeals 28073-6-II; Thurston County case 95-2-01041-2.

Name of Proponent: Department of ecology, governmental.

Name of Agency Personnel Responsible for Drafting: Tom Clingman, Department of Ecology Headquarters, (360) 407-7448; Implementation and Enforcement: Peter Skowlund, Department of Ecology Headquarters, (360) 407-6522.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

#### Small Business Economic Impact Statement

**Introduction:** These proposed rule amendments will defer administrative updates to local shoreline master programs (SMP) cities and counties across the state. Many of these programs have not been amended since they were first adopted in the 1970s and are scheduled to be "updated" over the next fifteen years. The department of ecology is currently providing grant funding and technical assistance to these local projects for a two year update period, and is responsible for reviewing and approving the updated programs. Updated maps and list of "shoreslines of the state" will be a fundamental element of the new city and county SMPs. This rule will

require local jurisdictions to now provide formal updates every three years after the scheduled update periods.

The department of ecology proposes to amend its rules to eliminate these lists of water bodies in Washington Administrative Code. New rule language allows local jurisdictions to provide updated mapping and lists as part of their shoreline management plan. The proposed rule amendment will provide consistency of information and avoid potential legal conflicts between ecology's current (old WAC) rule language and updated (new) local shoreline master programs.

**Objective of the SBEIS:** The objective of this small business economic impact statement (SBEIS) is to identify and evaluate the various requirements and costs that the proposed rule or rule amendments might impose on business. In particular, the SBEIS examines whether the costs on business that might be imposed by the proposed rule amendments impose a disproportionate impact on the state's small businesses. This is consistent with the legislative purpose of the Regulatory Fairness Act (chapter 19.85 RCW) and is set out in RCW 19.85.011:

*"The legislature finds that administrative rules adopted by state agencies can have a disproportionate impact on the state's small businesses because of the size of those businesses. This disproportionate impact reduces competition, innovation, employment, and new employment opportunities, and threatens the very existence of some small businesses. The legislature therefore enacts the Regulatory Fairness Act with the intent of reducing the disproportionate impact of state administrative rules on small business."*

The specific purpose and required contents of the SBEIS is contained in RCW 19.85.040. (The bracketed numbers and emphasized words are for the reader's convenience, and reflect some of the organization of this draft SBEIS.)

*"(1) A small business economic impact statement must include [1] a brief description of the reporting, record keeping, and other compliance requirements of the proposed rule, and [2] the kinds of professional services that a **small business** is likely to need in order to comply with such requirements. [3] It shall analyze the costs of compliance **for businesses required to comply with the proposed rule** adopted pursuant to RCW 34.05.320, including costs of equipment, supplies, labor and increased administrative costs. [4] It shall consider, based on input received, whether compliance with the rule will cause businesses to lose sales or revenue. [5] To determine whether the proposed rule will have a disproportionate impact on small businesses, the impact statement must compare the costs of compliance for small businesses with the cost of compliance for the ten percent of businesses that are the largest businesses required to comply with the proposed rules using one or more of the following as a basis for comparing costs:*

- a. Cost per employee*
- b. Cost per hour of labor*
- c. Cost per hundred dollars of sales*

*(2) A small business economic impact statement must also include:*

- a. [6] A statement of the steps taken by the agency to reduce the costs of the rule on small businesses as required*

by RCW 19.85.030(3), or reasonable justification for not doing so, addressing the options listed in RCW 19.85.030(3).

b. [7] A description of how the agency will involve small business in the development of the rule; and

c. [8] A list of industries that will be required to comply with the rule. However, this subsection (2) (c) shall not be construed to preclude application of the rule to any business or industry to which it would otherwise apply."

For purposes of an SBEIS, the terms "business," "small business," and "Industry" are defined by RCW 19.85.020. "Small business" means 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. "Industry" means all of the businesses in this state in any one four-digit standard industrial classification as published by the United States Department of Commerce.

**Costs Imposed on Businesses:** The proposed rule amendments are directed at local governments who are reviewing the condition of their shorelines and who will be adopting updated SMPs. The proposed updates only administratively clarify rule language and eliminate redundancy.

Since no business is directly affected by the rule update no costs or disproportionality can be assumed. As discussed above, the proposed rule updates do not require any "business" to conduct ongoing reporting or record keeping. Nothing in the proposed rules are likely to result in increased administrative costs, or add general requirements for equipment, supplies or labor for businesses in general.

**Whether the Proposed Rule Will Have a Disproportionate Impact on Small Businesses:** This analysis is provided to meet the guidelines of the Regulatory Fairness Act (chapter 19.85 RCW). To comply with the RFA, the SBEIS must identify potentially affected industries, define small and large businesses, and determine the compliance costs for these businesses. It then must compare the cost of compliance for small businesses with the cost of compliance for large businesses. If there turns out to be a disproportionate impact on small businesses in comparison with large businesses, the RFA requires that the costs imposed by the rule on small businesses be reduced where legal and feasible in meeting the objective of the statutes upon which the rule is based. If steps are not taken to reduce costs on small business, the agency must provide reasonable justification for not doing so.

As noted previously no small business are directly affected by the current rule amendments.

**Actions Taken to Reduce the Impact of the Rule on Small Business:** Because proposed updated rule language only clarifies existing language, no direct impacts to small businesses exist. It is assumed without an impact from the new rule, there is also no need for mitigation of impacts.

Mitigation requirements are also intended to allow opportunity for creative approaches and a wide variety of alternatives. It is assumed local shoreline management programs would use mitigation techniques in the development of their program. These local programs can use specific local approaches that minimize cost impacts to local business interests.

**How Business Was Involved in Development of the Proposed Rule:** Ecology distributed early versions of draft rule text to various persons and organizations including business oriented associations. Ecology provided them with background information on the rule update, rule revised rule text and requested their comments and concerns. These distributions occurred in September 2005 and May 2006 to the following 'business' parties: Association of Washington Business, Washington Association of Realtors, Washington State Farm Bureau, Washington State Grange, Associated General Contractors, Washington Aggregates and Concrete Association, Building Industry Association of Washington, Association of Washington Business Land Use Policy committee.

On several occasions ecology's SEA program senior policy and legislative lead staff discussed the proposed rule amendments with the Association of Washington Business Land Use Policy committee via e-mail, phone and in-person meetings.

**List of Industries Required to Comply with the Proposed Guidelines:** No industries will be required to comply with current rule amendments.

**Conclusions:** The proposed rule amendments administratively clarify rule language, and eliminate redundancy. The rule amendments only affect local government, not small business.

#### References:

1. Washington State Department of Ecology, Small Business Economic Impact Statement: Shoreline Master Program Guidelines, Publication 03-06-036, (2003)
2. Washington State Department of Ecology, Evaluation of Probable Benefits and Costs: Amended Shoreline Master Program Guidelines, Publication 03-05-035, (2003)
3. Washington State Department of Ecology, Evaluation of Probable Benefits and Costs: Amended Shoreline Master Program Guidelines, Publication 00-06-043, (2000)
4. Washington State Department of Ecology, Proposed Shoreline Master Program Guidelines Final Environmental Impact Statement, Publication 00-06-020, (2000)

A copy of the statement may be obtained by contacting Tryg Hoff, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6865, fax (360) 407-6989, e-mail thof461@ecy.wa.gov.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Tryg Hoff, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6865, fax (360) 407-6989, e-mail thof461@ecy.wa.gov.

July 28, 2006

Polly Zehm

Deputy Director

**AMENDATORY SECTION** (Amending Order 73-14, filed 8/27/73)

**WAC 173-18-040 Streams and rivers.** The following provisions of this chapter delimit(~~(-by county,))~~ the streams and rivers which constitute shorelines of the state as follows:

- (1) Streams which constitute shorelines.

(a) Western Washington. ~~((The following provisions describe the))~~ Streams in Western Washington from the point at which the stream reaches a mean annual flow of twenty cubic feet per second down to the mouth of said stream or river: Provided, that the stream falls at said point, within the jurisdiction of chapter 90.58 RCW.

(b) Eastern Washington. ~~((The following provisions describe the))~~ Streams in Eastern Washington from the point at which the stream reaches a mean annual flow of twenty cubic feet per second down to the mouth of said stream or river: Provided, That the stream falls at said point, within the jurisdiction of chapter 90.58 RCW.

(2) Rivers which constitute shorelines of statewide significance.

(a) Western Washington. ~~((The following provisions describe the point on those rivers in Western Washington where the mean annual flow reaches one thousand cubic feet per second and lists said river in all counties below said point through which said river passes with a mean annual flow in excess of one thousand cubic feet per second:))~~ Any rivers west of the crest of the Cascade range downstream of a point where the mean annual flow is measured at one thousand cubic feet per second or more. Provided, That the river falls at said point within the jurisdiction of chapter 90.58 RCW.

(b) Eastern Washington. ~~((The following provisions describe))~~ Either of the following points on ~~((those))~~ rivers in Eastern Washington, whichever is farther upstream;

(i) The point at which the mean annual flow exceeds two hundred cubic feet per second~~((;))~~; or

(ii) The lowest extremity of the first three hundred square miles of drainage area east of the crest of the Cascade Range; provided that either of said points which is utilized is within the jurisdiction of chapter 90.58 RCW.

~~((iii))~~ ~~The following provisions additionally list said river in all counties below said point through which said river passes:))~~

(3) ~~((Streams or rivers outside the jurisdiction of chapter 90.58 RCW. In those cases where the above described points on streams or rivers fall in geographical areas outside of the jurisdiction of chapter 90.58 RCW. The following provisions list said streams or rivers in all counties downstream from the boundaries of said geographical areas. In such listing, if the body of water is a shoreline of statewide significance below said geographical area, such will be indicated in the description and by asterisk.~~

~~((4))~~ Until superceded as provided in WAC 173-18-044, rivers constituting shorelines of the state are listed in WAC 173-18-050 through 173-18-430. Other data related to these lists.

(a) Wherever a river of statewide significance falls within a county, it is followed by an asterisk.

(b) The following provisions set forth the name of the quadrangle maps where the stream or river is shown. The quadrangle in which the shoreline delimitation begins and the first quadrangle downstream from the county line is underlined. The quadrangle in which the shoreline of statewide significance begins is followed by an asterisk. The size, in minutes, of all quadrangle maps is designated.

(c) Where quadrangle maps are unavailable, photomaps have been used as indicated.

AMENDATORY SECTION (Amending Order DE 80-20, filed 6/30/80)

**WAC 173-18-044 Review and update of designations.** ~~((The department shall review all the designations made herein at least once in every five year period following the effective date of chapter 90.58 RCW or as frequently before then as is deemed advisable by the department, and prepare the necessary revisions to ensure that the designations conform to the policies of chapter 90.58 RCW and of chapter 173-18 WAC in the manner and form prescribed for adopting and amending rules and regulations in chapter 34.04 RCW (the Administrative Procedure Act):))~~ Each local government master program shall include a list of streams constituting shorelines of the state within the jurisdiction of the master program that complies with the requirements of RCW 90.58.030 (2)(d). When such master program is approved by the department, subsequent to the effective date of this provision, the list within the master program shall be the official list for that jurisdiction and shall supercede the list contained herein.

AMENDATORY SECTION (Amending Order DE 80-20, filed 6/30/80)

**WAC 173-18-046 Conflicts between designations and criteria.** In the event that any of the designations set forth in this chapter or a shoreline master program approved under WAC 173-20-044, conflict with the criteria set forth in RCW 90.58.030(2) or in WAC 173-18-040 the criteria shall control. The designation of the stream or river shall be governed by the criteria, except that the local government must amend the local master program to reflect the new designation within three years of the discovery of the discrepancy.

AMENDATORY SECTION (Amending Order DE 73-13, filed 8/27/73)

**WAC 173-20-040 List of lakes coming under purview of chapter 90.58 RCW until superceded.** Volumes I and II of the book *Lakes of Washington* by Ernest E. Wolcott and updated information from ~~((the United States Geological Survey))~~ various sources were used as reference material for ~~((this))~~ the listings in WAC 173-20-050 through 173-20-810. These listings are in effect until superceded by an approved shoreline master program as described in WAC 173-20-044.

This listing includes only those lakes coming under purview of chapter 90.58 RCW.

Use designations are taken directly from Lakes of Washington as follows:

R - Recreation-wildlife, general public use, beautification, fishing, etc.

D - Domestic-private use, farm pond, fire protection, stock, garden, etc.

PS - Public supply, municipal use, civic, industrial use, etc.

P - Power hydroelectric.

I - Irrigation.

Acreage given includes only water surface acres and not contiguous wetlands.

AMENDATORY SECTION (Amending Order DE 80-21, filed 6/30/80)

**WAC 173-20-044 Review and update of designations.**  
 ((The department shall review all the designations made herein at least once in every five year period following the effective date of chapter 90.58 RCW or as frequently before then as is deemed advisable by the department, and prepare the necessary revisions to ensure that the designations conform to the policies of chapter 90.58 RCW and of chapter 173-20 WAC in the manner and form prescribed for adoption and amending rules and regulations in chapter 34.04 RCW (the Administrative Procedure Act).)) Each local government master program shall include a list of lakes constituting shorelines of the state within the jurisdiction of the master program that complies with the requirements of RCW 90.58.030 (2)(d). When such master program is approved by the department subsequent to the effective date of this provision, the list within the master program shall be the official list for that jurisdiction and shall supercede the list contained herein.

AMENDATORY SECTION (Amending Order DE 80-21, filed 6/30/80)

**WAC 173-20-046 Conflicts between designations and criteria.** In the event that any of the designations set forth in this chapter or a shoreline master program approved under WAC 173-20-044, conflict with the criteria set forth in RCW 90.58.030(2) or in WAC 173-20-030 the criteria shall control. The designation of the lake shall be governed by the criteria, except that the local government must amend the local master program to reflect the new designation within three years of the discovery of the discrepancy.

AMENDATORY SECTION (Amending Order 97-40, filed 4/22/98, effective 5/23/98)

**WAC 173-20-640 Lakes coming under purview of chapter 90.58 RCW—Snohomish County lakes.**

	Location	Section	Name	Area (Acres)	Use
(1)	T27N-R4E	1-SW1/4	Martha Lk.	59.3	R
(2)	T27N-R4E	32-SW1/4	Ballinger Lk.	103.2	R
(3)	T27N-R5E	36-SE1/4	Crystal Lk. (Res.)	39.1	R
(4)	T27N-R7E	22-A/B	Fontal Lk.	37.2	R
(5)	T27N-R7E	23-SW1/4	Hannan Lk.	48.4	R
(6)	T27N-R8E	21-B/C	Tomtit Lk.	27.9	R
(7)	T27N-R8E	21-E/M	Dagger Lk.	27.7	R
(8)	T27N-R11E	21-NE1/4	Sunset Lk.	38.4	R
(9)	T28N-R4E	34-S1/2	Serene Lk.	42.3	R
(10)	T28N-R4E	35-A/B	Stickney Lk.	25.7	R
(11)	T28N-R5E	24-E1/4	Hanson Slough	35.0	R
(12)	T28N-R5E	30-H	Silver Lk.	102.3	R
(13)	<del>(T28N-R5E</del> 32&34		Thomas Lk.	100	PS
(14))	T28N-R6E	1-SE1/4	Storm Lk.	78.1	R
((145))	T28N-R6E	2-A	Flowing Lk.	134.8	R
((14))					
((146))	T28N-R6E	2-C/D	Panther Lk.	46.7	R
(15)					

	Location	Section	Name	Area (Acres)	Use
((17))	T28N-R6E	7-NW1/4	Blackmans Lk.	60.1	R
(16)					
((18))	T28N-R6E	24-A	Chain Lk.	22.8	R
(17)					
((19))	T28N-R7E	12-J	Woods Lk.	20.5	R
(18)					
((20))	T28N-R7E	16-A	Cochran Lk.	33.6	R
(19)					
((21))	T28N-R8E	6-G	Chaplain Lk. (Res.)	443.7	PS
(20)					
((22))	T28N-R8E	22-G/H	Kellogg Lk.	20.2	R
(21)					
((23))	T28N-R9E	20-NE1/4	Wallace Lk.	55.3	R
(22)					
((24))	T28N-R10E	5-G/H	Boulder Lk.	21.7	R
(23)					
((25))	T28N-R11E	1-W1/2	Blanca Lk.	179.0	R
(24)					
((26))	T29N-R7E	15-NE1/4	Purdy Creek Ponds	20.0	R
(25)					
((27))	T29N-R7E	27-N/P	Hughes Lk.	20.2	R
(26)					
((28))	T29N-R7E	28-E	Roesiger Lk.	352.2	R
(27)					
((29))	T29N-R8E	21-D	Echo Lk.	24.6	R
(28)					
((30))	T29N-R9E	9-M/N	East Boardman Lk.	24.7	R
(29)					
((31))	T29N-R9E	36-J/R	Greider Lks. Upper	58.4	R
(30)					
((32))	T29N-R10E	4	Copper Lk.	60.8	R
(31)					
((33))	T30N-R6E	31-C/D	Cassidy Lk.	124.6	R
(32)					
((34))	T30N-R6E	36-E1/2	Bosworth Lk.	95.4	R
(33)					
((35))	T31N-R4E	18-SE1/4	Martha Lk.	58.4	R
(34)					
((36))	T31N-R4E	20-L/P	Howard Lk.	27.1	R
(35)					
((37))	T31N-R4E	23-L	Ki Lk.	97.4	R
(36)					
((38))	T31N-R4E	33-G	Goodwin Lk.	546.8	R
(37)					
((39))	T31N-R4E	33-P	Shoecraft Lk.	136.8	R
(38)					
((40))	T31N-R4E	34-H	Crabapple Lk.	36.3	R
(39)					
((41))	T31N-R4E	35-A/H	Loma Lk.	21.1	R
(40)					
((42))	T32N-R4E	26-K/L	Sunday Lk.	38.7	R
(41)					
((43))	T32N-R5E	26-SE1/4	Armstrong Lk.	30.7	R
(42)					
((44))	T32N-R5E	27-F/G	Bryant Lk.	20.2	R
(43)					
((45))	T32N-R6E	26-C	Little Lk.	23.4	R
(44)					
((46))	T32N-R7E	19-H/J	Riley Lk.	30.0	R
(45)					



Location	Section	Name	Area (Acres)	Use
((47)) T32N-R10E (46)	28	Evangeline Lk.	25.0	

AMENDATORY SECTION (Amending Order 96-12, filed 2/5/97, effective 3/8/97)

**WAC 173-22-030 Definitions.** As used herein, the following words have the following meanings:

(1) "Associated wetlands" means those wetlands which are in proximity to and either influence or are influenced by tidal waters or a lake or stream subject to the Shoreline Management Act;

(2) "Atypical situation" as used herein, refers to areas in which one or more parameters (vegetation, soil, and/or hydrology) have been sufficiently altered by recent human activities or natural events to preclude the presence of wetland indicators of the parameter. Recent refers to the period of time since legal jurisdiction of an applicable law or regulation took effect;

(3) "Duration (inundation/soil saturation)" means the length of time during which water stands at or above the soil surface (inundation), or during which the soil is saturated. As used herein, duration refers to a period during the growing season;

(4) "Flood plain" is synonymous with one hundred-year floodplain and means that land area susceptible to being inundated by stream derived waters with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method which meets the objectives of the act;

(5) "Floodway" (~~means those portions of the area of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition. The floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state. The limit of the floodway is that which has been established in flood regulation ordinance maps or by a reasonable method which meets the objectives of the act~~) has the meaning provided in RCW 90.58.030;

(6) "Growing season" means the portion of the year when soil temperatures at 19.7 inches below the soil surface are higher than biologic zero (5°C);

(7) "Hydrophytic vegetation" means the sum total of macrophytic plant life growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. When hydrophytic vegetation comprises a community where indicators of hydric soils and wetland hydrology also occur, the area has wetland vegetation;

(8) "Hydric soil" means soil that formed under conditions of saturation, flooding, or ponding long enough during

the growing season to develop anaerobic conditions in the upper part;

(9) "Lake" means a body of standing water in a depression of land or expanded part of a river, including reservoirs, of twenty acres or greater in total area. A lake is bounded by the ordinary high water mark or, where a stream enters a lake, the extension of the elevation of the lake's ordinary high water mark within the stream;

(10) "Long duration" means a period of inundation from a single event that ranges from seven days to one month.

(11) "Ordinary high water mark" on all lakes, streams, and tidal water is that mark that will be found by examining the bed 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, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department. The following criteria clarify this mark on tidal waters, lakes, and streams:

(a) Tidal waters.

(i) In high energy environments where the action of waves or currents is sufficient to prevent vegetation establishment below mean higher high tide, the ordinary high water mark is coincident with the line of vegetation. Where there is no vegetative cover for less than one hundred feet parallel to the shoreline, the ordinary high water mark is the average tidal elevation of the adjacent lines of vegetation. Where the ordinary high water mark cannot be found, it is the elevation of mean higher high tide;

(ii) In low energy environments where the action of waves and currents is not sufficient to prevent vegetation establishment below mean higher high tide, the ordinary high water mark is coincident with the landward limit of salt tolerant vegetation. "Salt tolerant vegetation" means vegetation which is tolerant of interstitial soil salinities greater than or equal to 0.5 parts per thousand;

(b) Lakes. Where the ordinary high water mark cannot be found, it shall be the line of mean high water;

(c) Streams. Where the ordinary high water mark cannot be found, it shall be the line of mean high water. For braided streams, the ordinary high water mark is found on the banks forming the outer limits of the depression within which the braiding occurs;

(12) "Prevalent vegetation" means the plant community or communities that occur in an area during a given period. The prevalent vegetation is characterized by the dominant macrophytic species that comprise the plant community;

(13) "River delta" means those lands formed as an aggradational feature by stratified clay, silt, sand and gravel deposited at the mouths of streams where they enter a quieter body of water. The upstream extent of a river delta is that limit where it no longer forms distributary channels;

(14) "Shorelands" or "shoreland areas" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and

tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the department of ecology. Any county or city may determine that portion of a one-hundred-year-flood plain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom;

(15) A "stream" is a naturally occurring body of periodic or continuously flowing water where:

(a) The mean annual flow is greater than twenty cubic feet per second; and

(b) The water is contained within a channel. A channel is an open conduit either naturally or artificially created. This definition does not include artificially created irrigation, return flow, or stockwatering channels;

(16) "Tidal water" includes marine and estuarine waters bounded by the ordinary high water mark. Where a stream enters the tidal water, the tidal water is bounded by the extension of the elevation of the marine ordinary high water mark within the stream;

(17) "Typically adapted" is a term that refers to a species being normally or commonly suited to a given set of environmental conditions, due to some feature of its morphology, physiology, or reproduction;

(18) "Very long duration" means a period of inundation from a single event that is greater than one month.

(19) "Wetlands" or "wetland areas" means areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that 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. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands; and

(20) The definitions set forth in chapter 90.58 RCW shall also apply as used herein.

AMENDATORY SECTION (Amending Order 96-12, filed 2/5/97, effective 3/8/97)

**WAC 173-22-040 Shoreland area designation criteria.** The following criteria contain the standards for the department's designation of shoreland areas associated with shorelines of the state which are subject to the jurisdiction of chapter 90.58 RCW:

(1) Tidal waters. The shoreland area shall include:

(a) Those lands which extend landward two hundred feet as measured on a horizontal plane from the ordinary high water mark; and

(b) Those wetlands which are in proximity to and either influence or are influenced by the tidal water. This influence includes but is not limited to one or more of the following:

Periodic tidal inundation; hydraulic continuity; formation by tidally influenced geohydraulic processes; or a surface connection through a culvert or tide gate;

(2) Lakes. The shoreland area shall include:

(a) Those lands which extend landward two hundred feet as measured on a horizontal plane from the ordinary high water mark; and

(b) Those wetlands which are in proximity to and either influence or are influenced by the lake. This influence includes but is not limited to one or more of the following: Periodic inundation or hydraulic continuity;

(3) Streams. The shoreland area shall include the greater of:

(a) Those lands which extend landward two hundred feet as measured on a horizontal plane from the ordinary high water mark;

(b) Those floodplains which extend landward two hundred feet as measured on a horizontal plane from the floodway: Provided, That local government may, at its discretion, include all or a larger portion of the one hundred-year floodplain within the associated shorelands. Designation of this shoreland area shall be in accordance with chapter ~~((173-19))~~ 173-26 WAC, the state master program. If the applicable master program does not designate the shoreland area for a stream, it shall be designated under the rules which applied at the time of adoption by the department;

(c) Those wetlands which are in proximity to and either influence or are influenced by the stream. This influence includes but is not limited to one or more of the following: Periodic inundation; location within a floodplain; or hydraulic continuity; and

(d) Those lands within a river delta floodplain except for those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

AMENDATORY SECTION (Amending Order 86-06, filed 5/23/86)

**WAC 173-22-050 Review and update of designations.** ~~((The department shall review all the designations made herein at least once in every five year period following the effective date of chapter 90.58 RCW or as frequently as is deemed advisable by the department, and prepare the necessary revisions to ensure that the designations conform to the policies of chapter 90.58 RCW and of chapter 173-22 WAC in the manner and form prescribed for adopting and amending rules and regulations in chapter 34.04 RCW (the Administrative Procedure Act).))~~ Each local government master program shall include a map of shorelands constituting shorelines of the state within the jurisdiction of the master program that complies with the requirements of RCW 90.58.030 (2)(d). When such master program is approved by the department subsequent to the effective date of this provision, the list within the master program shall be the official list for that jurisdiction and shall supercede the list contained herein.

AMENDATORY SECTION (Amending Order 86-06, filed 5/23/86)

**WAC 173-22-055 Conflicts between designations and criteria.** In the event that any of the wetland designations shown on the maps adopted in WAC 173-22-060 or a shoreline master program approved under WAC 173-20-044, conflict with the criteria set forth in this chapter the criteria shall control. The boundary of the designated wetland areas shall be governed by the criteria set forth in WAC 173-22-040 except that the local government must amend the local master program to reflect the new designation within three years of the discovery of the discrepancy.

AMENDATORY SECTION (Amending Order 86-06, filed 5/23/86)

**WAC 173-22-060 Shoreline designation maps until superceded.** Shoreline designation maps are those maps which have been prepared and adopted by the department in a manner consistent with chapter 34.04 RCW (the Administrative Procedure Act) that designate the location of shorelines of the state and their ~~((associated wetland))~~ shoreland areas. ~~((Wetland))~~ Shoreland area designations are applied under the criteria contained in WAC 173-22-040. Due to the bulk of the maps designating the ~~((wetland))~~ shoreland areas, they are not included in the text of this chapter, but rather are incorporated herein as an appendix hereto, having full legal force and effect as if published herein. Copies of the appendix are available to the public at all reasonable times for inspection in the headquarters of the department of ecology in ~~((Olympia))~~ Lacey, the Washington state code reviser's office, the appropriate county auditor and city clerk. Copies of portions thereof, or of the complete set, will be available from the department at the expense of the party requesting the same. Volumes I, II, and III entitled *Shorelines under the Shoreline Management Act of 1971* (chapter 90.58 RCW, chapter 286, Laws of 1971 1st ex. sess.) were adopted by reference on June 30, 1972. These maps are in effect until superceded by an approved shoreline master program as described in WAC 173-22-050.

AMENDATORY SECTION (Amending Order 95-17, filed 9/30/96, effective 10/31/96)

**WAC 173-27-040 Developments exempt from substantial development permit requirement.** (1) Application and interpretation of exemptions.

(a) Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemption from the substantial development permit process.

(b) An exemption from the substantial development permit process is not an exemption from compliance with the act or the local master program, nor from any other regulatory requirements. To be authorized, all uses and developments must be consistent with the policies and provisions of the applicable master program and the Shoreline Management Act. A development or use that is listed as a conditional use pursuant to the local master program or is an unlisted use, must obtain a conditional use permit even though the devel-

opment or use does not require a substantial development permit. When a development or use is proposed that does not comply with the bulk, dimensional and performance standards of the master program, such development or use can only be authorized by approval of a variance.

(c) The burden of proof that a development or use is exempt from the permit process is on the applicant.

(d) If any part of a proposed development is not eligible for exemption, then a substantial development permit is required for the entire proposed development project.

(e) Local government may attach conditions to the approval of exempted developments and/or uses as necessary to assure consistency of the project with the act and the local master program.

(2) The following developments shall not require substantial development permits:

(a) Any development of which the total cost or fair market value, whichever is higher, does not exceed ~~((two))~~ five thousand ~~((five hundred))~~ dollars, if such development does not materially interfere with the normal public use of the water or shorelines of the state. The dollar threshold established in this subsection must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the Bureau of Labor and Statistics, United States Department of Labor. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the *Washington State Register* at least one month before the new dollar threshold is to take effect. For purposes of determining whether or not a permit is required, the total cost or fair market value shall be based on the value of development that is occurring on shorelines of the state as defined in RCW 90.58.030 (2)(c). The total cost or fair market value of any donated, contributed or found labor, equipment or materials;

(b) Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair" means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment;

(c) Construction of the normal protective bulkhead common to single-family residences. A "normal protective" bulk-

head includes those structural and nonstructural developments installed at or near, and parallel to, the ordinary high water mark for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion. A normal protective bulkhead is not exempt if constructed for the purpose of creating dry land. When a vertical or near vertical wall is being constructed or reconstructed, not more than one cubic yard of fill per one foot of wall may be used as backfill. When an existing bulkhead is being repaired by construction of a vertical wall fronting the existing wall, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings. When a bulkhead has deteriorated such that an ordinary high water mark has been established by the presence and action of water landward of the bulkhead then the replacement bulkhead must be located at or near the actual ordinary high water mark. Beach nourishment and bioengineered erosion control projects may be considered a normal protective bulkhead when any structural elements are consistent with the above requirements and when the project has been approved by the department of fish and wildlife.

(d) Emergency construction necessary to protect property from damage by the elements. An "emergency" is an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with this chapter. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to chapter 90.58 RCW, these regulations, or the local master program, obtained. All emergency construction shall be consistent with the policies of chapter 90.58 RCW and the local master program. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency;

(e) Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, construction of a barn or similar agricultural structure, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels: Provided, That a feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations;

(f) Construction or modification(~~(, by or under the authority of the Coast Guard or a designated port management authority,))~~ of navigational aids such as channel markers and anchor buoys;

(g) Construction on shorelands by an owner, lessee or contract purchaser of a single-family residence for their own use or for the use of their family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to chapter 90.58 RCW. "Single-family residence" means a detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance. An "appurtenance" is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high water mark and the perimeter of a wetland. On a statewide basis, normal appurtenances include a garage; deck; driveway; utilities; fences; installation of a septic tank and drainfield and grading which does not exceed two hundred fifty cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark. Local circumstances may dictate additional interpretations of normal appurtenances which shall be set forth and regulated within the applicable master program. Construction authorized under this exemption shall be located landward of the ordinary high water mark;

(h) Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner(~~(s)~~), lessee, or contract purchaser of ~~((a))~~ single-family and multiple-family residences. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances. This exception applies if either:

(i) In salt waters, the fair market value of the dock does not exceed two thousand five hundred dollars; or

(ii) In fresh waters the fair market value of the dock does not exceed ten thousand dollars, but if subsequent construction having a fair market value exceeding two thousand five hundred dollars occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this chapter.

For purposes of this section salt water shall include the tidally influenced marine and estuarine water areas of the state including the Pacific Ocean, Strait of Juan de Fuca, Strait of Georgia and Puget Sound and all bays and inlets associated with any of the above;

(i) Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water from the irrigation of lands;

(j) The marking of property lines or corners on state-owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;

(k) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on ~~((June 4))~~ September 8, 1975, which were created, developed or utilized primarily as a part of an agricultural drainage or diking system;

(l) Any project with a certification from the governor pursuant to chapter 80.50 RCW;

(m) Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:

(i) The activity does not interfere with the normal public use of the surface waters;

(ii) The activity will have no significant adverse impact on the environment including but not limited to fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;

(iii) The activity does not involve the installation of any structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;

(iv) A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the local jurisdiction to ensure that the site is restored to preexisting conditions; and

(v) The activity is not subject to the permit requirements of RCW 90.58.550;

(n) The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the department of agriculture or the department of ecology jointly with other state agencies under chapter 43.21C RCW;

(o) Watershed restoration projects as defined herein. Local government shall review the projects for consistency with the shoreline master program in an expeditious manner and shall issue its decision along with any conditions within forty-five days of receiving all materials necessary to review the request for exemption from the applicant. No fee may be charged for accepting and processing requests for exemption for watershed restoration projects as used in this section.

(i) "Watershed restoration project" means a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities:

(A) A project that involves less than ten miles of stream-reach, in which less than twenty-five cubic yards of sand, gravel, or soil is removed, imported, disturbed or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings;

(B) A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or

(C) A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state, provided that any structure, other than a bridge or culvert or instream habitat enhancement structure associated with the project, is less than two hundred square feet in floor area and is located above the ordinary high water mark of the stream.

(ii) "Watershed restoration plan" means a plan, developed or sponsored by the department of fish and wildlife, the

department of ecology, the department of natural resources, the department of transportation, a federally recognized Indian tribe acting within and pursuant to its authority, a city, a county, or a conservation district that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed for which agency and public review has been conducted pursuant to chapter 43.21C RCW, the State Environmental Policy Act;

(p) A public or private project (~~(the primary purpose of which is)~~) that is designed to improve fish or wildlife habitat or fish passage, when all of the following apply:

(i) The project has been approved in writing by the department of fish and wildlife (~~(as necessary for the improvement of the habitat or passage and appropriately designed and sited to accomplish the intended purpose)~~);

(ii) The project has received hydraulic project approval by the department of fish and wildlife pursuant to chapter ~~(75.20)~~ 70.55 RCW; and

(iii) The local government has determined that the project is substantially consistent with the local shoreline master program. The local government shall make such determination in a timely manner and provide it by letter to the project proponent.

~~((3) Hazardous substance remedial actions. The procedural requirements of chapter 90.58 RCW shall not apply to a project for which a consent decree, order or agreed order has been issued pursuant to chapter 70.105D RCW or to the department of ecology when it conducts a remedial action under chapter 70.105D RCW. The department shall, in consultation with the appropriate local government, assure that such projects comply with the substantive requirements of chapter 90.58 RCW, chapter 173-26 WAC and the local master program.))~~

Fish habitat enhancement projects that conform to the provisions of RCW 77.55.181 are determined to be consistent with local shoreline master programs, as follows:

(A) In order to receive the permit review and approval process created in this section, a fish habitat enhancement project must meet the criteria under (p)(iii)(A)(I) and (II) of this subsection:

(I) A fish habitat enhancement project must be a project to accomplish one or more of the following tasks:

• Elimination of human-made fish passage barriers, including culvert repair and replacement;

• Restoration of an eroded or unstable streambank employing the principle of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or

• Placement of woody debris or other instream structures that benefit naturally reproducing fish stocks.

The department of fish and wildlife shall develop size or scale threshold tests to determine if projects accomplishing any of these tasks should be evaluated under the process created in this section or under other project review and approval processes. A project proposal shall not be reviewed under the process created in this section if the department determines

that the scale of the project raises concerns regarding public health and safety; and

(II) A fish habitat enhancement project must be approved in one of the following ways:

- By the department of fish and wildlife pursuant to chapter 77.95 or 77.100 RCW;

- By the sponsor of a watershed restoration plan as provided in chapter 89.08 RCW;

- By the department as a department of fish and wildlife-sponsored fish habitat enhancement or restoration project;

- Through the review and approval process for the jobs for the environment program;

- Through the review and approval process for conservation district-sponsored projects, where the project complies with design standards established by the conservation commission through interagency agreement with the United States Fish and Wildlife Service and the natural resource conservation service;

- Through a formal grant program established by the legislature or the department of fish and wildlife for fish habitat enhancement or restoration; and

- Through other formal review and approval processes established by the legislature.

(B) Fish habitat enhancement projects meeting the criteria of (p)(iii)(A) of this subsection are expected to result in beneficial impacts to the environment. Decisions pertaining to fish habitat enhancement projects meeting the criteria of (p)(iii)(A) of this subsection and being reviewed and approved according to the provisions of this section are not subject to the requirements of RCW 43.21C.030 (2)(c).

(C)(I) A hydraulic project approval permit is required for projects that meet the criteria of (p)(iii)(A) of this subsection and are being reviewed and approved under this section. An applicant shall use a joint aquatic resource permit application form developed by the office of regulatory assistance to apply for approval under this chapter. On the same day, the applicant shall provide copies of the completed application form to the department of fish and wildlife and to each appropriate local government. Local governments shall accept the application as notice of the proposed project. The department of fish and wildlife shall provide a fifteen-day comment period during which it will receive comments regarding environmental impacts. Within forty-five days, the department shall either issue a permit, with or without conditions, deny approval, or make a determination that the review and approval process created by this section is not appropriate for the proposed project. The department shall base this determination on identification during the comment period of adverse impacts that cannot be mitigated by the conditioning of a permit. If the department determines that the review and approval process created by this section is not appropriate for the proposed project, the department shall notify the applicant and the appropriate local governments of its determination. The applicant may reapply for approval of the project under other review and approval processes.

(II) Any person aggrieved by the approval, denial, conditioning, or modification of a permit under this section may formally appeal the decision to the hydraulic appeals board pursuant to the provisions of this chapter.

(D) No local government may require permits or charge fees for fish habitat enhancement projects that meet the criteria of (p)(iii)(A) of this subsection and that are reviewed and approved according to the provisions of this section.

#### NEW SECTION

**WAC 173-27-045 Developments not subject to the Shoreline Management Act.** Certain developments are not required to meet requirements of the Shoreline Management Act as follows:

(1) Pursuant to RCW 90.58.390, certain secure community transition facilities are not subject to the Shoreline Management Act. An emergency has been caused by the need to expeditiously site facilities to house sexually violent predators who have been committed under chapter 71.09 RCW. To meet this emergency, secure community transition facilities sited pursuant to the preemption provisions of RCW 71.09.342 and secure facilities sited pursuant to the preemption provisions of RCW 71.09.250 are not subject to the provisions of this chapter.

This section expires June 30, 2009.

(2) Pursuant to RCW 90.58.045 regarding environmental excellence program agreements, notwithstanding any other provision of law, any legal requirement under the Shoreline Management Act, including any standard, limitation, rule, or order is superseded and replaced in accordance with the terms and provisions of an environmental excellence program agreement, entered into under chapter 43.21K RCW.

(3) Pursuant to RCW 90.58.355 regarding hazardous substance remedial actions, the procedural requirements of the Shoreline Management Act shall not apply to any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or to the department of ecology when it conducts a remedial action under chapter 70.105D RCW. The department of ecology shall ensure compliance with the substantive requirements of chapter 90.58 RCW, chapter 173-26 WAC and the local master program through the consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or during the department-conducted remedial action, through the procedures developed by the department pursuant to RCW 70.105D.090.

(4) The holder of a certification from the governor pursuant to chapter 80.50 RCW shall not be required to obtain a permit under chapter 90.58 RCW.

AMENDATORY SECTION (Amending Order 95-17, filed 9/30/96, effective 10/31/96)

**WAC 173-27-060 Applicability of chapter 90.58 RCW to federal lands and agencies.** ~~((The policies and provisions of chapter 90.58 RCW including the permit system shall be applied in the following manner to federal agencies on lands meeting the criteria of the Shoreline Management Act for shorelines of the state:~~

~~(1) Within the coastal counties;))~~ (1) Direct federal agency actions and projects shall be consistent to the maximum extent practicable with the approved Washington state coastal zone management program subject to certain limitations set forth in the Federal Coastal Zone Management Act,

16 U.S.C. 1451 et seq. (CZMA) and regulations adopted pursuant thereto. ((Other applicable federal law governing the federal agency actions may determine whether the permit system of chapter 90.58 RCW is applicable.))

The Shoreline Management Act is incorporated into the Washington state coastal zone management plan and, thereby, those direct federal actions occurring on lands subject to the act must be consistent to the maximum practicable extent with the act, regulations adopted pursuant to the act and with the local master program. ((Local government is in the best position to determine the appropriate procedure for review of federal development activities at the local level while the state must take action on federal consistency determinations submitted to it.

(a) ~~When the department receives a consistency determination for a development proposed by the federal government on land subject to the act, it shall request that local government review the proposal and respond in writing that the local government:~~

(i) ~~Cannot make a determination of the consistency of the project with the master program without reviewing the project in the regular permit process; or~~

(ii) ~~Has reviewed the project for consistency with the local master program without using the permit system. Local government may recommend that the project be approved, approved only under certain specified conditions or denied.~~

(iii) ~~Defers review of the project to the state.~~

(b) ~~Upon receipt of a response from local government that a permit is required to make a determination, the department shall inform the requesting agency of the local government finding and shall indicate that concurrence with the consistency determination cannot be granted until a permit is issued. If the local government chooses to review and make a recommendation without using the permit system it shall so notify the department and submit its recommendation to the department within thirty days unless a longer period of time is agreed to by the federal agency and the department. If no response is received from local government within thirty days they shall be deemed to have deferred review of the project.~~

(c) ~~Nothing in this section shall be deemed to preclude independent review of the project by the state pursuant to any appropriate authority consistent with the approved coastal zone management plan.~~

(d) ~~The coastal counties, as established in Washington's approved coastal zone management plan, consist of the following counties: Whatcom, Skagit, San Juan, Island, Snohomish, King, Pierce, Thurston, Mason, Kitsap, Jefferson, Clallam, Grays Harbor, Pacific and Wahkiakum.~~

(2) ~~Outside of the coastal counties.~~

(a) ~~Direct federal agency actions that are reasonably likely to affect any coastal use or resource shall be consistent with the approved coastal zone management plan to the maximum extent practicable subject to limitations set forth in the Federal Coastal Zone Management Act, 16 U.S.C. 1451 et seq. (CZMA) and regulations adopted pursuant thereto. Other applicable federal law governing the federal agency actions may determine whether the permit system of chapter 90.58 RCW is applicable.~~

(b) ~~Except as provided in (a) of this subsection, federal agencies shall not be required to obtain permits for developments undertaken by the federal government on lands owned in fee by the federal government or on easements obtained by the federal government for a specified purpose where the proposed development is consistent with the specified purpose, unless under either circumstance the federal government grants or reserves to the state or local government substantial jurisdiction over activities on those lands.~~

(e) ~~Except as provided in (a) of this subsection, the permit system shall apply to developments undertaken on lands not federally owned but under lease, license, or other similar federal property rights short of fee ownership, to the federal government.~~

(3)) The process for CZMA federal consistency decision making is described in Washington's federally approved CZM program document (*Ecology Publication 00-06-029*).

(2) The policies and provisions of chapter 90.58 RCW, including the permit system, shall apply statewide to all non-federal developments and uses undertaken on federal lands and on lands subject to nonfederal ownership, lease or easement, even though such lands may fall within the external boundaries of a federal ownership.

AMENDATORY SECTION (Amending Order 95-17, filed 9/30/96, effective 10/31/96)

**WAC 173-27-070 Application of the permit system to substantial development undertaken prior to the effective date of the act.** (1) Substantial development undertaken on the shorelines of the state prior to the effective date of the act, including changes in shoreline jurisdiction as described in subsection (2) of this section, shall not require a permit except under the following circumstances:

(a) When the activity was unlawful prior to the effective date of the act.

(b) When there has been an unreasonable period of dormancy in the project between its inception and the effective date of the act.

(c) When the development is not completed within two years after the effective date of the act.

(d) When substantial development occurred prior to the effective date of the act on a shoreline and continued on to a different lake, river or tributary after the effective date, a permit shall be required for the development undertaken after the effective date.

(e) Substantial development undertaken prior to the effective date of the act shall not continue without a permit into other phases that were not part of the plan being followed at the time construction commenced.

(2) The effective date of the act is determined by one of the following procedures:

(a) When a change in the area subject to the jurisdiction of the act occurs as a result of a determination of jurisdiction by the department based on the provisions of RCW 90.58.030 (2)(d) or (e), the effective date of the act shall be the date the department provides written notice of the change to the local government(s) in which the affected area is located.

(b) When a change in the area subject to the jurisdiction of the act occurs as a result of an updated shoreline master

program that supersedes the jurisdiction lists in chapter 173-18, 173-20 and 173-22 WAC, the effective date of the act shall be the date the department approves the updated master program.

AMENDATORY SECTION (Amending Order 95-17, filed 9/30/96, effective 10/31/96)

**WAC 173-27-090 Time requirements of permit. (1)**

The ~~((following))~~ time requirements of this section shall apply to all substantial development permits and to any development authorized pursuant to a variance or conditional use permit authorized by this chapter. ~~((+))~~ Upon a finding of good cause, based on the requirements and circumstances of the project proposed and consistent with the policy and provisions of the master program and ~~((the act))~~ this chapter, local government may adopt ~~((appropriate))~~ different time limits from those set forth in subsections (2) and (3) of this section as a part of action on a substantial development permit ~~((and local government, with the approval of the department, may adopt appropriate time limits as a part of action on a conditional use or variance permit: "Good cause based on the requirements and circumstances of the project," shall mean that the time limits established are reasonably related to the time actually necessary to perform the development on the ground and complete the project that is being permitted, and/or are necessary for the protection of shoreline resources)).~~

(2) ~~((Where neither local government nor the department include specific provisions establishing time limits on a permit as a part of action on the permit, the following time limits shall apply:~~

~~((a))~~ Construction activities shall be commenced or, where no construction ~~((is))~~ activities are involved, the use or activity shall be commenced within two years of the effective date of a ~~((shoreline))~~ substantial development permit. ~~((Provided, that))~~ However, local government may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record on the substantial development permit and to the department.

~~((b))~~ (3) Authorization to conduct development activities shall terminate five years after the effective date of a ~~((shoreline))~~ substantial development permit. ~~((Provided, that))~~ However, local government may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record and to the department.

~~((3))~~ The effective date of a shoreline permit shall be the date of the last action required on the shoreline permit and all other government permits and approvals that authorize the development to proceed, including all administrative and legal actions on any such permit or approval. It is the responsibility of the applicant to inform the local government of the pendency of other permit applications filed with agencies other than the local government and of any related administrative and legal actions on any permit or approval. If no notice of the pendency of other permits or approvals is given

to the local government prior to the date established by the shoreline permit or the provisions of this section, the expiration of a permit shall be based on the shoreline permit.

~~(4) When permit approval is based on conditions, such conditions shall be satisfied prior to occupancy or use of a structure or prior to commencement of a nonstructural activity: Provided, That an alternative compliance limit may be specified in the permit:)~~ (4) The effective date of a substantial development permit shall be the date of filing as provided in RCW 90.58.140(6). The permit time periods in subsections (2) and (3) of this section do not include the time during which a use or activity was not actually pursued due to the pendency of administrative appeals or legal actions or due to the need to obtain any other government permits and approvals for the development that authorize the development to proceed, including all reasonably related administrative or legal actions on any such permits or approvals.

(5) Revisions to permits under WAC 173-27-100 may be authorized after original permit authorization has expired ~~((under subsection (2) of this section))~~: Provided, That this procedure shall not be used to extend the original permit time requirements or to authorize substantial development after the time limits of the original permit.

(6) Local government shall notify the department in writing of any change to the effective date of a permit, as authorized by this section, with an explanation of the basis for approval of the change. Any change to the time limits of a permit other than those authorized by ~~((this section))~~ RCW 90.58.143 as amended shall require a new permit application.

AMENDATORY SECTION (Amending Order 95-17, filed 9/30/96, effective 10/31/96)

**WAC 173-27-100 Revisions to permits.** A permit revision is required whenever the applicant proposes substantive changes to the design, terms or conditions of a project from that which is approved in the permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit, the master program and/or the policies and provisions of chapter 90.58 RCW. Changes which are not substantive in effect do not require approval of a revision.

When an applicant seeks to revise a permit, local government shall request from the applicant detailed plans and text describing the proposed changes.

(1) If local government determines that the proposed changes are within the scope and intent of the original permit, and are consistent with the applicable master program and the act, local government may approve a revision.

(2) "Within the scope and intent of the original permit" means all of the following:

(a) No additional over water construction is involved except that pier, dock, or float construction may be increased by five hundred square feet or ten percent from the provisions of the original permit, whichever is less;

(b) Ground area coverage and height may be increased a maximum of ten percent from the provisions of the original permit;

(c) The revised permit does not authorize development to exceed height, lot coverage, setback, or any other require-



ments of the applicable master program except as authorized under a variance granted as the original permit or a part thereof;

(d) Additional or revised landscaping is consistent with any conditions attached to the original permit and with the applicable master program;

(e) The use authorized pursuant to the original permit is not changed; and

(f) No adverse environmental impact will be caused by the project revision.

(3) Revisions to permits may be authorized after original permit authorization has expired under ~~((WAC 173-27-080(2)))~~ RCW 90.58.143. The purpose of such revisions shall be limited to authorization of changes which are consistent with this section and which would not require a permit for the development or change proposed under the terms of chapter 90.58 RCW, this regulation and the local master program. If the proposed change constitutes substantial development then a new permit is required. Provided, this subsection shall not be used to extend the time requirements or to authorize substantial development beyond the time limits of the original permit.

(4) If the sum of the revision and any previously approved revisions under former WAC 173-14-064 or this section violate the provisions in subsection (2) of this section, local government shall require that the applicant apply for a new permit.

(5) The revision approval, including the revised site plans and text consistent with the provisions of WAC 173-27-180 as necessary to clearly indicate the authorized changes, and the final ruling on consistency with this section shall be filed with the department. In addition, local government shall notify parties of record of their action.

(6) If the revision to the original permit involves a conditional use or variance, local government shall submit the revision to the department for the department's approval, approval with conditions, or denial, and shall indicate that the revision is being submitted under the requirements of this subsection. The department shall render and transmit to local government and the applicant its final decision within fifteen days of the date of the department's receipt of the submittal from local government. Local government shall notify parties of record of the department's final decision.

(7) The revised permit is effective immediately upon final decision by local government or, when appropriate under subsection (6) of this section, upon final action by the department.

(8) Appeals shall be in accordance with RCW 90.58.180 and shall be filed within twenty-one days from the date of receipt of the local government's action by the department or, when appropriate under subsection (6) of this section, the date the department's final decision is transmitted to local government and the applicant. Appeals shall be based only upon contentions of noncompliance with the provisions of subsection (2) of this section. Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit is at the applicant's own risk until the expiration of the appeals deadline. If an appeal is successful in proving that a revision is not within the scope and intent of

the original permit, the decision shall have no bearing on the original permit.

AMENDATORY SECTION (Amending Order 95-17, filed 9/30/96, effective 10/31/96)

**WAC 173-27-130 Filing with department.** (1) All applications for a permit or a permit revision shall be submitted to the department upon a final decision by local government. Final decision by local government shall mean the order or ruling, whether it be an approval or denial, which is established after all local administrative appeals related to the permit have concluded or the opportunity to initiate such appeals have lapsed.

(2) When a substantial development permit and a conditional use or variance permit are required for a development, the submittal on the permits shall be made concurrently.

(3) A complete submittal shall consist of the following documents and information:

(a) A copy of the complete application pursuant to WAC 173-27-180;

(b) Findings and conclusions that establish the basis for the decision including but not limited to identification of shoreline environment designation, applicable master program policies and regulations and the consistency of the project with appropriate review criteria for the type of permit(s) as established in WAC 173-27-140 through 173-27-170;

(c) The final decision of the local government;

(d) The permit data sheet required by WAC 173-27-190; and

(e) Where applicable, local government shall also file the applicable documents required by chapter 43.21C RCW, the State Environmental Policy Act, or in lieu thereof, a statement summarizing the actions and dates of such actions taken under chapter 43.21C RCW.

(4) When the project has been modified in the course of the local review process, plans or text shall be provided to the department that clearly indicate the final approved plan.

(5) Submittal of substantial development permits, conditional use permits, variances, rescissions and revisions is complete when all of the documents required pursuant to subsections (3) and (4) of this section have been received by the department. If the department determines that the submittal does not contain all of the documents and information required by this section, the department shall identify the deficiencies and so notify local government and the applicant in writing. ~~((The)) Ecology will not act on conditional use permit or variance submittal ((and permit are void unless and))~~ until the material requested in writing is submitted to the department.

(6) "Date of filing" of a local government final decision involving approval or denial of a substantial development permit ~~((or involving a denial of a variance or conditional use permit.))~~ is the date of actual receipt by the department of a ~~((complete submittal by the department))~~ local government's final decision on the permit.

(7) "Date of filing" ~~((of a permit for a conditional use or variance approved by local government, and such permits which also involve concurrent submittal by local government~~

~~of a substantial development~~) involving approval or denial of a variance or conditional use permit, is the date of transmittal of the department's final decision on the variance or conditional use permit to local government and the applicant.

(8) The department shall provide a written notice to the local government and the applicant of the "date of filing."

(9) Any decision on an application for a permit under the authority of this section, whether it is an approval or a denial, shall, concurrently with the transmittal of the ruling to the applicant, be filed with the department and the attorney general.

(10) When a permit has been appealed pursuant to RCW 90.58.180, upon conclusion of all review proceedings, a copy of the final order shall be provided ~~((and))~~ by the local government ~~((and))~~ to the department. When the project has been modified in the course of the review proceeding, plans or text shall be provided to the local government, consistent with the provisions of WAC 173-27-180, that clearly indicate the final approved plan and the local government shall reissue the permit accordingly and submit a copy of the reissued permit and supporting documents consistent with subsection (3) of this section to the department for completion of the file on the permit. The purpose of this provision is to assure that the local and department files on the permit are complete and accurate and not to provide a new opportunity for appeal of the permit.

#### WSR 06-16-074

#### PROPOSED RULES

#### DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed July 28, 2006, 2:55 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-10-030.

Title of Rule and Other Identifying Information: WAC 388-825-560 What department restrictions apply to FSP?

Hearing Location(s): Blake Office Park East, Rose Room, 4500 10th Avenue S.E., Lacey, WA 98503 (one block north of the intersection of Pacific Avenue S.E. and Alhadeff Lane, behind Goodyear Tire. A map or directions are available at <http://www1.dshs.wa.gov/msa/rpau/docket.html> or by calling (360) 664-6097), on September 5, 2006, at 10:00 a.m.

Date of Intended Adoption: Not earlier than September 6, 2006.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, delivery 4500 10th Avenue S.E., Lacey, WA 98503, e-mail [fernaax@dshs.wa.gov](mailto:fernaax@dshs.wa.gov), fax (360) 664-6185, by 5:00 p.m. on September 5, 2006.

Assistance for Persons with Disabilities: Contact Stephanie Schiller, DSHS Rules Consultant, by September 1, 2006, TTY (360) 664-6178 or (360) 664-6097 or by e-mail at [schilse@dshs.wa.gov](mailto:schilse@dshs.wa.gov).

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These rules are

necessary to amend the rules implementing ESSB 6090, section 205 (1)(e), 2005-2007 conference budget (chapter 518, Laws of 2005), which established a flexible family support pilot program for families who are providing care and support for family members with developmental disabilities. The family support pilot program is funded through June 30, 2007. These amendments will allow the reimbursement to parents who have purchased necessary goods or services.

Reasons Supporting Proposal: See above.

Statutory Authority for Adoption: RCW 71A.12.030, 71A.12.040.

Statute Being Implemented: Title 71A RCW.

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: Steve Brink, 640 Woodland Square Loop S.E., Lacey, WA 98503-1045, P.O. Box 45310, Olympia, WA 98507-5310, e-mail [brinksc@dshs.wa.gov](mailto:brinksc@dshs.wa.gov), (360) 725-3416; Implementation: Shirley Everard, 640 Woodland Square Loop S.E., Lacey, WA 98503-1045, P.O. Box 45310, Olympia, WA 98507-5310, e-mail [everash@dshs.wa.gov](mailto:everash@dshs.wa.gov), (360) 725-3444; and Enforcement: Doug Washburn, 640 Woodland Square Loop S.E., Lacey, WA 98503-1045, P.O. Box 45310, Olympia, WA 98507-5310, e-mail [washbdc@dshs.wa.gov](mailto:washbdc@dshs.wa.gov), (360) 724-3452 [725-3452].

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules do not impact small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. This rule is interpretive that sets forth the agency's interpretation of statutory provisions and is therefore exempt from a cost-benefit analysis pursuant to RCW 34.05.328 (5)(c)(iii).

July 27, 2006

Andy Fernando, Manager

Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 06-06-040, filed 2/23/06, effective 3/26/06)

**WAC 388-825-560 What department restrictions apply to FSP?** The following department restrictions apply to FSP:

(1) FSP services are authorized only after you have accessed what is available to you under Medicaid, and any other private health insurance plan, school or child development services.

(2) All FSP service payments must be agreed to by DDD and the client in a written service plan.

(3) The department will contract directly with a service provider(s), or a parent for the reimbursement of goods or services purchased by the parent. FSP funding cannot be authorized for services or treatments determined by the department to be experimental.

(4) Your choice of qualified providers and services is limited to the most cost effective option that meets your assessed need.

(5) Respite care cannot be a replacement for child care while the parent or guardian is at work regardless of the age of the child.

(6) The department shall not authorize a birth parent, adoptive parent, stepparent or any other primary caregiver or their spouse living in the same household with the client to provide respite, nursing, therapy or counseling services.

(7) FSP will not pay for conference registrations.

(8) FSP will not pay for behavior management/counseling procedures, modifications, or equipment that are restrictive.

(9) FSP will not pay for services provided after the death of the eligible client. Payment may occur after the date of death, but not the service.

(10) FSP will not pay for employment services if you are under age twenty-one or are designated to receive DDD funded transition services.

### WSR 06-16-075

#### PROPOSED RULES

#### DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed July 28, 2006, 2:58 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-11-060.

Title of Rule and Other Identifying Information: WAC 388-825-120 When can I appeal department decisions through an administrative hearing process?

Hearing Location(s): Blake Office Park East, Rose Room, 4500 10th Avenue S.E., Lacey, WA 98503 (one block north of the intersection of Pacific Avenue S.E. and Alhadeff Lane, behind Goodyear Tire. A map or directions are available at <http://www1.dshs.wa.gov/msa/rpau/docket.html> or by calling (360) 664-6097, on September 5, 2006, at 10:00 a.m.

Date of Intended Adoption: Not earlier than September 6, 2006.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, delivery 4500 10th Avenue S.E., Lacey, WA 98503, e-mail [fernaax@dshs.wa.gov](mailto:fernaax@dshs.wa.gov), fax (360) 664-6185, by 5:00 p.m. on September 5, 2006.

Assistance for Persons with Disabilities: Contact Stephanie Schiller, DSHS Rules Consultant, by September 1, 2006, TTY (360) 664-6178 or (360) 664-6097 or by e-mail at [schilse@dshs.wa.gov](mailto:schilse@dshs.wa.gov).

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this rule is to clarify that a client has the right to an administrative hearing if the department reduces or terminates services that were previously authorized through an exception to rule.

Reasons Supporting Proposal: See above.

Statutory Authority for Adoption: RCW 71A.12.030.

Statute Being Implemented: Title 71A RCW.

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: Steve Brink, 640 Woodland Square Loop S.E., Lacey, WA 98503-1045, P.O. Box 45310, Olympia, WA 98507-5310, e-mail [brinksc@dshs.wa.gov](mailto:brinksc@dshs.wa.gov), (360) 725-3416; Implementation and Enforcement: Sue Poltl, 640 Woodland Square Loop S.E., Lacey, WA 98503-1045, P.O. Box 45310, Olympia, WA 98507-5310, e-mail [poltlse@dshs.wa.gov](mailto:poltlse@dshs.wa.gov), (360) 724-3454 [725-3454].

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

A cost-benefit analysis is not required under RCW 34.05.328. This rule is not a significant rule as defined in RCW 34.05.328 (5)(c)(iii).

July 26, 2006

Andy Fernando, Manager

Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 05-17-135, filed 8/19/05, effective 9/19/05)

**WAC 388-825-120 When can I appeal department decisions through an administrative hearing process?** (1) Administrative hearings are governed by the Administrative Procedure Act (chapter 34.05 RCW), RCW 71A.10.050, the rules in this chapter and by chapter 388-02 WAC. If any provision in this chapter conflicts with chapter 388-02 WAC or WAC 388-440-0001(3), the provision in this chapter shall prevail.

(2) A client, former client, or applicant acting on the applicant's own behalf or through an authorized representative has the right to an administrative hearing.

(3) You have the right to an administrative hearing to dispute the following department actions:

(a) Authorization, denial, reduction, or termination of services;

(b) Reduction or termination of a service that was initially approved through an exception to rule:

(c) Authorization, denial, or termination of eligibility;

((e)) (d) Authorization, denial, reduction, or termination of payment of SSP authorized by DDD set forth in chapter 388-827 WAC;

((f)) (e) Admission or readmission to, or discharge from, a residential habilitation center;

((g)) (f) Refusal to abide by your request not to send notices to any other person;

((h)) (g) Refusal to comply with your request to consult only with you;

((i)) (h) A decision to move you to a different type of residential service;

((j)) (i) Denial or termination of the provider of your choice or the denial of payment for any reason listed in WAC 388-825-375 through 388-825-390;

((k)) (j) An unreasonable delay to act on an application for eligibility or service;

((+)) (k) A claim the client, former client, or applicant owes an overpayment debt.

**WSR 06-16-076**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Disability Services Administration)  
[Filed July 28, 2006, 3:01 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-08-032.

Title of Rule and Other Identifying Information: WAC 388-105-0005 The daily Medicaid payment rates for clients assessed using the comprehensive assessment reporting evaluation (CARE) tool and that reside in adult family homes (AFH) and boarding homes contracted to provide assisted living (AL), adult residential care (ARC), and enhanced adult residential care (EARC) services. The department amends this rule to incorporate July 1, 2006, vendor rate increases (VRI).

WAC 388-105-0035 Requirements for a capital add-on rate for licensed boarding homes contracted to provide assisted living (AL) services. The department amends this rule to incorporate the changes required by chapter 260, Laws of 2006. Any AL contractor with a Medicaid occupancy of 60% or greater will qualify for a capital add-on rate.

WAC 388-105-0045 Bed or unit hold—Medicaid resident discharged for a hospital or nursing home stay from an adult family home (AFH) or a boarding home contracted to provide adult residential care, enhanced adult residential care, or assisted living (AL) services. The department amends this rule to incorporate the VRI increase and to clarify that the case manager may end the bed hold payment during the twenty day period when he/she determines that the client's stay is not short-term and there is no likelihood of return to the residential care facility from which the client was discharged.

Hearing Location(s): Blake Office Park East, Rose Room, 4500 10th Avenue S.E., Lacey, WA 98503 (one block north of the intersection of Pacific Avenue S.E. and Alhadeff Lane. A map or directions are available at <http://www1.dshs.wa.gov/msa/rpau/docket.html> or by calling (360) 664-6097), on September 5, 2006, at 10:00 a.m.

Date of Intended Adoption: Not earlier than September 6, 2006.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, delivery 4500 10th Avenue S.E., Lacey, WA 98503, e-mail [fernaax@dshs.wa.gov](mailto:fernaax@dshs.wa.gov), fax (360) 664-6185, by 5:00 p.m. on September 5, 2006.

Assistance for Persons with Disabilities: Contact Stephanie Schiller, DSHS Rules Consultant, by September 1, 2006, TTY (360) 664-6178 or (360) 664-6097 or by e-mail at [schilse@dshs.wa.gov](mailto:schilse@dshs.wa.gov).

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:

- WAC 388-105-0005, increase the Medicaid daily payment rates to home and community residential care contractors;
- WAC 388-105-0035, permits any AL contractor with a Medicaid occupancy of 60% or greater to receive capital add-on rate to the daily Medicaid payment rates that the department pays them; and
- WAC 388-105-0045, increase the amounts paid by the department to hold a bed or unit during the first twenty days of the Medicaid client's absence from the home and community residential care facility for a short-term hospital or nursing home stay. Also, the amendments clarify that the case manager may end the bed hold payment during the twenty day period when he/she determines that the client's stay is not short-term and there is no likelihood of return to the residential care facility from which the client was discharged.

Reasons Supporting Proposal: See above.

Statutory Authority for Adoption: Chapter 74.39A RCW.

Statute Being Implemented: RCW 18.20.290; chapters 372, 260, and 64, Laws of 2006.

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: Patricia Hague, P.O. Box 45600, Olympia, WA 98504-5600, (360) 725-2447; Implementation and Enforcement: Bonnie Hawkins, P.O. Box 45600, Olympia, WA 98504-5600, (360) 725-2499.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Chapter 19.85 RCW does not apply to the adoption of a rule described in RCW 34.05.310(4), 19.85.025(3), 34.05.310 (4)(e). Rules the content of which is explicitly and specifically dictated by statute; [RCW 34.05.310(4)](f) Rules that set or adjust fees or rates pursuant to legislative standards... WAC 388-105-0035 is explicitly and specifically dictated by statute. WAC 388-105-0005 and 388-105-0045 set and adjust fees in accordance with legislative standards.

Further, under RCW 19.85.030 (1)(a) a small business economic impact statement is not required when the proposed rule does not impose more than minor costs on businesses in an industry. These rules do not impose more than minor costs on businesses in an industry.

A cost-benefit analysis is not required under RCW 34.05.328. Under RCW 34.05.328 (5)(b)(v) and (vi), ADSA is exempt from preparing a cost-benefit analysis. The proposed rules are explicitly and specifically dictated by statute; and they set or adjust fees or rates pursuant to legislative standards.

July 26, 2006

Andy Fernando, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 06-07-013, filed 3/3/06, effective 4/3/06)

**WAC 388-105-0005** The daily Medicaid payment rates for clients assessed using the comprehensive assessment reporting evaluation (CARE) tool and that reside in adult family homes (AFH) and boarding homes contracted to provide assisted living (AL), adult residential care (ARC), and enhanced adult residential care (EARC) services. For contracted AFH and boarding homes contracted to provide AL, ARC, and EARC services, the department pays the following daily rates for care of a Medicaid resident:

COMMUNITY RESIDENTIAL DAILY RATES FOR CLIENTS ASSESSED USING CARE					
KING COUNTY					
CARE CLASSIFICATION	AL		ARC	EARC	AFH
	Without Capital	With Capital			
	Add-on	Add-on			
A Low (1)	\$((64.02)) <u>65.30</u>	\$((69.03)) <u>70.41</u>	\$((45.27)) <u>46.18</u>	\$((45.27)) <u>46.18</u>	\$((45.90)) <u>46.82</u>
A Med (2)	\$((69.32)) <u>70.71</u>	\$((74.33)) <u>75.82</u>	\$((51.37)) <u>52.40</u>	\$((51.37)) <u>52.40</u>	\$((52.09)) <u>53.13</u>
A High (3)	\$((77.78)) <u>79.34</u>	\$((82.78)) <u>84.45</u>	\$((65.61)) <u>66.92</u>	\$((65.61)) <u>66.92</u>	\$((58.28)) <u>59.45</u>
B Low (4)	\$((64.02)) <u>65.30</u>	\$((69.03)) <u>70.41</u>	\$((45.27)) <u>46.18</u>	\$((45.27)) <u>46.18</u>	\$((45.90)) <u>46.82</u>
B Med (5)	\$((71.44)) <u>72.87</u>	\$((76.45)) <u>77.98</u>	\$((57.47)) <u>58.62</u>	\$((57.47)) <u>58.62</u>	\$((58.28)) <u>59.45</u>
B High (6)	\$((85.18)) <u>86.88</u>	\$((90.19)) <u>91.99</u>	\$((73.75)) <u>75.23</u>	\$((73.75)) <u>75.23</u>	\$((66.52)) <u>67.85</u>
C Low (7)	\$((69.32)) <u>70.71</u>	\$((74.33)) <u>75.82</u>	\$((51.37)) <u>52.40</u>	\$((51.37)) <u>52.40</u>	\$((52.09)) <u>53.13</u>
C Med (8)	\$((77.78)) <u>79.34</u>	\$((82.78)) <u>84.45</u>	\$((65.61)) <u>66.92</u>	\$((65.61)) <u>66.92</u>	\$((66.52)) <u>67.85</u>
C High (9)	\$((96.83)) <u>98.77</u>	\$((101.84)) <u>103.88</u>	\$((85.96)) <u>87.68</u>	\$((85.96)) <u>87.68</u>	\$((87.15)) <u>88.89</u>
D Low (10)	\$((71.44)) <u>72.87</u>	\$((76.45)) <u>77.98</u>	\$((57.47)) <u>58.62</u>	\$((57.47)) <u>58.62</u>	\$((66.52)) <u>67.85</u>
D Med (11)	\$((77.78)) <u>79.34</u>	\$((82.78)) <u>84.45</u>	\$((65.61)) <u>66.92</u>	\$((65.61)) <u>66.92</u>	\$((74.78)) <u>76.28</u>
D High (12)	\$((96.83)) <u>98.77</u>	\$((101.84)) <u>103.88</u>	\$((85.96)) <u>87.68</u>	\$((85.96)) <u>87.68</u>	\$((87.15)) <u>88.89</u>

COMMUNITY RESIDENTIAL DAILY RATES FOR CLIENTS ASSESSED USING CARE					
METROPOLITAN COUNTIES*					
CARE CLASSIFICATION	AL		ARC	EARC	AFH
	Without Capital	With Capital			
	Add-on	Add-on			
A Low (1)	\$((58.73)) <u>59.90</u>	\$((63.28)) <u>64.54</u>	\$((45.27)) <u>46.18</u>	\$((45.27)) <u>46.18</u>	\$((45.90)) <u>46.82</u>
A Med (2)	\$((61.91)) <u>63.15</u>	\$((66.45)) <u>67.79</u>	\$((49.33)) <u>50.32</u>	\$((49.33)) <u>50.32</u>	\$((50.03)) <u>51.03</u>
A High (3)	\$((75.67)) <u>77.18</u>	\$((80.22)) <u>81.82</u>	\$((62.56)) <u>63.81</u>	\$((62.56)) <u>63.81</u>	\$((55.18)) <u>56.28</u>

COMMUNITY RESIDENTIAL DAILY RATES FOR CLIENTS ASSESSED USING CARE METROPOLITAN COUNTIES*					
CARE CLASSIFICATION	AL		ARC	EARC	AFH
	Without Capital	With Capital			
	Add-on	Add-on			
B Low (4)	\$((58.73)) <u>59.90</u>	\$((63.28)) <u>64.54</u>	\$((45.27)) <u>46.18</u>	\$((45.27)) <u>46.18</u>	\$((45.90)) <u>46.82</u>
B Med (5)	\$((67.20)) <u>68.54</u>	\$((71.75)) <u>73.18</u>	\$((54.42)) <u>55.51</u>	\$((54.42)) <u>55.51</u>	\$((55.18)) <u>56.28</u>
B High (6)	\$((83.07)) <u>84.73</u>	\$((87.62)) <u>89.37</u>	\$((69.69)) <u>71.08</u>	\$((69.69)) <u>71.08</u>	\$((63.43)) <u>64.70</u>
C Low (7)	\$((61.91)) <u>63.15</u>	\$((66.45)) <u>67.79</u>	\$((49.33)) <u>50.32</u>	\$((49.33)) <u>50.32</u>	\$((50.03)) <u>51.03</u>
C Med (8)	\$((75.67)) <u>77.18</u>	\$((80.22)) <u>81.82</u>	\$((62.56)) <u>63.81</u>	\$((62.56)) <u>63.81</u>	\$((63.43)) <u>64.70</u>
C High (9)	\$((93.65)) <u>95.52</u>	\$((98.20)) <u>100.16</u>	\$((79.85)) <u>81.45</u>	\$((79.85)) <u>81.45</u>	\$((80.97)) <u>82.59</u>
D Low (10)	\$((67.20)) <u>68.54</u>	\$((71.75)) <u>73.18</u>	\$((54.42)) <u>55.51</u>	\$((54.42)) <u>55.51</u>	\$((63.43)) <u>64.70</u>
D Med (11)	\$((75.67)) <u>77.18</u>	\$((80.22)) <u>81.82</u>	\$((62.56)) <u>63.81</u>	\$((62.56)) <u>63.81</u>	\$((70.65)) <u>72.06</u>
D High (12)	\$((93.65)) <u>95.52</u>	\$((98.20)) <u>100.16</u>	\$((79.85)) <u>81.45</u>	\$((79.85)) <u>81.45</u>	\$((80.97)) <u>82.59</u>

\*Benton, Clark, Franklin, Island, Kitsap, Pierce, Snohomish, Spokane, Thurston, Whatcom, and Yakima counties.

COMMUNITY RESIDENTIAL DAILY RATES FOR CLIENTS ASSESSED USING CARE NON-METROPOLITAN COUNTIES**					
CARE CLASSIFICATION	AL		ARC	EARC	AFH
	Without Capital	With Capital			
	Add-on	Add-on			
A Low (1)	\$((57.68)) <u>58.83</u>	\$((62.52)) <u>63.77</u>	\$((45.27)) <u>46.18</u>	\$((45.27)) <u>46.18</u>	\$((45.90)) <u>46.82</u>
A Med (2)	\$((61.91)) <u>63.15</u>	\$((66.75)) <u>68.09</u>	\$((48.32)) <u>49.29</u>	\$((48.32)) <u>49.29</u>	\$((49.00)) <u>49.98</u>
A High (3)	\$((75.67)) <u>77.18</u>	\$((80.51)) <u>82.12</u>	\$((61.55)) <u>62.78</u>	\$((61.55)) <u>62.78</u>	\$((54.15)) <u>55.24</u>
B Low (4)	\$((57.68)) <u>58.83</u>	\$((62.52)) <u>63.77</u>	\$((45.27)) <u>46.18</u>	\$((45.27)) <u>46.18</u>	\$((45.90)) <u>46.82</u>
B Med (5)	\$((67.20)) <u>68.54</u>	\$((72.04)) <u>73.48</u>	\$((53.41)) <u>54.48</u>	\$((53.41)) <u>54.48</u>	\$((54.16)) <u>55.24</u>
B High (6)	\$((83.07)) <u>84.73</u>	\$((87.91)) <u>89.67</u>	\$((67.65)) <u>69.00</u>	\$((67.65)) <u>69.00</u>	\$((62.41)) <u>63.66</u>
C Low (7)	\$((61.91)) <u>63.15</u>	\$((66.75)) <u>68.09</u>	\$((48.32)) <u>49.29</u>	\$((48.32)) <u>49.29</u>	\$((49.00)) <u>49.98</u>

COMMUNITY RESIDENTIAL DAILY RATES FOR CLIENTS ASSESSED USING CARE NON-METROPOLITAN COUNTIES**					
CARE CLASSIFICATION	AL		ARC	EARC	AFH
	Without Capital	With Capital			
	Add-on	Add-on			
C Med (8)	\$((75.67)) <u>77.18</u>	\$((80.51)) <u>82.12</u>	\$((61.55)) <u>62.78</u>	\$((61.55)) <u>62.78</u>	\$((62.41)) <u>63.66</u>
C High (9)	\$((93.65)) <u>95.52</u>	\$((98.49)) <u>100.46</u>	\$((76.80)) <u>78.34</u>	\$((76.80)) <u>78.34</u>	\$((77.88)) <u>79.44</u>
D Low (10)	\$((67.20)) <u>68.54</u>	\$((72.04)) <u>73.48</u>	\$((53.41)) <u>54.48</u>	\$((53.41)) <u>54.48</u>	\$((62.41)) <u>63.66</u>
D Med (11)	\$((75.67)) <u>77.18</u>	\$((80.51)) <u>82.12</u>	\$((61.55)) <u>62.78</u>	\$((61.55)) <u>62.78</u>	\$((68.59)) <u>69.96</u>
D High (12)	\$((93.65)) <u>95.52</u>	\$((98.49)) <u>100.46</u>	\$((76.80)) <u>78.34</u>	\$((76.80)) <u>78.34</u>	\$((77.88)) <u>79.44</u>

\*\* Non-Metropolitan Counties: Adams, Asotin, Chelan, Clallam, Columbia, Cowlitz, Douglas, Ferry, Garfield, Grant, Grays Harbor, Jefferson, Kittitas, Klickitat, Lewis, Lincoln, Mason, Okanogan, Pacific, Pend Orielle, San Juan, Skagit, Skamania, Stevens, Wahkiakum, Walla Walla and Whitman.

AMENDATORY SECTION (Amending WSR 06-07-012, filed 3/3/06, effective 4/3/06)

**WAC 388-105-0035 Requirements for a capital add-on rate for licensed boarding homes contracted to provide assisted living (AL) services.** (1)~~((a))~~ To the extent ~~((of available funding))~~ funds are appropriated to pay a capital add-on rate to AL contractors, beginning July 1, 2006 and every July 1 thereafter, the department will ~~((grant))~~ pay a capital add-on rate to AL contractors that have a Medicaid occupancy percentage that equals or exceeds ~~((the applicable biyearly Medicaid minimum occupancy percentage set))~~ sixty percent as determined in accordance with subsection (2) and (3) of this section ~~((and meet the construction requirements in subsection (4) of this section))~~. The department will pay the capital add-on rate to those AL contractors meeting the sixty percent Medicaid occupancy percentage for a full fiscal year i.e., July 1 through June 30.

(2) The department will determine an AL contractor's Medicaid occupancy percentage by dividing its Medicaid resident days from the last six months of the calendar year preceding the applicable July 1 rate effective date by the product of the weighted average for all its licensed boarding home beds irrespective of use times the calendar days (one hundred eighty-four) for the same six-month period ~~((beginning one year prior to the percentage effective date))~~.

(3)~~((a))~~ To set the biyearly Medicaid minimum occupancy percentage, the department will:

- (i) Determine the estimated total budgeted funds for capital add-on rates for the six-month period;
- (ii) Rank from highest to lowest the individual AL contractor occupancy percentages determined in accordance with subsection (2) of this section;
- (iii) Assign, beginning with the highest AL contractor's Medicaid occupancy percentage, the estimated expenditure

needed to pay the capital add-on rate to each facility for the six-month period;

~~(iv) Identify the AL contractor's Medicaid occupancy percentage at which the estimated total budgeted funds determined under subsection (3)(a)(i) of this section would be expended; and~~

~~(v) Set that Medicaid occupancy percentage as the biyearly Medicaid minimum occupancy percentage.~~

~~(b) The biyearly Medicaid minimum occupancy percentage will be set every January 1 and July 1.~~

~~(4) To receive a capital add-on rate, the AL contractor that meets the Medicaid minimum occupancy percentage established in accordance with subsection (2) and (3) of this section must:~~

~~(a) Attest in writing that it has units that meet the following requirements and that it places Medicaid residents in such units, except the contractor need only place the Medicaid resident in a room with a roll-in shower when the resident's service plan and assessment details require the Medicaid resident to have a roll-in shower:~~

~~(i) A private apartment-like unit of two hundred and twenty square feet that may include counters, closets and built-ins, but must exclude the bathroom;~~

~~(ii) A separate private bathroom that includes a sink, toilet, and a shower or bathtub. The licensed boarding home must have a minimum of one wheelchair accessible bathroom with a roll-in shower of at least forty-eight inches by thirty inches for every two residents whose care is partially or fully funded by Medicaid;~~

~~(iii) A lockable entry door;~~

~~(iv) A kitchen area equipped with a refrigerator, microwave oven or stove top; a counter surface of a minimum of thirty inches wide by twenty-four inches in depth, a maximum height of thirty-four inches, and a knee space beneath at~~

least twenty-seven inches in height; a storage space for utensils and supplies; and

(v) A living area wired for telephone and television service when available in the geographic location; or

(b) ~~When the AL contractor does not have units that meet the requirements of subsection (4)(a) of this section, then the AL contractor may receive a capital add-on rate when its AL facility meets the definition of "new boarding home" in WAC 388-110-140 (2)(a) or its AL facility is "grandfathered" under WAC 388-110-140(3))~~ For the purposes of this section, Medicaid resident days include those clients enrolled in Medicaid managed long-term care programs, including but not limited to the program for all inclusive care (PACE) and Medicaid/Medicare integration project (MMIP).

AMENDATORY SECTION (Amending WSR 06-07-013, filed 3/3/06, effective 4/3/06)

**WAC 388-105-0045 Bed or unit hold - Medicaid resident discharged from a hospital or nursing home stay from an adult family home (AFH) or a boarding home (~~with an~~) contracted to provide adult residential care ((services)) (ARC), enhanced adult residential care ((services)) (EARC), or assisted living services (AL) ((contract)).** (1) When an AFH, ARC, EARC, or AL contracts to provide services under chapter 74.39A RCW, the AFH, ARC, EARC, and AL contractor must hold a Medicaid eligible resident's bed or unit when:

(a) Short-term care is needed in a nursing home or hospital;

(b) The resident is likely to return to the AFH, ARC, EARC, or AL; and

(c) Payment is made under subsection (3) of this section.

(2)~~(a)~~ When the department pays the contractor to hold the Medicaid resident's bed or unit during the resident's short-term nursing home or hospital stay, the contractor must hold the ~~((unit or))~~ bed or unit for up to twenty days. If during the twenty day bed hold period, a department case manager determines that the Medicaid resident's hospital or nursing home stay is not short term and the Medicaid resident is unlikely to return to the AFH, ARC, EARC or AL facility, the department will cease paying for the bed hold the day the case manager notifies the contractor of his/her decision.

~~(b)~~ A Medicaid resident's discharge from an AFH, ARC, EARC, or an AL facility for a short term stay in a nursing home or hospital must be longer than twenty-four hours before subsection (3) of WAC 388-105-0045 applies.

(3) The department will compensate the contractor for holding the bed or unit for the:

(a) First through seventh day at seventy percent of the Medicaid daily rate paid for care of the resident before the hospital or nursing home stay; and

(b) Eighth through the twentieth day, at ~~((ten))~~ eleven dollars ~~((and seventy-eight cents))~~ a day.

(4) The AFH, ARC, EARC, or AL facility may seek third-party payment to hold a bed or unit for twenty-one days or longer. The third-party payment shall not exceed the Medicaid daily rate paid to the facility for the resident. If third-party payment is not available and the returning Medicaid resident continues to meet the admission criteria under chap-

ter 388-71 and/or 388-106 WAC, then the Medicaid resident may return to the first available and appropriate bed or unit.

(5) The department's social worker or case manager determines whether the:

(a) Stay in a nursing home or hospital will be short-term; and

(b) Resident is likely to return to the AFH, ARC, EARC, or AL facility.

(6) When the resident's stay in the hospital or nursing home exceeds twenty days or the department's social worker or case manager determines that the Medicaid resident's stay in the nursing home or hospital is not short-term and the resident is unlikely to return to the AFH, ARC, EARC, or AL facility, then only subsection (4) of this section applies to any private contractual arrangements that the contractor may make with a third party in regard to the discharged resident's unit or bed.

## WSR 06-16-086

### PROPOSED RULES

#### EMPLOYMENT SECURITY DEPARTMENT

[Filed July 31, 2006, 1:55 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-11-072.

Title of Rule and Other Identifying Information: Chapter 192-250 WAC is adopted to interpret and clarify provisions of chapter 50.60 RCW, the shared work unemployment compensation program.

Hearing Location(s): Employment Security Department, Maple Leaf Conference Room, 2nd Floor, 212 Maple Park, Olympia, WA, on September 12, 2006, at 10:00 a.m.

Date of Intended Adoption: September 15, 2006.

Submit Written Comments to: Larry Oline, Agency Rules Coordinator, P.O. Box 9046, Olympia, WA 98507-9046, e-mail [Loline@esd.wa.gov](mailto:Loline@esd.wa.gov), fax (360) 902-0008, by September 11, 2006.

Assistance for Persons with Disabilities: Contact Beverly Peterson by September 8, 2006, TTY (360) 902-9569 or (360) 902-9234.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The rules clarify eligibility requirements for employers and employees who [are] applying for the shared work program. They explain the department's reporting expectations for employers, clarify the number of plans an employer may have, explain the circumstances under which a plan may be revoked, and define terms. Previous rules on the shared work program contained in chapter 192-36 WAC are repealed.

Reasons Supporting Proposal: Staff who administer the shared work program have identified a need for rules that more clearly explain the department's interpretation of state law governing the program, including clarifying eligibility requirements and defining terms.

Statutory Authority for Adoption: RCW 50.12.010, 50.12.040, and 50.60.901.

Statute Being Implemented: Chapter 50.60 RCW.



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

Name of Proponent: Employment security department, governmental.

Name of Agency Personnel Responsible for Drafting: Juanita Myers, 212 Maple Park, Olympia, (360) 902-9665; Implementation and Enforcement: Annette Copeland, 212 Maple Park, Olympia, (360) 902-9303.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has analyzed the proposed rules and determined they do not have any additional compliance costs or administrative burdens for small business. Thus a small business economic impact statement is not required.

A cost-benefit analysis is not required under RCW 34.05.328. The proposed rules are interpretive rather than substantive. The rules clarify the requirements of participating employers and employees established under chapter 50.60 RCW. They do not impose penalties or establish qualifications or standards for any license or permit.

July 31, 2006

Karen T. Lee

Commissioner

#### NEW SECTION

**WAC 192-100-040 Seasonal employment.** The term "seasonal employment" means work with regular periodic layoffs, showing a consistent pattern of employment and unemployment.

### **Chapter 192-250 WAC**

#### **Shared Work Program**

#### NEW SECTION

**WAC 192-250-005 Definitions.** For purposes of this chapter:

(1) "Full time employment" means paid time of thirty-five to forty hours each week.

(2) "General economic downturn" means a regional slowdown in work within an industry that is not due to factors that are typical for the industry or occupation.

(3) "Seasonal employment" is defined in WAC 192-100-040.

#### NEW SECTION

**WAC 192-250-010 What is the shared work program and who can participate?** (1) The shared work program is a voluntary program that offers Washington employers an alternative to laying off skilled employees during periods of general economic downturn.

(2) An employer may reduce an employee's full-time weekly work hours from ten to fifty percent and the employee can receive the same percentage of unemployment benefits. For example, an eligible employee who normally works forty hours each week is reduced to thirty hours per week, a reduction of twenty-five percent. The employee is eligible to

receive twenty-five percent of his or her weekly benefit amount, regardless of the wages earned that week.

(3) Both public and private sector employers are eligible to participate in the program.

(4) An employer or employers' association must submit a signed shared work plan application to the commissioner for approval. A plan that meets the approval criteria listed in RCW 50.60.030 and this chapter will be approved for a maximum of fifty-two weeks.

#### NEW SECTION

**WAC 192-250-015 When is an employer eligible to participate in the shared work program?** A business must be legally registered in the state of Washington for at least six months (one hundred eighty days) before applying for the shared work program. "Registration" includes being issued an Employment Security (ES) reference number as well as a Unified Business Identifier (UBI) number.

#### NEW SECTION

**WAC 192-250-020 What is the criteria for having a shared work plan approved?** In addition to the criteria listed in RCW 50.60.030, employers must:

(1) Be current in the payment of all unemployment insurance taxes required under Title 50 RCW, or have an approved deferred payment contract on file with the department;

(2) Include their ES reference number on the plan application; and

(3) Designate a representative to be a liaison between the department and the employees who participate in the shared work plan.

#### NEW SECTION

**WAC 192-250-025 What are the requirements for employers with an approved shared work plan? (1) What information am I responsible for providing to my employees?** When your shared work plan is approved, you are responsible for telling your employees:

(a) They are approved for participation in the shared work program;

(b) How to apply for shared work benefits; and

(c) How to file their weekly claims.

(2) **What employee fringe benefits do I have to provide while participating in the shared work program?** (a) You must continue to provide your employees with health benefits and with retirement benefits for defined pension plans under Section 3(35) of the Employee Retirement Income Security Act of 1974. You must maintain these benefits for your shared work employees as though their weekly hours had not been reduced.

(b) You must continue to provide paid vacation, holiday, and sick leave on the same basis as before their hours were reduced.

(c) Other benefits such as long-term disability and life insurance are optional. You may choose to provide these benefits but they are not a requirement for participation in the program.

**(3) What is required if the business name is changed?**

You must report any change in your business name to the shared work program unit within ten working days.

**(4) What is required if the designated employer representative is changed?** You must notify the shared work unit of the change within ten working days.

**(5) Can I modify an approved shared work plan?** Answering "yes" to plan modification on your application allows additional employees or units of your business to be added after the approved plan start date. You may also modify the number of hours an employee works during a week according to the needs of your business. Adding new employees or units to an approved plan is subject to the same eligibility review that applied to the original plan.

**(6) Can I change the definition of full-time work for my employees?** No. Once you have established the number of hours that are full-time for the worker on the original application, this number may not be modified.

**(7) What other information am I responsible for giving the department?** In addition to the application for participation in the program, you are responsible for verifying the information on the report of shared work payments sent by the department. You must report any discrepancies to the shared work unit within ten working days.

**(8) How many shared work plans may I have?** (a) You may have two shared work plans within a three year period beginning with the effective date of the first plan. We will review each shared work plan application to see if it meets the eligibility requirements. Even if a previous plan was approved, this does not mean subsequent plans are automatically approved.

(b) You will not be eligible for a new plan until at least twelve months after the expiration date of the second approved plan.

(c) A plan may be approved for up to twelve months from the effective date. Plans approved for fewer than twelve months still count as one plan.

(d) If your business is approved for a shared work plan, but your employees do not claim shared work benefits during the life of the plan, it will still be treated as one plan within the three year period.

(e) The commissioner may, in individual cases and at his or her discretion, waive the twelve month waiting period in subsection (b).

**(9) What if my ES reference number changes?** You must report the change to the shared work unit within ten working days. A change in ES reference number represents a change in employer and the existing shared work plan will be canceled. The successor employer may submit a new shared work plan application to the department for review.

NEW SECTION

**WAC 192-250-030 What are the grounds for revoking a shared work plan?—RCW 50.60.070.** The department may revoke a shared work plan for good cause. For purposes of this chapter "good cause" includes, but is not limited to:

(1) An employer's failure within ten working days to:

(a) Report a change in their ES reference number.

(b) Report an impending sale or transfer of the business or company.

(c) Report a change in the designated employer representative.

(d) Provide wage and hour reports, documents, or other information needed by the shared work unit to decide if the employer or employee(s) is eligible for participation in the shared work program.

(e) Verify the information on the employer's shared work payments report, and notify the shared work unit of any discrepancies in writing.

(2) An employer's failure to maintain employee fringe benefits as required by WAC 192-250-025(2) while participating in the program.

NEW SECTION

**WAC 192-150-035 Information for employees participating in an approved shared work plan. (1) What are the requirements for participating in my employer's plan?** You must have at least four hundred sixty hours of work with this employer in the calendar quarter before the quarter in which your employer's application is submitted.

**(2) When do I apply for benefits?** Your employer representative will tell you if you need to apply for benefits and how to do so. If you have a current valid claim, you do not need to apply again.

**(3) How do I file my weekly claim for benefits?** See WAC 192-140-005 for instructions on filing weekly claims. You must also report the number of hours you were paid for holidays, vacations, or sick leave. You must report hours and gross earnings for part-time and second jobs, plus your hours and net earnings from any self-employment. You can file weekly claims by telephone or over the internet.

**(4) What happens if the total number of hours worked is not a whole number?** If the total number of hours you worked in a week includes a fraction of an hour, the department will round the total down to the next whole number. This rounded number will be compared to your usual hours of work to calculate your shared work benefit payment for the week. For example: You work 28.5 hours of a normal 40 hour week. The 28.5 hours is rounded down to 28 hours and then divided by 40, meaning you worked 70 percent of the available hours. Your shared work payment would be 30 percent of your regular weekly benefit amount.

**(5) What happens if I don't work all scheduled hours for my shared work employer?** (a) You are not eligible for shared work benefits for any week that you do not work all hours you have been scheduled by your shared work employer.

(b) You must be available for additional hours of work, up to full time, with the shared work employer. If your employer gives you at least 24 hours' notice that additional work is available and you do not work those additional hours, you are not eligible for shared work benefits for that week.

(c) When you are not eligible for shared work benefits in any week claimed, your claim will be processed as a regular unemployment claim.

**(6) Do I have to look for work while participating in the shared work program?** No. You are not required to

look for work while participating in the shared work program.

(7) **Is there a minimum or maximum number of hours I can work in a week and still receive shared work benefits?** You must have 20 to 36 hours of paid time during a week to receive shared work benefits. In any week you are paid for fewer than 20 hours or more than 36 hours, your claim will be processed as a regular unemployment claim.

(8) **How long can I receive shared work benefits?** You can receive up to 26 weeks of shared work payments during your benefit year, depending on the maximum amount of benefits available on your claim. The 26 weeks do not have to be claimed consecutively. Your waiting week counts as one of the 26 weeks of shared work payments.

**Reviser's note:** The above new section was filed by the agency as WAC 192-150-035. This section is placed among sections forming new chapter 192-250 WAC, and therefore should be numbered WAC 192-250-035. Pursuant to the requirements of RCW 34.08.040, the section is published in the same form as filed by the agency.

NEW SECTION

**WAC 192-250-045 Who is not eligible for participation in the shared work program?** (1) The following employees are not eligible for participation in the shared work program:

(a) Employees paid on any basis other than hourly wage. This includes, but is not limited to, employees paid on a piece rate, mileage rate, job rate, salary, or commission basis. The commissioner may waive this provision for employees paid on a piece rate basis if an hourly rate of pay can be established.

(b) Officers of the corporation that is applying for participation.

(2) The following businesses are not eligible for participation in the shared work program:

(a) Businesses with a benefit ratio of more than 5.4 percent.

(b) Nonqualified employers, meaning employers who have reported no payroll for four consecutive quarters.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 192-36-010 Information for employees participating in an approved shared work plan.
- WAC 192-36-015 Criteria for approving a shared work plan.
- WAC 192-36-020 Information for employers with an approved shared work plan.
- WAC 192-36-025 Are corporate officers eligible for participation in the shared work program?

**WSR 06-16-099**

**PROPOSED RULES**

**DEPARTMENT OF PERSONNEL**

[Filed August 1, 2006, 8:31 a.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: WAC 357-01-072 Child and 357-01-227 Parent.

Hearing Location(s): Department of Personnel, Classroom #4, 600 South Franklin Street, Olympia, WA 98504, on September 14, 2006, at 8:30 a.m.

Date of Intended Adoption: September 14, 2006.

Submit Written Comments to: Connie Goff, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by September 8, 2006. FOR DOP TRACKING PURPOSES PLEASE NOTE ON SUBMITTED COMMENTS "FORMAL COMMENT."

Assistance for Persons with Disabilities: Contact department of personnel by September 8, 2006, TTY (360) 753-4107 or (360) 586-8260.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These proposed changes will line up the definitions of "child" and "parent" with the definitions found in chapter 49.78 WAC.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: These changes are necessary to line up the definitions of "child" and "parent" with the definitions found in chapter 49.78 RCW.

Name of Proponent: Department of personnel, governmental.

Name of Agency Personnel Responsible for Drafting: Connie Goff, 521 Capitol Way South, Olympia, WA, (360) 664-6250; Implementation and Enforcement: Department of personnel.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

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

July 31, 2006  
Eva N. Santos  
Director

AMENDATORY SECTION (Amending WSR 05-12-093, filed 5/27/05, effective 7/1/05)

**WAC 357-01-072 Child.** A biological, adopted, or foster child, or a stepchild((-)), a legal ward, or a child of a person standing in loco parentis, who is:

(1) under eighteen years of age; or

(2) eighteen years of age or older and incapable of self-care because of a mental or physical disability.

AMENDATORY SECTION (Amending WSR 05-12-093, filed 5/27/05, effective 7/1/05)

**WAC 357-01-227 Parent.** A biological or adoptive parent of an employee or an individual who stood *in loco parentis* to an employee when the employee was a child. A person who had day-to-day responsibilities to care for and financially support the employee when he or she was a child is considered to have stood *in loco parentis* to the employee.

**WSR 06-16-100**  
**PROPOSED RULES**  
**DEPARTMENT OF PERSONNEL**

[Filed August 1, 2006, 8:32 a.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: WAC 357-34-065 What must be included in the required supervisory or managerial training?, 357-34-090 Who provides the required supervisory or managerial training?, and 357-58-385 What is the responsibility of general government employers to provide training and development to WMS employees?

Hearing Location(s): Department of Personnel, Classroom #4, 600 South Franklin Street, Olympia, WA 98504, on September 14, 2006, at 8:30 a.m.

Date of Intended Adoption: September 14, 2006.

Submit Written Comments to: Connie Goff, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by September 8, 2006. FOR DOP TRACKING PURPOSES PLEASE NOTE ON SUBMITTED COMMENTS "FORMAL COMMENT."

Assistance for Persons with Disabilities: Contact department of personnel by September 8, 2006, TTY (360) 753-4107 or (360) 586-8260.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Department of personnel has designed a new supervisory training curriculum. These proposed modifications to the training rules are to support the new supervisory training.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: These changes are necessary due to a new supervisory training curriculum developed by the department of personnel.

Name of Proponent: Department of personnel, governmental.

Name of Agency Personnel Responsible for Drafting: Connie Goff, 521 Capitol Way South, Olympia, WA, (360) 664-6250; Implementation and Enforcement: Department of personnel.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

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

July 31, 2006  
Eva N. Santos  
Director

AMENDATORY SECTION (Amending WSR 05-01-195, filed 12/21/04, effective 7/1/05)

**WAC 357-34-065 What must be included in the required supervisory or managerial training?** (1) At a minimum, the entry-level supervisory or managerial training required by WAC 357-34-055 must include all of the following topics:

~~((+))~~ (a) The role and legal responsibilities of a supervisor/manager.

~~((=))~~ (b) Performance management, including employee performance evaluation, development, counseling or coaching, and discipline.

(c) Compensation practices.

(d) Recruitment and selection processes and practices.

(e) Labor relations practices and processes.

~~((3) Employee motivation, recognition, and rewards.)~~

~~((4) Communication skills and principles.)~~

~~((5) Leadership styles and methods.)~~

(2) In addition, supervisors and managers may also receive training on other topics identified by the employer.

AMENDATORY SECTION (Amending WSR 05-01-195, filed 12/21/04, effective 7/1/05)

**WAC 357-34-090 Who provides the required supervisory or managerial training?** The department provides training activities to fulfill the requirement in WAC 357-34-055 and/or consultative services, as requested, to assist ~~((the))~~ employers ~~((to))~~ in development of their own programs. Employer-developed training must satisfy the requirements of WAC 357-34-060 and 357-34-065.

AMENDATORY SECTION (Amending WSR 05-12-070, filed 5/27/05, effective 7/1/05)

**WAC 357-58-385 What is the responsibility of general government employers to provide training and development to WMS employees?** ~~((In addition to those responsibilities identified in chapter 357-34 WAC, general government employers must provide WMS development and training opportunities specifically designed to refine and broaden managerial knowledge and leadership competencies. Diversity, performance management, and education for managing employees in a civil service system must be part of this training. WMS employees must complete the core curriculum on leadership competencies as determined by the department of personnel within eighteen months of being appointed to a WMS position.))~~ General government employers must provide all WMS employees development and training opportunities designed to broaden managerial and leadership competencies. Diversity and performance management must be part of this training. WMS employees who supervise staff must meet the requirements in chapter 357-34 WAC.

**WSR 06-16-101**  
**PROPOSED RULES**  
**DEPARTMENT OF PERSONNEL**

[Filed August 1, 2006, 8:33 a.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: WAC 357-16-025 How must the department inform prospective applicants of recruitments? and 357-16-100 How soon must employers notify applicants of their examination results?

Hearing Location(s): Department of Personnel, Classroom #4, 600 South Franklin Street, Olympia, WA 98504, on September 14, 2006, at 8:30 a.m.

Date of Intended Adoption: September 14, 2006.

Submit Written Comments to: Connie Goff, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by September 8, 2006. FOR DOP TRACKING PURPOSES PLEASE NOTE ON SUBMITTED COMMENTS "FORMAL COMMENT."

Assistance for Persons with Disabilities: Contact department of personnel by September 8, 2006, TTY (360) 753-4107 or (360) 586-8260.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These changes are necessary for the implementation of the new e-recruiting system.

Statutory Authority for Adoption: Chapter 41.06 RCW. Statute Being Implemented: RCW 41.06.150.

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

Name of Proponent: Department of personnel, governmental.

Name of Agency Personnel Responsible for Drafting: Connie Goff, 521 Capitol Way South, Olympia, WA, (360) 664-6250; Implementation and Enforcement: Department of personnel.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

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

July 31, 2006

Eva N. Santos  
 Director

AMENDATORY SECTION (Amending WSR 05-01-200, filed 12/21/04, effective 7/1/05)

**WAC 357-16-025 How must employers and the department inform prospective applicants of recruitments?** (~~Notice of recruitment must be issued publicly. The notice must specify the period of recruitment and include information about the length of time eligible applicants will be retained in a pool.~~) Employers and the department may conduct recruitments without notice by sourcing job seekers from the talent pool maintained by the department. If the department or employer does not source job seekers from the central talent pool for recruitment, notice of recruitment must be issued publicly. The notice must specify the period of recruitment.

AMENDATORY SECTION (Amending WSR 05-01-200, filed 12/21/04, effective 7/1/05)

**WAC 357-16-100 (~~How soon must~~) Must employers (~~notify applicants of their~~) make final examination results available to an applicant?** (~~Employers must notify applicants in writing of their final examination results within a reasonable time period as determined by the employer. For purposes of this rule, written notice may be provided using alternative methods such as e-mail, campus mail, the state mail service, or commercial parcel delivery in accordance with WAC 357-04-105.~~) An applicant's final examination results must be made available within a reasonable time period as determined by the employer.

**WSR 06-16-102**  
**PROPOSED RULES**  
**DEPARTMENT OF PERSONNEL**

[Filed August 1, 2006, 8:34 a.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: WAC 357-31-265 What is the effect of suspended operations on employees who are not required to work during the closure?

Hearing Location(s): Department of Personnel, Classroom #4, 600 South Franklin Street, Olympia, WA 98504, on September 14, 2006, at 8:30 a.m.

Date of Intended Adoption: September 14, 2006.

Submit Written Comments to: Connie Goff, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by September 8, 2006. FOR DOP TRACKING PURPOSES PLEASE NOTE ON SUBMITTED COMMENTS "FORMAL COMMENT."

Assistance for Persons with Disabilities: Contact department of personnel by September 8, 2006, TTY (360) 753-4107 or (360) 586-8260.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The modifications to WAC 357-31-265 are necessary for this rule to be in line with the Fair Labor Standards Act.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

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

Name of Proponent: Department of personnel, governmental.

Name of Agency Personnel Responsible for Drafting: Connie Goff, 521 Capitol Way South, Olympia, WA, (360) 664-6250; Implementation and Enforcement: Department of personnel.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

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

July 31, 2006

Eva N. Santos  
 Director

AMENDATORY SECTION (Amending WSR 05-08-137, filed 4/6/05, effective 7/1/05)

**WAC 357-31-265 What is the effect of suspended operations on employees who are not required to work during the closure?** At a minimum, employees not required to work during suspended operations must be allowed to use their personal holiday(;) or accrued vacation leave(;- accrued compensatory time, or leave without pay to account for the time lost due to the closure). ((If an employer's suspended operations procedure allows, employees may also be released without a loss in pay or given a reasonable opportunity to make up work time lost as a result of the suspended operations.)) Overtime-eligible employees must also be allowed to use accrued compensatory time to account for the time lost due to the closure. Overtime-eligible employees may be allowed to use leave without pay and given an opportunity to make up the time lost (as a result of suspended operations) within the work week. For overtime eligible employees, compensation for making up lost work time must be ((granted on a compensatory time basis at not less than straight time nor more than time and one-half.)) in accordance with WAC 357-28-255, 357-28-260, and 357-28-265 when applicable. and must be part of the employer's suspended operations procedures. The amount of compensation earned under this section must not exceed the amount of salary lost by the employee due to suspended operation.

If the employer's suspended operations policy allows, employees may be released without a loss in pay.

### WSR 06-16-103

#### PROPOSED RULES

#### DEPARTMENT OF PERSONNEL

[Filed August 1, 2006, 8:36 a.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: WAC 357-07-005 What is the purpose of this chapter?, 357-07-010 What definitions apply to public records?, 357-07-015 How does the department index its records?, 357-07-020 How can I obtain a copy of the department's records index?, 357-07-025 How do I request to inspect or get a copy of a public record?, 357-07-030 How will the department respond to my request?, 357-07-035 What happens if the department determines that all or part of a requested public record is exempt from disclosure?, 357-07-050 What is the fee to copy a public record?, 357-07-060 When is the department of personnel permitted to dispose of public records?, 357-07-065 How is the department of personnel organized?, and 357-07-070 What is the department of personnel's general method of operation?.

Hearing Location(s): Department of Personnel, Classroom #4, 600 South Franklin Street, Olympia, WA 98504, on September 14, 2006, at 8:30 a.m.

Date of Intended Adoption: September 14, 2006.

Submit Written Comments to: Connie Goff, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by Sep-

tember 8, 2006. FOR DOP TRACKING PURPOSES PLEASE NOTE ON SUBMITTED COMMENTS "FORMAL COMMENT."

Assistance for Persons with Disabilities: Contact department of personnel by September 8, 2006, TTY (360) 753-4107 or (360) 586-8260.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These changes are necessary because the public disclosure law was recodified from chapter 42.17 RCW to chapter 42.56 RCW. The other changes are so department of personnel will be in compliance with chapter 42.56 RCW.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: These changes are necessary because the public disclosure law was recodified from chapter 42.17 to 42.56 RCW.

Name of Proponent: Department of personnel, governmental.

Name of Agency Personnel Responsible for Drafting: Connie Goff, 521 Capitol Way South, Olympia, WA, (360) 664-6250; Implementation and Enforcement: Department of personnel.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

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

July 31, 2006

Eva N. Santos

Director

AMENDATORY SECTION (Amending WSR 05-01-202, filed 12/21/04, effective 7/1/05)

**WAC 357-07-005 What is the purpose of this chapter?** The purpose of this chapter is to ensure that the department of personnel complies with the provisions of state law on public disclosure, chapter ~~((42.17))~~ 42.56 RCW. The statutes that specifically address public records are found in RCW ~~((42.17.250))~~ 42.56.001 through ~~((42.17.348))~~ 42.56.902.

AMENDATORY SECTION (Amending WSR 05-01-202, filed 12/21/04, effective 7/1/05)

**WAC 357-07-010 What definitions apply to public records?** Terms defined in the State Public Records Act, chapter ~~((42.17))~~ 42.56.010 RCW, have the same meaning when used in these rules.

AMENDATORY SECTION (Amending WSR 05-01-202, filed 12/21/04, effective 7/1/05)

**WAC 357-07-015 How does the department index its records?** (1) The department maintains and makes available for public inspection and copying an index that provides

identifying information for public records as described in RCW ((42.17.260)) 42.56.070(3).

(2) ~~((The index is maintained in electronic form with copies available on paper.))~~ The index includes:

- (a) Personnel Resource Board decisions;
- (b) Department of Personnel (DOP) Strategic Plan;
- (c) Washington Management Service Strategic Plan;
- (d) Administrative Staff Manuals;
- (e) DOP Employee Survey;
- (f) DOP Affirmative Action Plan;
- (g) DOP Internal Policies;
- (h) Director's Reviews;
- (i) Director's Meeting Minutes;
- (j) Referrals; and
- (k) Registers

(3) ~~((The index contains topic and subtopic headings that people can use to facilitate finding a specific public record.))~~ The index is available to the public on the same basis as other public records.

(4) ~~((The index is available to the public on the same basis as other public records.))~~ The department revises and updates the index monthly.

~~((5) The department revises and updates the index biennially.))~~

AMENDATORY SECTION (Amending WSR 05-01-202, filed 12/21/04, effective 7/1/05)

**WAC 357-07-020 How can I obtain a copy of the department's records index?** ~~((The department makes copies of the index available at no charge upon request to the agency public records officer at:))~~ The index can be found at: <http://www.dop.wa.gov/>. A paper copy will be available upon request to the agency public disclosure coordinator:

Public ~~((Records Officer))~~ Disclosure Coordinator  
Washington State Department of Personnel  
521 Capitol Way South  
PO Box 47500  
Olympia, Washington 98504  
Email: [publicrecords@dop.wa.gov](mailto:publicrecords@dop.wa.gov)

AMENDATORY SECTION (Amending WSR 05-01-202, filed 12/21/04, effective 7/1/05)

**WAC 357-07-025 How do I request to inspect or get a copy of a public record?** (1) ~~((All requests))~~ Requests for public records ((must)) may be ((submitted)) made in writing, ((to the department public records officer)) by email, fax, or orally to the public disclosure coordinator at:

Public ~~((Records Officer))~~ Disclosure Coordinator  
Washington State Department of Personnel  
521 Capitol Way South  
PO Box 47500  
Olympia, Washington 98504  
Email: [publicrecords@dop.wa.gov](mailto:publicrecords@dop.wa.gov)  
Fax: 360-586-4694  
Phone: 360-664-6318

~~((The department will not accept public records requests via e-mail unless such a request is approved in advance by the~~

~~director, the public records officer, or an authorized designee.))~~

(2) ~~((Public records requests must contain the following information:))~~ A form is available at <http://www.dop.wa.gov/> for a public records request but is not required as long as the request contains the following information:

- (a) The name, address and telephone number of the person requesting the record;
- (b) The date on which the request is being made;
- (c) A description of the record(s) requested;
- (d) If the requested record is referenced in a current department of personnel index, a reference to the record as described in the index; and

(e) If the request is for a list of individuals, the requester must certify that the information will not be used for commercial purposes except as permitted by RCW ((42.17.260)) 42.56.070(9).

~~((3) If the requester desires, the department will provide a form to be used for public record requests.))~~

~~((4))~~ (3) The public ((records officer or designee)) disclosure coordinator will assist members of the public to clarify a request or to identify specific records or types of records. The department may require a requester to provide additional information to sufficiently identify records or to determine whether a lawful exemption applies.

AMENDATORY SECTION (Amending WSR 05-01-202, filed 12/21/04, effective 7/1/05)

**WAC 357-07-030 How will the department respond to my request?** ~~((1))~~ Within five days of receiving a public records request, the department will respond and either:

- ~~((a))~~ (1) Make the requested record(s) available;
- (2) Make the requested record(s) available on a partial or installment basis as records that are part of a larger set of requested records are assembled or made ready for inspection or disclosure.
- ~~((b))~~ (3) Deny all or part of the request as described in WAC 357-07-070; or

~~((c))~~ (4) Acknowledge receipt of the request and estimate the reasonable time period needed to respond to the request as permitted by RCW ((42.17.320)) 42.56.

~~((2) The director or designee within two working days of the denial will review denials of requests for public records.))~~

AMENDATORY SECTION (Amending WSR 05-01-202, filed 12/21/04, effective 7/1/05)

**WAC 357-07-035 What happens if the department determines that all or part of a requested public record is exempt from disclosure?** (1) The department must determine whether all or any portion of a requested public record is exempt from disclosure under chapter ((42.17)) 42.56 RCW or other applicable law.

(2) The ((public records officer)) department may delete information from any record before permitting public inspection or copying if the information is exempt from disclosure according to ((RCW 42.17.310, another section of chapter 42.17)) 42.56 RCW or other applicable law. After such data

is deleted, the remainder of the record must be made available.

(3) The department must accompany any denial of a requested public record, or portion of a record, with a written statement specifying the reason for the denial. The statement must include a reference to the specific exemption in chapter ~~((42.17))~~ 42.56 RCW ~~((that))~~ or other applicable law which authorizes withholding the record or portion of the record, and a brief explanation of how the exemption applies to the material being withheld.

AMENDATORY SECTION (Amending WSR 05-01-202, filed 12/21/04, effective 7/1/05)

**WAC 357-07-050 What is the fee to copy a public record?** (1) The department makes copies of its rules available at no charge. Otherwise, the following fees apply:

(a) Fifteen cents per page for copies of public records exceeding 25 pages; or

(b) The actual cost of postage or delivery and for duplicating tape recordings, videotapes, photographs, slides, disks, or similar media.

(2) Charges are ordinarily payable at the time copies are furnished and must be paid with a money order or cashier's check; cash, credit cards, and personal checks are not an acceptable form of payment. ~~((If copying costs are expected to exceed fifty dollars, the department may request payment in advance of making copies.))~~ The department may require a deposit in an amount not to exceed ten percent of the estimated cost of providing copies for a request.

(3) The public ~~((records officer))~~ disclosure coordinator may waive any of the foregoing fees for good cause, including but not limited to circumstances when total copying costs would be negligible.

AMENDATORY SECTION (Amending WSR 05-01-202, filed 12/21/04, effective 7/1/05)

**WAC 357-07-060 When is the department of personnel permitted to dispose of public records?** Public records as defined in RCW 40.14.010 or ~~((42.17.020))~~ 42.56.010 are the property of the state of Washington and may only be disposed of as authorized by the state records committee under chapter 40.14 RCW.

AMENDATORY SECTION (Amending WSR 05-01-202, filed 12/21/04, effective 7/1/05)

**WAC 357-07-065 How is the department of personnel organized?** The staff is organized in ~~((five))~~ six general areas:

(1) Personnel services: ~~((which))~~ provides consultation and services related to recruitment, assessment, affirmative action, human resources, salary surveys, compensation plan administration, and classification to state agencies, institutions of higher education, and related higher education boards.

(2) ~~((Human resource development services))~~ Organization and employee services (located at 600 South Franklin Street, Olympia, Washington): ~~((which))~~ provides consultation on human resource development activities to agencies,

training which is interagency in scope, and guidelines for agency planning and evaluation of human resource development.

(3) Administrative services: ~~((which provides departmental fiscal management, facilities, agency personnel services, affirmative action, client relations, and labor relations services.))~~ provides support services for facilities and supplies, financial services including payroll and travel, duplicating and mailroom services, Combined Fund Drive, and administers the statewide employee survey. Within the administrative division, the employee advisory service (EAS) offices are at the following locations: 3400 Capitol Boulevard, Olympia, Washington; 613 - 19th Avenue E., Suite 101, Seattle, Washington; and at Suite 604, Northtown Office Building, Spokane, Washington.

(4) ~~((Client and employee relations services which provides general human resource consulting services and organizational development services.))~~ Legal Affairs: provides affirmative action consultation, rule interpretation, labor/employment discrimination guidance, legislative services and responds to requests for public records. Provides director's review and appeal services (located at 2828 Capitol Blvd., Olympia, Washington), processes and adjudicates requests for director's reviews and provides administrative support for Personnel Resources Board appeals.

(5) ~~((Human resources information services (located at Building #1, Rowsix, 4224 6th Avenue, Lacey, Washington) which administers the central personnel/payroll and insurance eligibility computer systems.))~~ Director's office: provides agency leadership, internal human resources, planning and performance, communication services, and operational support.

(6) Human resources information services (located at Building #1, Rowsix, 4424 6th Avenue, Lacey, Washington): administers the central personnel/payroll and insurance eligibility computer systems.

AMENDATORY SECTION (Amending WSR 05-01-202, filed 12/21/04, effective 7/1/05)

**WAC 357-07-070 What is the department of personnel's general method of operation?** (1) Agency business is conducted as described in chapters 41.04 and 41.06 RCW, and Title 357 WAC.

(2) All interested parties may participate in formulation of agency rules. The department is required to provide twenty days notice of formal action by the director or the personnel resources board on any rule, classification plan, or compensation plan.

(3) For matters other than rule making under the Administrative Procedure Act, chapter 34.05 RCW or quasi-judicial matters as defined in RCW 42.30.140(2), the presiding officer of the governing body of a public agency or a majority of the board members may call a special meeting upon twenty-four hour notice as provided in the Open Public Meetings Act, RCW 42.30.080.

(4) Before rule proposals are made to the board or director, department staff may conduct informal work sessions as necessary to ensure representation from interested parties.



(5) The department must conduct all business in accessible facilities and in a manner that reasonably accommodates the needs of disabled persons.

**WSR 06-16-104**  
**WITHDRAWAL OF PROPOSED RULES**  
**DEPARTMENT OF AGRICULTURE**

[Filed August 1, 2006, 8:53 a.m.]

WAC 16-532-040, proposed by the department of agriculture in WSR 06-03-132 appearing in issue 06-03 of the State Register, which was distributed on February 1, 2006, 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 06-16-108**  
**PROPOSED RULES**  
**BUILDING CODE COUNCIL**

[Filed August 1, 2006, 11:20 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-07-129.

Title of Rule and Other Identifying Information: Amendment of chapter 51-11 WAC, Washington State Energy Code.

Hearing Location(s): Spokane City Council Chambers, West 808 Spokane Falls Boulevard, Spokane, WA, on September 8, 2006, at 10:00 a.m.; and at the Holiday Inn Select Renton, One Grady Way South, Renton, WA, on October 13, 2006, at 10:00 a.m.

Date of Intended Adoption: November 17, 2006.

Submit Written Comments to: John Neff, Council Chair, P.O. Box 42525, Olympia, WA 98504-2525, e-mail sbcc@cted.wa.gov, fax (360) 586-9383, by October 13, 2006.

Assistance for Persons with Disabilities: Contact Sue Mathers by August 31, 2006, TTY (360) 586-0772 or (360) 725-2966.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rules amend the Washington State Energy Code.

**1. Section 101.3:** Identifying rules applicable to buildings constructed under chapter 51-51 WAC, the International Residential Code.

**2. Section 201:** Amend definitions for gross exterior wall area and nominal R-value for consistency with national standard. Add new definitions for demand control ventilation and high efficacy luminaire. Other editorial changes were made in alphabetization.

**3. Section 402.1.1:** Clarification that the mechanical system type must be the same in the Standard Design and the Proposed Design.

**4. Section 402.1.3:** Adding a baseline for residential cooling in calculating annual energy analysis calculations.

**5. Section 502.1.6.6:** Adding an exception to the requirement for vapor retarder in walls with continuous insulated sheathing installed outside the framing and structural sheathing.

**6. Sections 502.4.4, 1314.4:** Requires air leakage testing for recessed lighting.

**7. Section 503.2.2:** Limits oversizing of heating and cooling systems.

**8. Section 503.8.3:** Adds control requirements for systems serving multiple dwelling units.

**9. Section 505.3:** Requires high efficacy luminaires for most permanently installed outdoor lighting.

**10. Section 505.4:** Mandates the use of T-8 or smaller lamps in linear fluorescent fixtures.

**11. Equation 1:** Requires the use of actual values for low glazing area calculations.

**12. Table 5-1:** For component performance approach: Requires the use of actual values for low glazing area calculations; reduces the value for single-family and duplex windows to U=0.35, wall U-value is adjusted for consistency with prescriptive path.

**13. Section 602.6:** Clarification is added that the first exception applies to glazed doors.

**14. Tables 6-1 and 6-1 [6-2]:** Changes were made to some window U-factors and wall R-values; a new unlimited glazing path was added in climate zone 2; clarification was added to vaulted ceiling requirements; the footnotes were duplicated to appear after each table, with the only difference being the required insulation under footnote 4.

**15. Section 701:** Updates national standard references.

**16. Chapter 9:** Prescriptive heating system sizing was eliminated.

**17. Table 10-5A:** Default U-values were updated to national standards.

**18. Table 10-5B:** New table was added with default U-factors for peripheral edges of intermediate concrete floors.

**19. Table 10-6B:** Default values were adjusted to allow three different methods of meeting the new, more stringent requirements in Table 5-1.

**20. Section 1132.2:** Requires altered mechanical systems to meet new economizer compliance options.

**21. Section 1132.3:** Clarification of requirements for lighting allowance in tenant improvements.

**22. Section 1310.2:** Increases the envelope requirements for semi-heated spaces to be the same as conditioned spaces except when heated by other fuels.

**23. Section 1331:** Adds an exception to allow Seattle's EnvStd program as an alternate to show compliance with component performance path.

**24. Section 1411, Tables 14-1A, 14-1B, and 14-1F:** Updates performance requirements for various equipment in keeping with the 2005 Federal Energy Policy Act and to meet other national standards.

**25. Section 1412.2:** Updates dead band controls to national standard.

**26. Sections 1412.4 and 1412.4.1:** Setback and shutoff controls were modified to mirror national standard. Shaft dampers were also updated per national standard.

**27. Section 1412.8:** Adds a requirement for demand control ventilation in some spaces over 500 square feet.

**28. Section 1416:** Commissioning requirements have been revised for clarity, listing elements needed in the commissioning plan and describing acceptable commissioning criteria.

**29. Section 1432.2.2:** Adds requirements for hydronic systems consistent with national standards.

**30. Section 1433:** Adds SEER value for economizers under 65,000 Btu/h [Btu/h] that don't have EER values. An exception is added to address chilled water terminal units.

**31. Section 1438:** Requirements for variable flow systems were revised per national standards.

**32. Section 1438.1:** Adds equipment requirements for cooling towers with a total fan motor horsepower over 10.

**33. Sections 1501, 1510, and 1540:** Adds requirements for transformers in keeping with the 2005 Energy Policy Act.

**34. Sections 1512, 1513.5, 1532 and Table 15-2:** Exterior lighting requirements were moved into Section 1532 and Table 15-2. Efficacy requirements are added, and the requirement for automatic controls was revised.

**35. Section 1513.6.1:** An exception was added allowing a low-lighting setting in stairwells.

**36. Sections 1510 and 1514:** Adds requirements for exit lighting consistent with the 2005 Energy Policy Act.

**37. Section 1530:** Revises allowed lighting wattage.

**38. Table 15-1:** Lighting power allowance table is significantly revised for better alignment with national standards.

**39. RS-29:** Editorial changes were made for consistency with changes noted above in items 33 and 36.

Reasons Supporting Proposal: RCW 19.27A.025 and 19.27A.045.

Statutory Authority for Adoption: RCW 19.27A.025, 19.27A.045.

Statute Being Implemented: Chapters 19.27, 19.27A and 34.05 RCW.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The council is seeking comments on the issues proposed in the following rules.

Name of Proponent: Washington state building code council, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Krista Braaksma, P.O. Box 42525, Olympia, WA 98504-2525, (360) 725-2964; and Enforcement: Local jurisdictions.

No small business economic impact statement has been prepared under chapter 19.85 RCW. One item was identified as having a potential impact on small business. This impact was mitigated by modifying the glazing default values in Table 10-6B to allow current practices to comply with the proposed change to the prescriptive residential glazing U-value.

A cost-benefit analysis is not required under RCW 34.05.328. The state building code council is not listed in this

section as one of the agencies required to comply with this statute.

August 1, 2006

John P. Neff

Council Chair

AMENDATORY SECTION (Amending WSR 04-01-106, filed 12/17/03, effective 7/1/04)

**WAC 51-11-0101 Section 101—Scope and general requirements.**

101.1 Title: Chapters 1 through 10 of this Code shall be known as the "Washington State Residential Energy Code" and may be cited as such; and will be referred to herein as "this Code."

101.2 Purpose and Intent: The purpose of this Code is to provide minimum standards for new or altered buildings and structures or portions thereof to achieve efficient use and conservation of energy.

The purpose of this Code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefitted by the terms of this Code.

It is intended that these provisions provide flexibility to permit the use of innovative approaches and techniques to achieve efficient use and conservation of energy. These provisions are structured to permit compliance with the intent of this Code by any one of the following three paths of design:

1. A systems analysis approach for the entire building and its energy-using sub-systems which may utilize renewable energy sources, Chapter 4.

2. A component performance approach for various building elements and mechanical systems and components, Chapter 5.

3. A prescriptive requirements approach, Chapter 6.

Compliance with any one of these approaches meets the intent of this Code. This Code is not intended to abridge any safety or health requirements required under any other applicable codes or ordinances.

The provisions of this Code do not consider the efficiency of various energy forms as they are delivered to the building envelope. A determination of delivered energy efficiencies in conjunction with this Code will provide the most efficient use of available energy in new building construction.

101.3 Scope: This Code sets forth minimum requirements for the design of new buildings and structures that provide facilities or shelter for residential occupancies by regulating their exterior envelopes and the selection of their HVAC, service water heating systems and equipment for efficient use and conservation of energy.

Buildings shall be designed to comply with the requirements of either Chapter 4, 5, or 6 of this Code.

For the purposes of this Code:

Detached one- and two-family dwellings built under the International Residential Code shall be considered R-3 Occupancies.

Attached multiple single-family dwellings (townhouses) built under the International Residential Code shall be considered R-2 Occupancies.

101.3.1 Exempt Buildings: Buildings and structures or portions thereof meeting any of the following criteria shall be exempt from the building envelope requirements of sections 502 and 602, but shall comply with all other requirements for building mechanical systems, and service water heating.

101.3.1.1: Buildings and structures or portions thereof whose peak design rate of energy usage is less than three and four tenths (3.4) Btu/h per square foot or one point zero (1.0) watt per square foot of floor area for space conditioning requirements.

101.3.1.2: Buildings and structures or portions thereof which are neither heated according to the definition of heated space in Chapter 2, nor cooled by a nonrenewable energy source, provided that the nonrenewable energy use for space conditioning complies with requirements of section 101.3.1.1.

101.3.1.3: Greenhouses isolated from any conditioned space and not intended for occupancy.

101.3.1.4: The provisions of this code do not apply to the construction, alteration, or repair of temporary worker housing except as provided by rule adopted under chapter 70.114A RCW or chapter 37, Laws of 1998 (SB 6168). "Temporary worker housing" means a place, area, or piece of land where sleeping places or housing sites are provided by an employer for his or her employees or by another person, including a temporary worker housing operator, who is providing such accommodations for employees, for temporary, seasonal occupancy, and includes "labor camps" under RCW 70.54.110.

101.3.2 Application to Existing Buildings: Additions, historic buildings, changes of occupancy or use, and alterations or repairs shall comply with the requirements in the subsections below.

EXCEPTION: The building official may approve designs of alterations or repairs which do not fully conform with all of the requirements of this Code where in the opinion of the building official full compliance is physically impossible and/or economically impractical and:

1. The alteration or repair improves the energy efficiency of the building; or
2. The alteration or repair is energy efficient and is necessary for the health, safety, and welfare of the general public.

In no case, shall building envelope requirements or mechanical system requirements be less than those requirements in effect at the time of the initial construction of the building.

101.3.2.1 Additions to Existing Buildings: Additions to existing buildings or structures may be made to such buildings or structures without making the entire building or structure comply, provided that the new additions shall conform to the provisions of this Code.

EXCEPTION: New additions which do not fully comply with the requirements of this Code and which have a floor area which is less than seven hundred fifty square feet shall be approved provided that improvements are made to the existing occupancy to compensate for any deficiencies in the new addition. Compliance shall be demonstrated by either systems analysis or component performance calculations. The nonconforming addition and upgraded, existing occupancy shall have an energy budget or Target UA which is less than or equal to the unimproved existing building (minus any elements which are no longer part of the building envelope once the addition is added), with the addition designed to comply with this Code.

101.3.2.2 Historic Buildings: The building official may modify the specific requirements of this Code for historic buildings and require in lieu thereof alternate requirements which will result in a reasonable degree of energy efficiency. This modification may be allowed for those buildings which have been specifically designated as historically significant by the state or local governing body, or listed in The National Register of Historic Places or which have been determined to be eligible for listing.

101.3.2.3 Change of Occupancy or Use:

Any Other than Group R Occupancy which is converted to Group R Occupancy shall be brought into full compliance with this Code.

101.3.2.4 Alterations and Repairs: All alterations and repairs to buildings or portions thereof originally constructed subject to the requirements of this Code shall conform to the provisions of this Code without exception. For all other existing buildings, initial tenant alterations shall comply with the new construction requirements of this Code. Other alterations and repairs may be made to existing buildings and moved buildings without making the entire building comply with all of the requirements of this Code for new buildings, provided the following requirements are met:

101.3.2.5 Building Envelope: The result of the alterations or repairs both:

1. Improves the energy efficiency of the building, and
2. Complies with the overall average thermal transmittance values of the elements of the exterior building envelope in Table 5-1 of Chapter 5 or the nominal R-values and glazing requirements of the reference case in Tables 6-1 and 6-2.

EXCEPTIONS: 1. Untested storm windows may be installed over existing glazing for an assumed U-factor of 0.90, however, where glass and sash are being replaced in Group R Occupancy, glazing shall comply with the appropriate reference case in Table 6-1 and 6-2.

2. Where the structural elements of the altered portions of roof/ceiling, wall or floor are not being replaced, these elements shall be deemed to comply with this Code if all existing framing cavities which are exposed during construction are filled to the full depth with batt insulation or insulation having an equivalent nominal R-value while, for roof/ceilings, maintaining the required space for ventilation. Existing walls and floors without framing cavities need not be insulated. Existing roofs shall be insulated to the requirements of this Code if

- a. The roof is uninsulated or insulation is removed to the level of the sheathing, or
- b. All insulation in the roof/ceiling was previously installed exterior to the sheathing or nonexistent.

101.3.2.6 Building Mechanical Systems: Those parts of systems which are altered or replaced shall comply with section 503 of this Code.

101.3.2.7 Service Water Heating: Those parts of systems which are altered or replaced shall comply with section 504.

101.3.2.8 Lighting: Alterations shall comply with section 1132.3.

EXCEPTION: Group R-3 and R-4 Occupancy and the dwelling unit portions of Group R-1 and R-2 Occupancy.

101.3.3 Mixed Occupancy: When a building houses more than one occupancy, each portion of the building shall conform to the requirements for the occupancy housed therein. Where approved by the building official, where minor accessory uses do not occupy more than ten percent of the area of any floor of a building, the major use may be considered the building occupancy.

101.4 Amendments by Local Government: Except as provided in RCW 19.27A.020(7), this Code shall be the maximum and minimum energy code for Group R Occupancy in each town, city and county, no later than July 1, 1991.

AMENDATORY SECTION (Amending WSR 04-01-106, filed 12/17/03, effective 7/1/04)

**WAC 51-11-0201 Scope.** The following definitions shall apply to chapters 1 through 20.

201.1 Application of Terms: For the purposes of this Code, certain abbreviations, terms, phrases, words and their derivatives, shall be as set forth in this chapter. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. In the event there is a question about the definition of a term, the definitions for terms in the codes enumerated in RCW 19.27.031 and the edition of Webster's dictionary referenced therein shall be considered as the sources for providing ordinarily accepted meanings.

**Addition:** See the Washington State Building Code.

**Advanced framed ceiling:** Advanced framing assumes full and even depth of insulation extending to the outside edge of exterior walls. (See Standard Framing and Section 1007.2 of this Code.)

**Advanced framed walls:** Studs framed on twenty-four inch centers with double top plate and single bottom plate. Corners use two studs or other means of fully insulating corners, and one stud is used to support each header. Headers consist of double 2X material with R-10 insulation between the header and exterior sheathing. Interior partition wall/exterior wall intersections are fully insulated in the exterior wall. (See Standard Framing and Section 1005.2 of this Code.)

**AFUE. Annual fuel utilization efficiency:** Unlike steady state conditions, this rating is based on average usage including on and off cycling as set out in the standardized Department of Energy Test Procedures.

**Air conditioning, comfort:** The process of treating air to control simultaneously its temperature, humidity, cleanli-

ness and distribution to meet requirements of the conditioned space.

**ARI:** Air-Conditioning and Refrigeration Institute.

**ASHRAE:** American Society of Heating, Refrigerating and Air Conditioning Engineers, Inc.

**ASTM:** American Society for Testing and Materials

**Automatic:** Self-acting, operating by its own mechanism when actuated by some impersonal influence, as for example, a change in current strength, pressure, temperature or mechanical configuration. (See **Manual**.)

**Below grade walls:** Walls or the portion of walls which are entirely below the finish grade or which extend two feet or less above the finish grade.

**Boiler capacity:** The rate of heat output in Btu/h measured at the boiler outlet, at the design inlet and outlet conditions and rated fuel/energy input.

**Building envelope:** For Group R Occupancy, the elements of a building which enclose conditioned spaces through which thermal energy may be transferred to or from the exterior or to or from spaces exempted by the provisions of Section 101.3.1. For other than Group R Occupancy, the elements of a building which enclose conditioned spaces through which thermal energy may be transferred to or from the exterior, or to or from unconditioned spaces, or to or from semi-heated spaces, or to or from spaces exempted by the provisions of Section 1301.

**Building, existing:** See the Washington State Building Code.

**Building official:** The official authorized to act in behalf of a jurisdiction code enforcement agency or its authorized representative.

**Building project:** A building or group of buildings, including on-site energy conversion or electric-generating facilities, which utilize a single submittal for a construction permit or are within the boundary of a contiguous area under one ownership.

**Conditioned floor area:** (See Gross conditioned floor area.)

**Conditioned space:** A cooled space, heated space (fully heated), heated space (semi-heated) or indirectly conditioned space.

**Cooled space:** An enclosed space within a building that is cooled by a cooling system whose sensible capacity

a. Exceeds 5 Btu/(h·ft<sup>2</sup>), or

b. Is capable of maintaining space dry bulb temperature of 90°F or less at design cooling conditions.

**COP - Coefficient of performance:** The ratio of the rate of net heat output (heating mode) or heat removal (cooling mode) to the rate of total on-site energy input to the heat pump, expressed in consistent units and under designated rating conditions. (See Net Heat Output, Net Heat Removal, Total On-Site Energy Input.)

**Daylighted zone:**

a. Under overhead glazing: The area under overhead glazing whose horizontal dimension, in each direction, is equal to the overhead glazing dimension in that direction plus either the floor to ceiling height or the dimension to a ceiling height opaque partition, or one-half the distance to adjacent overhead or vertical glazing, whichever is least.

b. At vertical glazing: The area adjacent to vertical glazing which receives daylighting from the glazing. For purposes of this definition and unless more detailed daylighting analysis is provided, the daylighting zone depth is assumed to extend into the space a distance of 15 feet or to the nearest ceiling height opaque partition, whichever is less. The daylighting zone width is assumed to be the width of the window plus either two feet on each side (the distance to an opaque partition) or one-half the distance to adjacent overhead or vertical glazing, whichever is least.

**Daylight sensing control (DS):** A device that automatically regulates the power input to electric lighting near the glazing to maintain the desired workplace illumination, thus taking advantage of direct or indirect sunlight.

**Deadband:** The temperature range in which no heating or cooling is used.

**Demand control ventilation (DCV):** A ventilation system capability that provides for the automatic reduction of outdoor air intake below design rates when the actual occupancy of spaces served by the system is less than design occupancy.

**Design cooling conditions:** The cooling outdoor design temperature from the 0.5% column for summer from the Puget Sound Chapter of ASHRAE publication "Recommended Outdoor Design Temperatures, Washington State, ASHRAE."

**Design heating conditions:** The heating outdoor design temperature from the 0.6% column for winter from the Puget Sound Chapter of ASHRAE publication "Recommended Outdoor Design Temperatures, Washington State, ASHRAE."

**Door:** All operable opening areas, which are not glazing, in the building envelope including swinging and roll-up doors, fire doors, smoke vents and access hatches.

**Door area:** Total area of door measured using the rough opening and including the door and frame.

**Dwelling unit:** See the Washington State Building Code.

~~((EER. Energy efficiency ratio: The ratio of net equipment cooling capacity in Btu/h to total rate of electric input in watts under designated operating conditions.))~~

**Economizer, air:** A ducting arrangement and automatic control system that allows a cooling supply fan system to supply outside air to reduce or eliminate the need for mechanical refrigeration during mild or cold weather.

**Economizer, water:** A system by which the supply air of a cooling system is cooled directly, indirectly or both, by evaporation of water or by other appropriate fluid in order to reduce or eliminate the need for mechanical refrigeration.

**EER. Energy efficiency ratio:** The ratio of net equipment cooling capacity in Btu/h to total rate of electric input in watts under designated operating conditions.

**Efficiency, HVAC system:** The ratio of useful energy (at the point of use) to the energy input for a designated time period, expressed in percent.

**Emissivity:** The ability to absorb infrared radiation. A low emissivity implies a higher reflectance of infrared radiation.

**Energy:** The capacity for doing work; taking a number of forms which may be transformed from one into another,

such as thermal (heat), mechanical (work), electrical and chemical; in customary units, measured in kilowatt-hours (kWh) or British thermal units (Btu). (See **New energy**.)

**Energy, recovered:** (See **Recovered energy**.)

**Exterior envelope:** (See **Building envelope**.)

**F-Factor:** The perimeter heat loss factor expressed in Btu/hr·ft·°F.

**F-Value:** (See F-Factor.)

**Facade area:** Vertical projected area including nonhorizontal roof area, overhangs, cornices, etc. measured in elevation in a vertical plane parallel to the plane of the building face.

**Floor over unconditioned space:** A floor which separates a conditioned space from an unconditioned space which is buffered from exterior ambient conditions including vented crawl spaces and unconditioned basements or other similar spaces, or exposed to exterior ambient conditions including open parking garages and enclosed garages which are mechanically ventilated.

~~((**F-Factor:** The perimeter heat loss factor expressed in Btu/hr·ft·°F.~~

~~**F-Value:** (See F-Factor.))~~

**Garden window:** A multisided glazing product that projects beyond the plane of the wall.

**Glazed wall system:** A category of site assembled fenestration products used in the NFRC 100 and NFRC 200 rating procedures that include curtainwalls.

**Glazing:** All areas, including the frames, in the shell of a conditioned space that let in natural light including windows, clerestories, skylights, sliding or swinging glass doors and glass block walls.

**Glazing area:** Total area of the glazing measured using the rough opening, and including the glazing, sash, and frame. For doors where the daylight opening area is less than 50% of the door area, the glazing area is the daylight opening area. For all other doors, the glazing area is the door area.

**Gross conditioned floor area:** The horizontal projection of that portion of interior space which is contained within exterior walls and which is conditioned directly or indirectly by an energy-using system, and which has an average height of five feet or greater, measured from the exterior faces.

**Gross exterior wall area:** The normal projection of the building envelope wall area bounding interior space which is conditioned by an energy-using system and which separates conditioned space from: Unconditioned space, or semi-heated space, or exterior ambient conditions or earth; includes opaque wall, vertical glazing and door areas. The gross area of walls consists of all opaque wall areas, including foundation walls, between floor spandrels, peripheral edges of floors, vertical glazing areas and door areas, where such surfaces are exposed to exterior ambient conditions and enclose a conditioned space including interstitial areas between two such spaces. The area of the wall is measured from the top of the floor insulation to the bottom of the roof insulation. (See Below grade wall.)

**Gross floor area:** The sum of the areas of the several floors of the building, including basements, cellars, mezzanine and intermediate floored tiers and penthouses of headroom height, measured from the exterior faces of exterior walls or from the center line of walls separating buildings,

but excluding: Covered walkways, open roofed-over areas, porches and similar spaces. Pipe trenches, exterior terraces or steps, chimneys, roof overhangs and similar features.

**Gross roof/ceiling area:** A roof/ceiling assembly shall be considered as all components of the roof/ceiling envelope through which heat flows, thus creating a building transmission heat loss or gain, where such assembly is exposed to exterior ambient conditions and encloses a conditioned space. The assembly does not include those components that are separated from a heated and/or cooled space by a vented airspace. The gross area of a roof/ceiling assembly consists of the total interior surface of such assembly, including overhead glazing.

**Guest room:** See the Washington State Building Code.

**Heat:** The form of energy that is transferred by virtue of a temperature difference.

**Heat storage capacity:** The physical property of materials (mass) located inside the building envelope to absorb, store, and release heat.

**Heated space (Fully heated):** An enclosed space within a building, including adjacent connected spaces separated by an uninsulated component (e.g., basements, utility rooms, garages, corridors), which is heated by a heating system whose output capacity is

- a. Capable of maintaining a space dry-bulb temperature of 45°F or greater at design heating conditions; or
- b. 8 Btu/(h·ft<sup>2</sup>) or greater in Climate Zone 1 and 12 Btu/(h·ft<sup>2</sup>) or greater in Climate Zone 2.

**Heated space (Semi-heated):** An enclosed space within a building, including adjacent connected spaces separated by an uninsulated component (e.g., basements, utility rooms, garages, corridors), which is heated by a heating system

- a. Whose output capacity is 3 Btu/(h·ft<sup>2</sup>) or greater in Climate Zone 1 and 5 Btu/(h·ft<sup>2</sup>) or greater in Climate Zone 2; and
- b. Is not a Heated Space (Fully Heated).

**High efficacy luminaire:** A lighting fixture that does not contain a medium screw base socket (E24/E26) and whose lamps have a minimum efficiency of:

- a. 60 lumens per watt for lamps over 40 watts;
- b. 50 lumens per watt for lamps over 15 watts to 40 watts;
- c. 40 lumens per watt for lamps 15 watts or less.

**HSPF. Heating season performance factor:** The total heating output (in Btu) of a heat pump during its normal annual usage period for heating divided by the total (watt hour) electric power input during the same period, as determined by test procedures consistent with the U.S. Department of Energy "Test Procedure for Central Air Conditioners, Including Heat Pumps" published in Standard RS-30. When specified in Btu per watt hour an HSPF of 6.826 is equivalent to a COP of 2.0.

**Humidistat:** A regulatory device, actuated by changes in humidity, used for automatic control of relative humidity.

**HVAC:** Heating, ventilating and air conditioning.

**HVAC system components:** HVAC system components provide, in one or more factory-assembled packages, means for chilling and/or heating water with controlled temperature for delivery to terminal units serving the conditioned

spaces of the buildings. Types of HVAC system components include, but are not limited to, water chiller packages, reciprocating condensing units and water source (hydronic) heat pumps. (See **HVAC system equipment**.)

**HVAC system efficiency:** (See **Efficiency, HVAC system**.)

**HVAC system equipment:** HVAC system equipment provides, in one (single package) or more (split system) factory-assembled packages, means for air circulation, air cleaning, air cooling with controlled temperature and dehumidification; and optionally, either alone or in combination with a heating plant, the functions of heating and humidifying. The cooling function may be either electrically or heat operated and the refrigerant condenser may be air, water or evaporatively cooled. Where the equipment is provided in more than one package, the separate packages shall be designed by the manufacturer to be used together. The equipment may provide the heating function as a heat pump or by the use of electric elements. (The word "equipment" used without modifying adjective may, in accordance with common industry usage, apply either to HVAC system equipment or HVAC system components.)

**Indirectly conditioned space:** An enclosed space within a building that is not a heated or cooled space, whose area weighted heat transfer coefficient to heated or cooled spaces exceeds that to the outdoors or to unconditioned spaces; or through which air from heated or cooled spaces is transferred at a rate exceeding three air changes per hour. Enclosed corridors between conditioned spaces shall be considered as indirectly conditioned space. (See **Heated Space, Cooled Space and Unconditioned Space**.)

**Infiltration:** The uncontrolled inward air leakage through cracks and interstices in any building element and around windows and doors of a building caused by the pressure effects of wind and/or the effect of differences in the indoor and outdoor air density.

**Insulation baffle:** A rigid material, resistant to wind driven moisture, the purpose of which is to allow air to flow freely into the attic or crawl space and to prevent insulation from blocking the ventilation of these spaces, or the loss of insulation. Example materials for this purpose are sheet metal, or wax impregnated cardboard.

**Insulation position:**

a. **Exterior Insulation Position:** A wall having all or nearly all of its mass exposed to the room air with the insulation on the exterior of the mass.

b. **Integral Insulation Position:** A wall having mass exposed to both room and outside air, with substantially equal amounts of mass on the inside and outside of the insulation layer.

c. **Interior Insulation Position:** A wall not meeting either of the above definitions; particularly a wall having most of its mass external to the insulation layer.

**International Building Code (IBC):** (See Washington State Building Code.)

**International Mechanical Code (IMC):** (See Washington State Building Code.)

**IPLV—Integrated part-load value:** A single number figure of merit based on part-load EER or COP expressing part-load efficiency for air conditioning and heat pump

equipment on the basis of weighted operation at various load capacities for the equipment as specified in the Air-Conditioning and Refrigeration Institute (ARI) and Cooling Tower Institute (CTI) procedures.

**Luminaire:** A complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the electric power supply.

**Manual:** Capable of being operated by personal intervention. (See **Automatic**.)

**Microcell:** A wireless communication facility consisting of an antenna that is either: (a) Four (4) feet in height and with an area of not more than 580 square inches; or (b) if a tubular antenna, no more than four (4) inches in diameter and no more than six (6) feet in length; and the associated equipment cabinet that is six (6) feet or less in height and no more than 48 square feet in floor area.

**NFPA:** National Fire Protection Association.

**NFRC:** National Fenestration Rating Council.

**Net heat output:** The change in the total heat content of the air entering and leaving the equipment (not including supplementary heat and heat from boilers).

**Net heat removal:** The total difference in heat content of the air entering and leaving the equipment (without heat) or the difference in total heat content of the water or refrigerant entering and leaving the component.

**New energy:** Energy, other than recovered energy, utilized for the purpose of heating or cooling. (See **energy**.)

**Nominal R-value:** ~~The thermal resistance of insulation (as specified by the manufacturer according to recognized trade and engineering standards)~~ alone as determined in accordance with the U.S. Federal Trade Commission R-value rule (CFR Title 16, Part 460) in units of  $h \cdot ft^2 \cdot ^\circ F/Btu$  at a mean temperature of 75°F. Nominal R-value refers to the thermal resistance of the added insulation in framing cavities or insulated sheathing only and does not include the thermal resistance of other building materials or air films.

**Nonrenewable energy sources:** All energy sources that are not renewable energy sources including natural gas, oil, coal, wood, liquified petroleum gas, steam, and any utility-supplied electricity.

**Nonresidential:** All buildings and spaces in the International Building Code (IBC) occupancies other than Group R.

**Occupancy:** See the Washington State Building Code.

**Occupancy sensor:** A device that detects occupants within an area, causing any combination of lighting, equipment or appliances to be turned on or shut off.

**Opaque envelope areas:** All exposed areas of a building envelope which enclose conditioned space, except openings for doors, glazing and building service systems.

**Open blown:** Loose fill insulation pneumatically installed in an unconfined attic space.

**Outdoor air (outside air):** Air taken from the outdoors and, therefore, not previously circulated through a building.

**Overhead glazing:** A glazing surface that has a slope of less than 60° from the horizontal plane.

**Packaged terminal air conditioner:** A factory-selected combination of heating and cooling components, assemblies or sections intended to serve a room or zone. (For the complete technical definition, see Standard RS-5.)

**Permeance (perm):** The ability of a material of specified thickness to transmit moisture in terms of amount of moisture transmitted per unit time for a specified area and differential pressure ( $\text{grains per hour} \cdot \text{ft}^2 \cdot \text{inches of HG}$ ). Permeance may be measured using ASTM E-96-00 or other approved dry cup method as specified in RS-1.

**Personal wireless service facility:** A Wireless Communication Facility (WCF), including a microcell, which is a facility for the transmission and/or reception of radio frequency signals and which may include antennas, equipment shelter or cabinet, transmission cables, a support structure to achieve the necessary elevation, and reception and/or transmission devices or antennas.

**Pool cover:** A vapor-retardant cover which lies on or at the surface of the pool.

**Power:** In connection with machines, the time rate of doing work. In connection with the transmission of energy of all types, the rate at which energy is transmitted; in customary units, it is measured in watts (W) or British Thermal Units per hour (Btu/h).

**Process energy:** Energy consumed in support of a manufacturing, industrial, or commercial process other than the maintenance of building comfort or amenities for building occupants.

**Radiant slab floor:** A slab floor assembly on grade or below, containing heated pipes, ducts, or electric heating cables that constitute a floor or portion thereof for complete or partial heating of the structure.

**Readily accessible:** See the Washington State Mechanical Code.

**Recooling:** The removal of heat by sensible cooling of the supply air (directly or indirectly) that has been previously heated above the temperature to which the air is to be supplied to the conditioned space for proper control of the temperature of that space.

**Recovered energy:** Energy utilized which would otherwise be wasted (i.e. not contribute to a desired end use) from an energy utilization system.

**Reheat:** The application of sensible heat to supply air that has been previously cooled below the temperature of the conditioned space by either mechanical refrigeration or the introduction of outdoor air to provide cooling.

**Renewable energy sources:** Renewable energy sources of energy (excluding minerals) are derived from: (1) Incoming solar radiation, including but not limited to, natural daylighting and photosynthetic processes; (2) energy sources resulting from wind, waves and tides, lake or pond thermal differences; and (3) energy derived from the internal heat of the earth, including nocturnal thermal exchanges.

**Reset:** Adjustment of the set point of a control instrument to a higher or lower value automatically or manually to conserve energy.

**Roof/ceiling assembly:** (See Gross roof/ceiling area.)

**SEER - Seasonal Energy Efficiency Ratio:** The total cooling output of an air conditioner during its normal annual usage period, in Btu's, divided by the total electric energy input in watt-hours, during the same period, as determined by 10 CFR, Part 430.

**Semi-heated space:** Sub-category of **Heated Space**. (See **Heated Space**.)

**Sequence:** A consecutive series of operations.

**Service systems:** All energy-using systems in a building that are operated to provide services for the occupants or processes housed therein, including HVAC, service water heating, illumination, transportation, cooking or food preparation, laundering or similar functions.

**Service water heating:** Supply of hot water for domestic or commercial purposes other than comfort heating.

**Shaded:** Glazed area which is externally protected from direct solar radiation by use of devices permanently affixed to the structure or by an adjacent building, topographical feature, or vegetation.

**Shading coefficient:** The ratio of solar heat gain occurring through nonopaque portions of the glazing, with or without integral shading devices, to the solar heat gain occurring through an equivalent area of unshaded, 1/8 inch thick, clear, double-strength glass.

Note: Heat gains to be compared under the same conditions. See Chapter 30 of Standard RS-1, listed in Chapter 7 of this Code.

**Shall:** Denotes a mandatory code requirement.

**Single family:** One and two family residential dwelling units with no more than two units in a single building.

**Skylight:** (See Overhead glazing.)

**Slab-below-grade:** Any portion of a slab floor in contact with the ground which is more than 24 inches below the final elevation of the nearest exterior grade.

**Slab-on-grade, exterior:** Any portion of a slab floor in contact with the ground which is less than or equal to twenty-four inches below the final elevation of the nearest exterior grade.

**Small business:** Any business entity (including a sole proprietorship, corporation, partnership, or other legal entity) which is owned and operated independently from all other businesses, which has the purpose of making a profit, and which has fifty or fewer employees, or which has a million dollars or less per year in gross sales, of window products.

**Solar energy source:** Source of natural daylighting and of thermal, chemical or electrical energy derived directly from conversion of incident solar radiation.

**Solar heat gain coefficient (SHGC):** The ratio of the solar heat gain entering the space through the glazing product to the incident solar radiation. Solar heat gain includes directly transmitted solar heat and absorbed solar radiation which is then reradiated, conducted or convected into the space.

**Split system:** Any heat pump or air conditioning unit which is provided in more than one assembly requiring refrigeration piping installed in the field.

**Standard framing:** All framing practices not defined as "intermediate" or "advanced" shall be considered standard. (See Advanced framed ceiling, Advanced framed walls, Intermediate framed wall and Section 1005.2 of this Code.)

**Substantial contact:** A condition where adjacent building materials are placed in a manner that proximal surfaces are contiguous, being installed and supported as to eliminate voids between materials, without compressing or degrading the thermal performance of either product.

**System:** A combination of central or terminal equipment or components and/or controls, accessories, intercon-

necting means, and terminal devices by which energy is transformed so as to perform a specific function, such as HVAC, service water heating or illumination.

**Tapering:** Installation of a reduced level of ceiling insulation at the eaves, due to reduced clearance.

**Thermal by-pass:** An area where the envelope surrounding the conditioned space is breached, or where an ineffective application compromises the performance of a thermal or infiltration barrier, increasing the structure's energy consumption by exposing finished surfaces to ambient conditions and additional heat transfer.

**Thermal conductance (C):** Time rate of heat flow through a body (frequently per unit area) from one of its bounding surfaces to the other for a unit temperature difference between the two surfaces, under steady conditions (Btu/hr·ft<sup>2</sup>·°F).

**Thermal resistance (R):** The reciprocal of thermal conductance (hr·ft<sup>2</sup>·°F/Btu).

**Thermal transmittance (U):** The coefficient of heat transmission (air to air). It is the time rate of heat flow per unit area and unit temperature difference between the warm side and cold side air films (Btu/hr·ft<sup>2</sup>·°F).

**Thermal transmittance, overall (U<sub>o</sub>):** The overall (average) heat transmission of a gross area of the exterior building envelope (Btu/hr·ft<sup>2</sup>·°F). The U<sub>o</sub>-factor applies to the combined effect of the time rate of heat flows through the various parallel paths, such as glazing, doors and opaque construction areas, comprising the gross area of one or more exterior building components, such as walls, floors or roof/ceiling.

**Thermostat:** An automatic control device actuated by temperature and designed to be responsive to temperature.

**Total on-site energy input:** The combination of all the energy inputs to all elements and accessories as included in the equipment components, including but not limited to, compressor(s), compressor sump heater(s), circulating pump(s), purge devices, fan(s), and the HVAC system component control circuit.

**Transmission coefficient:** The ratio of the solar heat gain through a glazing system to that of an unshaded single pane of double strength window glass under the same set of conditions.

**Transverse joint:** The primary connection between air distribution system fittings.

**U-factor:** (See thermal transmittance.)

**U-Value:** (See U-factor.)

**Uniform Plumbing Code (UPC):** (See Washington State Plumbing Code.)

**Unitary cooling and heating equipment:** One or more factory-made assemblies which include an evaporator or cooling coil, a compressor and condenser combination, and may include a heating function as well. Where such equipment is provided in more than one assembly, the separate assemblies shall be designed to be used together.

**Unitary heat pump:** One or more factory-made assemblies which include an indoor conditioning coil, compressor(s) and outdoor coil or refrigerant-to-water heat exchanger, including means to provide both heating and cooling functions. When such equipment is provided in more



than one assembly, the separate assemblies shall be designed to be used together.

**Vapor retarder:** A layer of low moisture transmissivity material (not more than 1.0 perm dry cup) placed over the warm side (in winter) of insulation, over the exterior of below grade walls, and under floors as ground cover to limit the transport of water and water vapor through exterior walls, ceilings, and floors. Vapor retarding paint, listed for this application, also meets this definition.

**Vaulted ceilings:** All ceilings where enclosed joist or rafter space is formed by ceilings applied directly to the underside of roof joists or rafters.

**Ventilation:** The process of supplying or removing air by natural or mechanical means to or from any space. Such air may or may not have been conditioned.

**Ventilation air:** That portion of supply air which comes from outside (outdoors) plus any recirculated air that has been treated to maintain the desired quality of air within a designated space.

**Vertical glazing:** A glazing surface that has a slope of 60° or greater from the horizontal plane.

**Walls (exterior):** Any member or group of members which defines the exterior boundaries or courts of a building and which have a slope of sixty degrees or greater with the horizontal plane, and separates conditioned from unconditioned space. Band joists between floors are to be considered a part of exterior walls.

**Washington State Building Code:** The Washington State Building Code is comprised of the International Building Code; the International Residential Code; the International Mechanical Code; the International Fire Code; the Uniform Plumbing Code; the state regulations for barrier-free facilities, as designated in RCW 19.27.031; the State Energy Code; and any other codes so designated by the Washington state legislature as adopted and amended by the State Building Code Council.

**Zone:** A space or group of spaces within a building with heating and/or cooling requirements sufficiently similar so that comfort conditions can be maintained throughout by a single controlling device. Each dwelling unit in residential buildings shall be considered a single zone.

AMENDATORY SECTION (Amending WSR 04-01-106, filed 12/17/03, effective 7/1/04)

**WAC 51-11-0402 Systems analysis.**

402.1 Special Requirements for All Group R Occupancy:

402.1.1 Energy Budgets: Proposed buildings designed in accordance with this section shall be designed to use no more energy from nonrenewable sources for space heating, and domestic hot water heating than a standard building whose enclosure elements and energy consuming systems are designed in accordance with section 502.2 of this Code for the appropriate climate zone, and heating system type and whose mechanical system type is the same as the proposed building and which complies with Section 503 of this Code. Energy derived from renewable sources may be excluded

from the total annual energy consumption attributed to the alternative building.

402.1.2 Calculation of Energy Consumption: The application for a building permit shall include documentation which demonstrates, using a calculation procedure as listed in Chapter 8, or an approved alternate, that the proposed building's annual space heating energy use does not exceed the annual space heating and water heating energy use of a standard building conforming to Chapter 5 of this Code for the appropriate climate zone. The total calculated annual energy consumption shall be shown in units of kWh/ft<sup>2</sup>-yr or Btu/ft<sup>2</sup>-yr of conditioned area.

402.1.3 Input Values: The following standardized input values shall be used in calculating annual space heating budgets:

PARAMETER	VALUE
Thermostat set point, heating	65° F
Thermostat set point, cooling	78° F
Thermostat night set back	65° F
Thermostat night set back period	0 hours
Internal gain	
R-3 and R-4 units	3000 Btu/hr
R-1 and R-2 units	1500 Btu/hr
Domestic Hot Water Heater Setpoint	120° F
Domestic Hot Water Consumption	20 gallons/person/day.
Minimum heat storage	Calculated using standard engineering practice for the actual building or as approved.
Site weather data	Typical meteorological year (TMY) or ersatz TMY data for the closest appropriate TMY site or other sites as approved.
Heating <u>and cooling</u> equipment efficiency	
<del>((Electric resistance heat</del>	<del>((1.00</del>
<del>Heat Pumps</del>	<del>6.80 HSPF.</del>
<del>Other Fuels))</del>	<del>0.78 AFUE.))</del> <u>Equipment shall comply with Section 1411.</u>

The standard building shall be modeled with glazing area distributed equally among the four cardinal directions. Parameter values that may be varied by the building designer to model energy saving options include, but are not limited to, the following:

1. Overall thermal transmittance, U<sub>o</sub>, of building envelope or individual building components;
2. Heat storage capacity of building;

3. Glazing orientation; area; and solar heat coefficients; (where Chapter 5 does not contain SHGC requirements, the standard design shall be modeled with glazing SHGC as determined by Tables 13-1 and 13-2. SHGC values shall be determined in accordance with Section 1312.2.)

4. Heating system efficiency.

402.1.4 Solar Shading and Access: Building designs using passive solar features with eight percent or more south facing equivalent glazing to qualify shall provide to the building official a sun chart or other approved documentation depicting actual site shading for use in calculating compliance under this section. The building shall contain at least forty-five Btu/°F for each square foot of south facing glass.

402.1.5 Infiltration: Infiltration levels used shall be set at 0.35 air changes per hour for thermal calculation purposes only.

402.1.6 Heat Pumps: The heating season performance factor (HSPF) for heat pumps shall be calculated using procedures consistent with section 5.2 of the U.S. Department of Energy Test Procedure for Central Air Conditioners, including heat pumps published in the December 27, 1979 Federal Register Vol. 44, No. 24.10 CFR 430. Climate data as specified above, the proposed buildings overall thermal performance value (Btu/°F) and the standardized input assumptions specified above shall be used to model the heat pumps HSPF.

402.2 Energy Analysis: Compliance with this chapter will require an analysis of the annual energy usage, hereinafter called an annual energy analysis.

EXCEPTIONS: Chapters 5, and 6 of this Code establish criteria for different energy-consuming and enclosure elements of the building which, will eliminate the requirement for an annual systems energy analysis while meeting the intent of this Code.

A building designed in accordance with this chapter will be deemed as complying with this Code if the calculated annual energy consumption is not greater than a similar building (defined as a "standard design") whose enclosure elements and energy-consuming systems are designed in accordance with Chapter 5.

For an alternate building design to be considered similar to a "standard design," it shall utilize the same energy source(s) for the same functions and have equal floor area and the same ratio of envelope area to floor area, environmental requirements, occupancy, climate data and usage operational schedule.

402.3 Design: The standard design, conforming to the criteria of Chapter 5 and the proposed alternative design shall be designed on a common basis as specified herein:

The comparison shall be expressed as kBtu or kWh input per square foot of conditioned floor area per year at the building site.

402.4 Analysis Procedure: The analysis of the annual energy usage of the standard and the proposed alternative building and system design shall meet the following criteria:

a. The building heating/cooling load calculation procedure used for annual energy consumption analysis shall be detailed to permit the evaluation of effect of factors specified in section 402.5.

b. The calculation procedure used to simulate the operation of the building and its service systems through a full-year operating period shall be detailed to permit the evaluation of the effect of system design, climatic factors, operational characteristics, and mechanical equipment on annual energy usage. Manufacturer's data or comparable field test data shall be used when available in the simulation of systems and equipment. The calculation procedure shall be based upon eight thousand seven hundred sixty hours of operation of the building and its service systems.

402.5 Calculation Procedure: The calculation procedure shall cover the following items:

a. Design requirements—Environmental requirements as required in Chapter 3.

b. Climatic data—Coincident hourly data for temperatures, solar radiation, wind and humidity of typical days in the year representing seasonal variation.

c. Building data—Orientation, size, shape, mass, air, moisture and heat transfer characteristics.

d. Operational characteristics—Temperature, humidity, ventilation, illumination, control mode for occupied and unoccupied hours.

e. Mechanical equipment—Design capacity, part load profile.

f. Building loads—Internal heat generation, lighting, equipment, number of people during occupied and unoccupied periods.

EXCEPTION: Group R Occupancy shall comply with calculation procedures in Chapter 8, or an approved alternate.

402.6 Documentation: Proposed alternative designs, submitted as requests for exception to the standard design criteria, shall be accompanied by an energy analysis comparison report. The report shall provide technical detail on the two building and system designs and on the data used in and resulting from the comparative analysis to verify that both the analysis and the designs meet the criteria of Chapter 4 of this Code.

AMENDATORY SECTION (Amending WSR 05-01-013, filed 12/2/04, effective 7/1/05)

**WAC 51-11-0502 Building envelope requirements.**

502.1 General:

502.1.1: The stated U- or F-factor of any component assembly, listed in Table 5-1 or 5-2, such as roof/ceiling, opaque wall or opaque floor may be increased and the U-factor for other components decreased, provided that the total heat gain or loss for the entire building envelope does not exceed the total resulting from compliance to the U-factors specified in this section.

The U-factors for typical construction assemblies are included in Chapter 10. These values shall be used for all calculations. Where proposed construction assemblies are not represented in Chapter 10, values shall be calculated in accor-

dance with Chapters 23-30 in Standard RS-1 listed in Chapter 7, using the framing factors listed in Chapter 10 where applicable.

For envelope assemblies containing metal framing, the U-factor shall be determined by one of the following methods:

1. Results of laboratory or field measurements.
2. Standard RS-1, listed in Chapter 7, where the metal framing is bonded on one or both sides to a metal skin or covering.
3. The zone method as provided in Chapter 25 of Standard RS-1, listed in Chapter 7.
4. Results of parallel path correction factors effective framing/cavity R-values as provided in Table 10-5A - EFFECTIVE R-VALUES FOR METAL FRAMING AND CAVITY ONLY for metal stud walls and roof/ceilings.

502.1.2: For consideration of thermal mass effects, see section 402.4.

502.1.3: When return air ceiling plenums are employed, the roof/ceiling assembly shall:

- a. For thermal transmittance purposes, not include the ceiling proper nor the plenum space as part of the assembly; and
- b. For gross area purposes, be based upon the interior face of the upper plenum surface.

#### 502.1.4 Insulation:

502.1.4.1 General: All insulating materials shall comply with sections 2603 and/or 719 of the International Building Code. Substantial contact of the insulation with the surface being insulated is required. All insulation materials shall be installed according to the manufacturer's instructions to achieve proper densities and maintain uniform R-values and shall be installed in a manner which will permit inspection of the manufacturer's R-value identification mark. To the maximum extent possible, insulation shall extend over the full component area to the intended R-value.

Alternatively, the thickness of roof/ceiling and wall insulation that is either blown in or spray-applied shall be identified by inches of thickness, density and R-value markers installed at least one for every 300 square feet (28 m<sup>2</sup>) through the attic, ceiling and/or wall space. In attics, the markers shall be affixed to the trusses or joists and marked with the minimum initial installed thickness and minimum settled thickness with numbers a minimum 1.0 inch (25 mm) in height. Each marker shall face the attic access. The thickness of installed attic insulation shall meet or exceed the minimum initial installed thickness shown by the marker. In cathedral ceilings and walls, the markers shall be affixed to the rafter and wall frame at alternating high and low intervals and marked with the minimum installed density and R-value with numbers a minimum 1.0 inch (25 mm) in height. Each marker shall face the conditioned room area.

502.1.4.2 Insulation Materials: All insulation materials including facings such as vapor barriers or breather papers installed within floor/ceiling assemblies, roof/ceiling assemblies, walls, crawl spaces, or attics shall have a flame spread rating of less than 25 and a smoke density not to exceed 450 when tested in accordance with ASTM E84-01.

- EXCEPTIONS:
1. Foam plastic insulation shall comply with section 2603 of the International Building Code.
  2. When such materials are installed in concealed spaces of Types III, IV and V construction, the flame spread and smoke developed limitations do not apply to facing, provided that the facing is installed in substantial contact with the unexposed surface of the ceiling, floor or wall finish.
  3. Cellulose insulation shall comply with section 719 of the International Building Code.

502.1.4.3 Clearances: Where required, insulation shall be installed with clearances according to manufacturer's specifications. Insulation shall be installed so that required ventilation is unobstructed. For blown or poured loose fill insulation, clearances shall be maintained through installation of a permanent retainer.

502.1.4.4 Access Hatches and Doors: Access doors from conditioned spaces to unconditioned spaces (e.g., attics and crawl spaces) shall be weatherstripped and insulated to a level equivalent to the insulation on the surrounding surfaces. Access shall be provided to all equipment which prevents damaging or compressing the insulation. A wood framed or equivalent baffle or retainer must be provided when loose fill insulation is installed, the purpose of which is to prevent the loose fill insulation from spilling into the living space when the attic access is opened, and to provide a permanent means of maintaining the installed R-value of the loose fill insulation.

502.1.4.5 Roof/Ceiling Insulation: Open-blown or poured loose fill insulation may be used in attic spaces where the slope of the ceiling is not more than 3 feet in 12 and there is at least 30 inches of clear distance from the top of the bottom chord of the truss or ceiling joist to the underside of the sheathing at the roof ridge. When eave vents are installed, baffling of the vent openings shall be provided so as to deflect the incoming air above the surface of the insulation. Baffles shall be, rigid material, resistant to wind driven moisture. Requirements for baffles for ceiling insulation shall meet the International Building Code section 1203.2 for minimum ventilation requirements. When feasible, the baffles shall be installed from the top of the outside of the exterior wall, extending inward, to a point 6 inches vertically above the height of noncompressed insulation, and 12 inches vertically above loose fill insulation.

502.1.4.6 Wall Insulation: Insulation installed in exterior walls shall comply with the provisions of this section. All wall insulation shall fill the entire framed cavity. Exterior wall cavities isolated during framing shall be fully insulated to the levels of the surrounding walls. All faced insulation shall be face stapled to avoid compression.

- EXCEPTION: Framed cavity can be empty or partially filled provided:
1. The wall assembly calculations are performed along with a completed performance calculation for the whole building; and

2. Insulation installed in partially filled cavities is not included in the performance calculation.

**502.1.4.7 Floor Insulation:** Floor insulation shall be installed in a permanent manner in substantial contact with the surface being insulated. Insulation supports shall be installed so spacing is no more than 24 inches on center. Foundation vents shall be placed so that the top of the vent is below the lower surface of the floor insulation.

**EXCEPTION:** Insulation may be omitted from floor areas over heated basements, heated garages or underfloor areas used as HVAC supply plenums. When foundation walls are insulated, the insulation shall be attached in a permanent manner. The insulation shall not block the airflow through foundation vents when installed. When foundation vents are not placed so that the top of the vent is below the lower surface of the floor insulation, a permanently attached baffle shall be installed at an angle of 30° from horizontal, to divert air flow below the lower surface of the floor insulation.

**502.1.4.8 Slab-On-Grade:** Slab-on-grade insulation, installed inside the foundation wall, shall extend downward from the top of the slab for a minimum distance of 24 inches or downward and then horizontally beneath the slab for a minimum combined distance of 24 inches. Insulation installed outside the foundation shall extend downward to a minimum of 24 inches or to the frostline. Above grade insulation shall be protected.

**EXCEPTION:** For monolithic slabs, the insulation shall extend downward from the top of the slab to the bottom of the footing.

**502.1.4.9 Radiant Slabs:** The entire area of a radiant slab shall be thermally isolated from the soil, with a minimum of R-10 insulation. The insulation shall be an approved product for its intended use. If a soil gas control system is present below the radiant slab, which results in increased convective flow below the radiant slab, the radiant slab shall be thermally isolated from the sub-slab gravel layer.

**502.1.4.10 Below Grade Walls:** Below grade exterior wall insulation used on the exterior (cold) side of the wall shall extend from the top of the below grade wall to the top of the footing and shall be approved for below grade use. Above grade insulation shall be protected.

Insulation used on the interior (warm) side of the wall shall extend from the top of the below grade wall to the below grade floor level.

**502.1.5 Glazing and Door U-factors:** Glazing and door U-factors shall be determined in accordance with sections 502.1.5.1 and 502.1.5.2. All products shall be labeled with the NFRC certified or default U-factor. The labeled U-factor shall be used in all calculations to determine compliance with this Code. Sealed insulating glass shall conform to, or be in test for, ASTM E-774-81 class A.

**EXCEPTIONS:** 1. For glazed wall systems, assemblies with all of the following features are deemed to satisfy the vertical glazing U-factor requirement in Table 6-1 or 6-2 options with vertical glazing U-0.40 and greater:

a. Double glazing with a minimum 1/2 inch gap width, having a low-emissivity coating with  $e = 0.10$  maximum, with 90% minimum argon gas fill, and a non-aluminum spacer (as defined in footnote 1 to Table 10-6B), and

b. Frame that is thermal break aluminum (as defined in footnote 9 to Table 10-6B), wood, aluminum clad wood, vinyl, aluminum clad vinyl, or reinforced vinyl.

The only labeling requirement for products using this exception shall be a description of the product and a label stating: "This product is deemed to satisfy the Table 6-1 or 6-2 vertical glazing U-factor requirement using the exception to Section 502.1.5 in the Washington State Energy Code."

2. For overhead glazing, assemblies with all of the following features are deemed to satisfy the overhead glazing U-factor requirement in Table 6-1 or 6-2 options **except** the unlimited glazing area options (Options IV and V in Table 6-1 and Options V, VI and (VII)) VII in Table 6-2):

a. Either, double glazing with a minimum 1/2 inch gap width, having a low-emissivity coating with  $e = 0.20$  maximum, with 90% minimum argon gas fill, or, triple glazed plastic domes, and

b. Frame that is thermal break aluminum (as defined in footnote 9 to Table 10-6B), wood, aluminum clad wood, vinyl, aluminum clad vinyl, or reinforced vinyl.

The only labeling requirement for products using this exception shall be a description of the product and a label stating: "This product is deemed to satisfy the Table 6-1 or 6-2 overhead glazing U-factor requirement using the exception to Section 502.1.5 in the Washington State Energy Code."

3. For solariums with a floor area which does not exceed 300 square feet, assemblies which comply with the features listed in exception 2 are deemed to satisfy the vertical glazing and overhead glazing U-factor requirement in Table 6-1 or 6-2 options with vertical glazing U-0.40 and greater.

The only labeling requirement for products using this exception shall be a description of the product and a label stating: "This product is deemed to satisfy the Table 6-1 or 6-2 vertical glazing and overhead glazing U-factor requirements using the exception to Section 502.1.5 in the Washington State Energy Code."

**502.1.5.1 Standard Procedure for Determination of Glazing U-factors:** U-factors for glazing shall be determined, certified and labeled in accordance with the National Fenestration Rating Council (NFRC) Product Certification Program (PCP), as authorized by an independent certification and inspection agency licensed by the NFRC. Compliance shall be based on the Residential Model Size. Product samples used for U-factor determinations shall be production line units or representative of units as purchased by the consumer or contractor. Products that are listed in the NFRC Certified Products Directory or certified to the NFRC standard shall not use default values.

**EXCEPTIONS:** 1. Glazing products without NFRC ratings may be assigned default U-factors from Table 10-6A for vertical glazing and from Table 10-6E for overhead glazing.

2. Units without NFRC ratings produced by a small business may be assigned default U-factors from Table 10-6A for garden windows, from Table 10-6B for other vertical glazing, and from Table 10-6E for overhead glazing.

**502.1.5.2 Standard Procedure for Determination of Door U-factors:** All doors, including fire doors, shall be assigned default U-factors from Table 10-6C.

**EXCEPTIONS:** 1. U-factors determined, certified and labeled in accordance with the National Fenestration Rating Council (NFRC) Product Certification Program (PCP), as authorized by an independent certification and inspection agency licensed by the NFRC.

2. The default values for the opaque portions of doors shall be those listed in Table 10-6C, provided that the U-factor listed for a door with a thermal break shall only be

allowed if both the door and the frame have a thermal break.

3. One unlabeled or untested exterior swinging door with the maximum area of 24 square feet may be installed for ornamental, security or architectural purposes. Products using this exception shall not be included in the U-factor calculation requirements, however glazing area shall be included in glazing area calculations.

#### 502.1.6 Moisture Control:

502.1.6.1 Vapor Retarders: Vapor retarders shall be installed on the warm side (in winter) of insulation as specified in the following cases.

EXCEPTION: Vapor retarder installed with not more than 1/3 of the nominal R-value between it and the conditioned space.

502.1.6.2 Floors: Floors separating conditioned space from unconditioned space shall have a vapor retarder installed. The vapor retarder shall have a one perm dry cup rating or less (i.e., four mil [0.004 inch thick] polyethylene or kraft faced material).

502.1.6.3 Roof/Ceilings: Roof/ceiling assemblies where the ventilation space above the insulation is less than an average of 12 inches shall be provided with a vapor retarder. Faced batt insulation where used as a vapor retarder shall be face stapled. Single rafter joist vaulted ceiling cavities shall be of sufficient depth to allow a minimum one inch vented air space above the insulation.

502.1.6.4: Vapor retarders shall not be required in roof/ceiling assemblies where the ventilation space above the insulation averages 12 inches or greater.

502.1.6.5: Vapor retarders shall not be required where all of the insulation is installed between the roof membrane and the structural roof deck.

502.1.6.6 Walls: Walls separating conditioned space from unconditioned space shall have a vapor retarder installed. Faced batt insulation shall be face stapled.

EXCEPTION: For climate zone 1, wood framed walls with a minimum of nominal R-5 continuous insulated sheathing installed outside of the framing and structural sheathing. For climate zone 2, wood framed walls with a minimum of nominal R-7.5 continuous insulated sheathing installed outside of the framing and structural sheathing. The interior cavity insulation for this exception shall be a maximum of nominal R-21.

502.1.6.7 Ground Cover: A ground cover of six mil (0.006 inch thick) black polyethylene or approved equal shall be laid over the ground within crawl spaces. The ground cover shall be overlapped 12 inches minimum at the joints and shall extend to the foundation wall.

EXCEPTION: The ground cover may be omitted in crawl spaces if the crawl space has a concrete slab floor with a minimum thickness of 3-1/2 inches.

#### 502.2 Thermal Criteria for Group R Occupancy:

502.2.1 UA Calculations: The proposed UA as calculated using Equations 2 and 3 shall not exceed the target UA as calculated using Equation 1. For the purpose of determining equivalent thermal performance, the glazing area for the target UA shall be calculated using values in Table 5-1. The

opaque door area shall be the same in the target UA and the proposed UA.

EXCEPTION: Log and solid timber walls that have a minimum average thickness of 3.5" and with space heat type other than electric resistance, are exempt from wall target UA and proposed UA calculations.

502.2.2 Space Heat Type: The following two categories comprise all space heating types:

1. Electric Resistance: Space heating systems which include baseboard units, radiant units and forced air units as either the primary or secondary heating system.

EXCEPTION: Electric resistance systems for which the total electric heat capacity in each individual dwelling unit does not exceed the greater of: 1) One thousand watts (1000 w) per dwelling unit, or; 2) One watt per square foot (1 w/ft<sup>2</sup>) of the gross floor area.

2. Other: All gas, wood, oil and propane space heating systems, unless electric resistance is used as a secondary heating system, and all heat pump space heating systems. (See EXCEPTIONS, Electric Resistance, section 502.2.2 above.)

#### 502.3 Reserved.

#### 502.4 Air Leakage:

502.4.1 General: The requirements of this section shall apply to all buildings and structures, or portions thereof, and only to those locations separating outdoor ambient conditions from interior spaces that are heated or mechanically cooled.

502.4.2 Doors and Windows, General: Exterior doors and windows shall be designed to limit air leakage into or from the building envelope. Site-constructed doors and windows shall be sealed in accordance with Section 502.4.3.

#### 502.4.3 Seals and Weatherstripping:

a. Exterior joints around windows and door frames, openings between walls and foundation, between walls and roof and wall panels; openings at penetrations of utility services through walls, floors and roofs; and all other openings in the building envelope for all occupancies and all other openings in between units in R-1 and R-2 Occupancy shall be sealed, caulked, gasketed or weatherstripped to limit air leakage. Other exterior joints and seams shall be similarly treated, or taped, or covered with moisture vapor permeable housewrap.

b. All exterior doors or doors serving as access to an enclosed unheated area shall be weatherstripped to limit leakage around their perimeter when in a closed position.

c. Site built windows are exempt from testing but shall be made tight fitting. Fixed lights shall have glass retained by stops with sealant or caulking all around. Operating sash shall have weatherstripping working against overlapping trim and a closer/latch which will hold the sash closed. The window frame to framing crack shall be made tight with caulking, overlapping membrane or other approved technique.

d. Openings that are required to be fire resistive are exempt from this section.

502.4.4 Recessed Lighting Fixtures: When installed in the building envelope, recessed lighting fixtures shall ~~((meet one of the following requirements:~~

~~1. Type IC rated, manufactured with no penetrations between the inside of the recessed fixture and ceiling cavity and sealed or gasketed to prevent air leakage into the unconditioned space.~~

~~2. Type IC rated, installed inside a sealed box constructed from a minimum 1/2 inch thick gypsum wall board, or constructed from a preformed polymeric vapor barrier, or other air tight assembly manufactured for this purpose.~~

~~3.)) be Type IC rated~~((;))~~ and certified under ASTM E283 to have no more than 2.0 cfm air movement from the conditioned space to the ceiling cavity. The lighting fixture shall be tested at 75 Pascals or 1.57 lbs/ft<sup>2</sup> pressure difference and have a label attached, showing compliance with this test method. Recessed lighting fixtures shall be installed with a gasket or caulk between the fixture and ceiling to prevent air leakage.~~

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 04-01-106, filed 12/17/03, effective 7/1/04)

**WAC 51-11-0503 Building mechanical systems.**

503.1 General: This section covers the determination of design requirements, system and component performance, control requirements, insulating systems and duct sealing. For all other duct construction requirements, refer to the State Mechanical Code (chapter 51-42 WAC).

503.2 Calculations of Heating and Cooling Loads, and System Sizing Limits: The design parameters specified in Chapter 3 shall apply for all computations.

503.2.1 Calculation Procedures: Heating and cooling design loads for the purpose of sizing HVAC systems are required and shall be calculated in accordance with accepted engineering practice, including infiltration and ventilation.

503.2.2 Space Heating and Space Cooling System Sizing Limits: Building mechanical systems for all buildings which provide space heating and/or space cooling shall be sized no greater than ~~((two hundred))~~ one hundred fifty percent ~~((200))~~ 150% of the heating and cooling design loads as calculated above.

EXCEPTIONS: The following limited exemptions from the sizing limit shall be allowed; however, in all cases heating and/or cooling design load calculations shall be submitted.

1. For equipment which provides both heating and cooling in one package unit, including heat pumps with electric heating and cooling and gas-pack units with gas heating and electric cooling, compliance need only be demonstrated for either the space heating or space cooling system size.

2. Natural gas- or oil-fired space heating equipment whose total rated space heating output in any one dwelling unit is a. 40,000 Btu/h or less is exempt from the sizing limit, b. Larger than 40,000 Btu/h may exceed the ~~((two hundred))~~ one hundred fifty ~~((200))~~ 150% percent sizing

limit ~~but not exceed 250 percent~~ provided that the installed equipment has an annual fuel utilization efficiency (AFUE) of ~~((not less than))~~ ninety (90%) percent or greater.

3. Stand-by equipment may be installed if controls and other devices are provided which allow redundant equipment to operate only when the primary equipment is not operating.

503.3 Simultaneous Heating and Cooling: Systems and equipment that provide simultaneous heating and cooling shall comply with the requirements in, as appropriate, Section 1422 or Section 1435.

503.4 HVAC Equipment Performance Requirements: All heating equipment shall meet the requirements of the ~~((1987))~~ National Appliance Energy Conservation Act (NAECA) and be so labeled. Equipment shall also comply with Section 1411.

503.5 Reserved.

503.6 Balancing: The HVAC system design shall provide a means for balancing air and water systems. Balancing the system shall include, but not be limited to, dampers, temperature and pressure test connections and balancing valves.

503.7 Cooling with Outdoor Air (Economizer Cycle): Systems and equipment that provide mechanical cooling shall comply with Section 1413 and, as appropriate, Section 1423 or 1433.

503.8 Controls:

503.8.1 Temperature Control: Each system shall be provided with at least one adjustable thermostat for the regulation of temperature. Each thermostat shall be capable of being set by adjustment or selection of sensors as follows:

503.8.1.1: When used to control heating only: Fifty-five degrees to seventy-five degrees F.

503.8.1.2: When used to control cooling only: Seventy degrees to eighty-five degrees F.

503.8.1.3: When used to control both heating and cooling, it shall be capable of being set from fifty-five degrees to eighty-five degrees F and shall be capable of operating the system heating and cooling in sequence. The thermostat and/or control system shall have an adjustable deadband of not less than ten degrees F.

503.8.2 Humidity Control: If a system is equipped with a means for adding moisture to maintain specific relative humidities in space or zones, a humidistat shall be provided. Humidistats shall be capable of being set to prevent new energy from being used to produce space-relative humidity above thirty percent.

EXCEPTION: Special uses requiring different relative humidities may be permitted when approved by the building official.

503.8.3 Zoning for Temperature Control:

503.8.3.1 One- and Two-Family Dwellings: At least one thermostat for regulation of space temperature shall be provided for each separate system. In addition, a readily accessible manual or automatic means shall be provided to par-

tially restrict or shut off the heating and/or cooling input to each zone or floor.

503.8.3.2 Multifamily Dwellings: For multifamily dwellings, each individual dwelling unit shall have at least one thermostat for regulation of space temperature. A readily accessible manual or automatic means shall be provided to partially restrict or shut off the heating and/or cooling input to each room. Spaces other than living units shall meet the requirements of 503.8.3.3.

503.8.3.3 (~~Reserved.~~

~~503.8.3.4~~) Control Setback and Shutoff:

~~((Residential Occupancy Groups.))~~ One- and Two-Family and Individual Multifamily dwelling(s) units—The thermostat required in section 503.8.3.1 or section 503.8.3.2, or an alternate means such as a switch or clock, shall provide a readily accessible, manual or automatic means for reducing the energy required for heating and cooling during the periods of nonuse or reduced need, such as, but not limited to unoccupied periods and sleeping hours. Lowering thermostat set points to reduce energy consumption of heating systems shall not cause energy to be expended to reach the reduced setting.

503.8.3.4 Systems Serving Multiple Dwelling Units, Guest Rooms, and Common Areas: Systems that serve more than two dwelling units, guest rooms, and common areas shall comply with the control requirements in Sections 1412 and 1432, with the exceptions of Sections 1412.4.2 and 1432.1.

503.8.3.5 Heat Pump Controls: Programmable thermostats are required for all heat pump systems. The cut-on temperature for the compression heating shall be higher than the cut-on temperature for the supplementary heat, and the cut-off temperature for the compression heating shall be higher than the cut-off temperature for the supplementary heat. Heat pump thermostats will be capable of providing at least two programmable setback periods per day. The automatic setback thermostat shall have the capability of limiting the use of supplemental heat during the warm-up period.

503.9 Air Handling Duct System Insulation: Ducts, plenums and enclosures installed in or on buildings shall be thermally insulated per Table 5-11.

EXCEPTIONS: Duct insulation (except where required to prevent condensation) is not required in any of the following cases:

1. When the heat gain or loss of the ducts, without insulation, will not increase the energy requirements of the building.
2. Within the HVAC equipment.
3. Exhaust air ducts.
4. Supply or return air ducts installed in unvented crawl spaces with insulated walls, basements, or cellars in one- and two-family dwellings.

503.10 Ducts.

503.10.1 Leakage Testing: High-pressure and medium-pressure ducts shall be leak tested in accordance with the 1985 Edition of the SMACNA HVAC Air Duct Leakage Test Manual with the rate of air leakage not to exceed the maximum rate specified in that standard.

503.10.2 Seams and Joints: All low-pressure supply and return duct transverse joints, and enclosed stud bays or joist cavities/space used to transport air, shall be securely fastened and sealed with welds, gaskets, mastics (adhesives), or mastic-plus-embedded-fabric systems installed in accordance with the manufacturer's installation instructions.

- EXCEPTIONS:
1. Ducts or building cavities used for air distribution that are located entirely within the conditioned space of the building are exempt from this section.
  2. UL 181A listed tapes used with listed rigid fibrous glass ducts may be used as the primary sealant, when installed in accordance with the listing.
  3. UL 181B listed tapes used with listed flexible air ducts may be used as the primary sealant, when installed in accordance with the listing.
  4. Where enclosed stud bays or joist cavities/spaces are used to transport air sealing may be accomplished using drywall, drywall tape plus joint compound.
  5. Tapes installed in accordance with the manufacturer's installation instructions, providing detailed information specific to application on ducts, including approved duct materials and required duct surface cleaning.

503.10.3 Dampers: Requirements for Automatic or manual dampers are found in the Washington State Ventilation and Indoor Air Quality Code.

503.11 Pipe Insulation: All piping shall be thermally insulated in accordance with Table 5-12.

EXCEPTION: Piping installed within unitary HVAC equipment.

Cold water pipes outside the conditioned space shall be insulated in accordance with the Washington State Plumbing Code (chapter 51-56 WAC).

AMENDATORY SECTION (Amending WSR 04-01-106, filed 12/17/03, effective 7/1/04)

#### **WAC 51-11-0504 Service water heating.**

504.1 Scope: The purpose of this section is to provide criteria for design and equipment selection that will produce energy savings when applied to service water heating.

504.2 Water Heaters, Storage Tanks and Boilers:

504.2.1 Performance Efficiency: All Storage water heaters shall meet the requirements of the ~~((1987))~~ National Appliance Energy Conservation Act and be so labeled. All electric water heaters in unheated spaces or on concrete floors shall be placed on an incompressible, insulated surface with a minimum thermal resistance of R-10.

For combination space and service water heaters with a principal function of providing space heat, the Combined Annual Efficiency (CAE) may be calculated by using ASHRAE Standard 124-1991. Storage water heaters used in combination space heat and water heat applications shall have either an Energy Factor (EF) or a Combined Annual Efficiency (CAE) of not less than the following:

	Energy Factor (EF)	Combined Annual Efficiency (CAE)
<50 gallon storage	0.58	0.71
50 to 70 gallon storage	0.57	0.71
>70 gallon storage	0.55	0.70

504.2.2 Insulation: Heat loss from unfired hot-water storage tanks shall be limited to a maximum of 9.6 Btu/hr/ft<sup>2</sup> of external tank surface area. The design ambient temperature shall be no higher than sixty-five degrees F.

504.2.3 Combination Service Water Heating/Space Heating Boilers: Service water heating equipment shall not be dependent on year round operation of space heating boilers.

EXCEPTIONS:

1. Systems with service/space heating boilers having a standby loss Btu/h less than:
  - (13.3 pmd + 400)/n
  - determined by the fixture count method where:
    - pmd = probably maximum demand in gallons/hour as determined in accordance with Chapter ((48)) 49 of Standard RS-11.
    - n = fraction of year when outdoor daily mean temperature exceeds 64.9° F.
  - The standby loss is to be determined for a test period of twenty-four-hour duration while maintaining a boiler water temperature of ninety degrees F above an ambient of sixty degrees F and a five foot stack on appliance.
2. For systems where the use of a single heating unit will lead to energy savings, such unit shall be utilized.

504.3 Automatic Controls: Service water heating systems shall be equipped with automatic temperature controls capable of adjustment from the lowest to the highest acceptable temperature settings for the intended use. Temperature setting range shall be set to one hundred twenty degrees F or forty-nine degrees C.

504.4 Shutdown: A separate switch shall be provided to permit turning off the energy supplied to electric service water heating systems. A separate valve shall be provided to permit turning off the energy supplied to the main burner(s) of all other types of service water heater systems.

504.5 Swimming Pools:

504.5.1: All pool heaters shall be equipped with readily accessible ON/OFF switch to allow shutting off the operation of the heater without adjusting the thermostat setting. Controls shall be provided to allow the water temperature to be regulated from the maximum design temperature down to sixty-five degrees F.

504.5.2 Pool Covers: Heated swimming pools shall be equipped with a pool cover, approved by the building official.

504.6 Pump Operation: Circulating hot water systems shall be controlled so that the circulation pump(s) can be conveniently turned off, automatically or manually, when the hot water system is not in operation.

504.7 Pipe Insulation: Piping shall be thermally insulated in accordance with section 503.11.

504.8 Conservation of Hot Water:

504.8.1 Showers and Lavatories: Showers and lavatories used for other than safety reasons shall be equipped with flow control devices or specially manufactured showerheads or aerators to limit the total water flow rate as set forth in chapter 51-56 WAC, as measured with both hot and cold faucets turned on to their maximum flow.

AMENDATORY SECTION (Amending WSR 04-01-106, filed 12/17/03, effective 7/1/04)

**WAC 51-11-0505 Lighting.**

505.1 **Lighting Controls:** Hotel and motel guest rooms and guest suites shall have a master control device at the main room entry that controls all permanently installed luminaires and switched receptacles.

505.2 **Lighting Power:** Lighting shall comply with the Prescriptive Lighting Option in Section 1520 or the Lighting Power Allowance Option in Section 1530.

- EXCEPTIONS:
1. Group R-3 and R-4 Occupancy and the dwelling unit portions of Group R-1 and R-2 Occupancy.
  2. Lighting exempted by Section 1512.

505.3 **Outdoor Lighting:** Luminaires providing outdoor lighting and permanently mounted to a residential building or to other buildings on the same lot shall be high efficacy luminaires.

- EXCEPTIONS:
1. Permanently installed outdoor luminaires that are not high efficacy shall be allowed provided they are controlled by a motion sensor(s) with integral photocontrol photosensor.
  2. Permanently installed luminaires in or around swimming pools, water features.

505.4 **Linear Fluorescent Fixtures:** Linear fluorescent fixtures must be fitted with T-8 or smaller lamps (but not T-10 or T-12 lamps).



**AMENDATORY SECTION** (Amending WSR 98-03-003, filed 1/8/98, effective 7/1/98)

**WAC 51-11-0525 Equation 1—Group R Occupancy.**

**EQUATION 1—GROUP R OCCUPANCY  
TARGET UA**

$$UA_T = U_W A_W + U_{BGW} A_{BGW} + U_{VG} A_{VG} + U_{OG} A_{OG} + U_F A_F + U_{RC} A_{RC} + U_{CC} A_{CC} + U_D A_D + F_S P_S$$

**Where:**

- $UA_T$  = the target combined thermal transmittance of the gross exterior wall, floor and roof/ceiling assembly area.
- $U_W$  = the thermal transmittance value of the opaque above grade wall area found in Table 5-1.
- $A_W$  = opaque above grade wall area.
- $U_{BGW}$  = the thermal transmittance value of the below grade opaque wall area found in Table 5-1.
- $A_{BGW}$  = opaque below grade wall area.
- $U_{VG}$  = the thermal transmittance value of the vertical glazing area found in Table 5-1.
- $A_{VG}$  = ((15% of the total floor area of the conditioned space minus  $A_{OG}$ )) (a.) The proposed glazing area; where the proposed glazing area is less than 15% of the conditioned floor area minus  $A_{OG}$ . (b.) 15% of the conditioned floor area; where proposed glazing area is 15% or more of the conditioned floor area minus  $A_{OG}$ .
- $U_{OG}$  = the thermal transmittance value of the overhead glazing area found in Table 5-1 (see Table 5-1 footnote 2).
- $A_{OG}$  = overhead glazing area (if the proposed  $A_{OG}$  exceeds 15 percent, the target  $A_{OG}$  shall be 15 percent of the total floor area of the conditioned space).
- $U_F$  = the thermal transmittance value of the floor area found in Table 5-1.
- $A_F$  = floor area over unconditioned space.
- $U_{RC}$  = the thermal transmittance value of the roof/ceiling area found in Table 5-1.
- $A_{RC}$  = roof/ceiling area.
- $U_{CC}$  = the thermal transmittance value of the cathedral ceiling area found in Table 5-1.
- $A_{CC}$  = cathedral ceiling area.
- $U_D$  = the thermal transmittance value of the opaque door area found in Table 5-1.
- $A_D$  = opaque door area.
- $F_S$  = concrete slab component F-factor found in Table 5-1.
- $P_S$  = lineal ft. of concrete slab perimeter.

**AMENDATORY SECTION** (Amending WSR 02-01-112, filed 12/18/01, effective 7/1/02)

**WAC 51-11-0530 Table 5-1.**

**TABLE 5-1  
TARGET COMPONENT VALUES FOR GROUP R OCCUPANCY**

Component	Climate Zone	
	1	2
Glazing % Floor Area	15% or the proposed glazing area, whichever is less	15% or the proposed glazing area, whichever is less
Vertical Glazing U-Factor Group R-1 and R-2 Group R-3 and R-4	U = 0.400 U = 0.350	U = 0.400 U = 0.350
Overhead Glazing U-Factor	U = 0.58	U = 0.58

Component	Climate Zone	
	1	2
Doors	U = 0.200 (R-5)	U = 0.200 (R-5)
Ceilings		
Attic	U = 0.031 (R-38)	U = 0.031 (R-38)
Single Rafter/ Joist Vaulted <sup>2</sup>	U = 0.034 (R-30)	U = 0.034 (R-30)
Walls <sup>1,2</sup> ((Space Heat Type: Electric Resistance)) ((Other	U = ((0.058)) 0.057 (R-((19A))21) U = 0.062+ (R-19))	U = 0.044 (R-19A +R-5) U = 0.062+ (R-19))
Floors	U = 0.029 (R-30)	U = 0.029 (R-30)

Component	Climate Zone	
	1	2
Slab on Grade	F = 0.54	F = 0.54
Slab R-Value	(R-10)	(R-10)
Below Grade Interior		
Wall R-Value	R-19	R-19
2' Depth: Walls	U = 0.043	U = 0.043
Slab	F = 0.69	F = 0.69
3.5' Depth: Walls	U = 0.041	U = 0.041
Slab	F = 0.64	F = 0.64
7' Depth: Walls	U = 0.037	U = 0.037
Slab	F = 0.57	F = 0.57
Below Grade Exterior		
Wall R-Value	R-10	R-12
2' Depth: Walls	U = 0.070	U = 0.061
Slab	F = 0.60	F = 0.60
3.5' Depth: Walls	U = 0.064	U = 0.057
Slab	F = 0.57	F = 0.57
7' Depth: Walls	U = 0.056	U = 0.050
Slab	F = 0.42	F = 0.42

1. Log and Solid Timber walls that have a minimum average thickness of 3.5" in spaces with space heating by "other fuels" are exempt from wall target UA and proposed UA calculations.

2. "A" means advanced framing. For more information, see Section 1005.2.

3. Requirement applicable only to single rafter or joist vaulted ceilings where both (a) the distance between the top of the ceiling and the underside of the roof sheathing is less than 12 inches and (b) there is a minimum 1-inch vented airspace above the insulation. Other single rafter or joist vaulted ceilings shall comply with the "ceiling" requirements. This option is limited to 500 square feet of ceiling area for any one dwelling unit.

**AMENDATORY SECTION** (Amending WSR 93-21-052, filed 10/18/93, effective 4/1/94)

**WAC 51-11-0540 Table 5-11.**

TABLE 5-11  
INSULATION OF DUCTS

DUCT LOCATION	CLIMATE ZONE	GROUP R OCCUPANCY
		HEATING OR COOLING DUCTS
On roof or on exterior of building	I	E and W
	II	D and W
Attic, garage, crawl space, in walls <sup>1</sup> , in floor/ceiling <sup>1</sup>	I	E
	II	E
Within the conditioned space or in heated basement		None Required
In cement slab or in ground		B

Note: Where ducts are used for both heating and cooling, the minimum insulation shall be as required for the most restrictive condition.

<sup>1</sup> Insulation may be omitted on that portion of a duct which is located within a wall or floor-ceiling space

where both sides of this space are exposed to conditioned air and where this space is not ventilated or otherwise exposed to unconditioned air.

- 2 Vapor (~~barriers~~) barriers shall be installed on conditioned air supply ducts in geographic areas where the average of the July, August, and September mean dew-point temperature exceeds 60°F.

INSULATION TYPES: Minimum densities and out-of-package thickness.

- A. 0.5-inch 1.5 to 2 lb/cu. ft. duct liner, mineral or glass fiber blanket or equivalent to provide an installed total thermal resistance of at least R-2.
- B. 2-inch 0.60 lb/cu. ft. mineral or glass fiber blanket 1.5-inch 1.5 to 2 lb/cu. ft. duct liner, mineral or glass fiber board or equivalent to provide an installed total thermal resistance of at least R-5.
- C. 3-inch 0.60 lb/cu. ft. mineral or glass fiber blanket 2-inch 1.5 to 2 lb/cu. ft. duct liner, mineral or glass fiber board or equivalent to provide an installed total thermal resistance of at least R-7.
- D. 4-inch 0.60 lb/cu. ft. mineral or glass fiber blanket 3-inch 1.5 to 2 lb/cu. ft. duct liner, mineral or glass fiber board or equivalent to provide an installed total thermal resistance of at least R-10.
- E. 3.5 inch 0.60 lb/cu. ft. mineral or glass fiber blanket, 2.5 inch 1.5 to 2 lb/cu. ft. duct liner, mineral or glass fiberboard or equivalent to provide an installed total thermal resistance of at least R-8.
- V. Vapor barrier, with perm rating not greater than 0.5 perm, all joints sealed.
- W. Approved weatherproof barrier.

**AMENDATORY SECTION** (Amending WSR 02-24-076, filed 12/4/02, effective 5/1/03)

**WAC 51-11-0602 Building envelope requirements for Group R Occupancy.**

602.1 Roof/Ceiling: Ceilings below vented attics and single-rafter, joist-vaulted ceilings shall be insulated to not less than the nominal R-value specified for ceilings in Table 6-1 or 6-2 as applicable.

602.2 Exterior Walls Both Above and Below Grade: Above grade exterior walls shall be insulated to not less than the nominal R-value specified in Table 6-1 or 6-2 as applicable. The following walls should be considered to meet R-21 without additional documentation:

- 1. 2 x 6 framed and insulated with R-21 fiberglass batts.
- 2. 2 x 4 framed and insulated with R-15 fiberglass batts plus R-4.0 foam sheathing.
- 3. 2 x 4 framed and insulated with R-13 fiberglass batts plus R-5.0 foam sheathing.

602.3 Exterior Walls (Below Grade): Below grade exterior walls surrounding conditioned space shall be insulated to

not less than the nominal R-value specified for below grade walls in Table 6-1 or 6-2 as applicable.

602.4 Slab-on-grade Floors: Slab-on-grade floors shall be insulated along their perimeter to not less than the nominal R-values specified for slab-on-grade floors in Table 6-1 or 6-2 as applicable. Slab insulation shall be installed in compliance with section 502.1.4.8. See Chapter 5, section 502.1.4.9, for additional requirements for radiant slab heating.

602.5 Floors Over Unconditioned Space: Floors over unconditioned spaces, such as vented crawl spaces, unconditioned basements, and parking garages shall be insulated to not less than the nominal R-value shown for floors over unconditioned spaces, in Table 6-1 or 6-2.

602.6 Exterior Doors: Doors shall comply with Sections 602.6.1 and 602.6.2.

- EXCEPTIONS:
1. Glazed doors whose area and U-factor are included in the calculations for compliance with the requirements for glazing in section 602.7 shall be exempt from the door U-factor requirements prescribed in Table 6-1 or 6-2.
  2. One unlabeled or untested exterior swinging door with the maximum area of 24 square feet may be installed per unit for ornamental, security or architectural purposes. Products using this exception shall not be included in either the U-factor or glazing area calculation requirements.

602.6.1 Exterior Door Area: For half-lite and full-lite doors, the glazing area shall be included in calculating the allowed total glazing area in Section 602.7.1. Single glazing used for ornamental, security or architectural purposes shall be calculated using the exception to Section 602.7.2.

602.6.2 Exterior Door U-Factor: Doors, including fire doors, shall have a maximum area weighted average U-factor not exceeding that prescribed in Table 6-1 or 6-2.

602.7 Glazing:

602.7.1 Glazing Area: The total glazing area as defined in Chapter 2 shall not exceed the percentage of gross conditioned floor area specified in Table 6-1 or 6-2. This area shall also include any glazing in doors.

602.7.2 Glazing U-Factor: The total glazing area as defined in Chapter 2 shall have an area weighted average U-factor not to exceed that specified in Table 6-1 or 6-2. U-factors for glazing shall be determined in accordance with section 502.1.5. These areas and U-factors shall also include any doors using the exception of section 602.6.

If the U-factors for all vertical and overhead glazing products are below the appropriate U-factor specified, then no calculations are required. If compliance is to be achieved through an area weighted calculation, then the areas and U-factors shall be included in the plans submitted with a building permit application.

EXCEPTION: Single glazing for ornamental, security, or architectural purposes and double glazed garden windows with a wood or vinyl frame shall be exempt from the U-factor calculations but shall have its area tripled and shall be included in the percentage of the total glazing area as allowed for in Table 6-1 or 6-2. The maximum area (before tripling) allowed for the total of all single glazing and garden windows is one percent of the floor area.

602.8 Air Leakage For Group R Occupancy: The minimum air leakage control measures shall be as specified in section 502.4 as applicable.

**AMENDATORY SECTION** (Amending WSR 04-01-106, filed 12/17/03, effective 7/1/04)

**WAC 51-11-0625 Table 6-1.**

**TABLE 6-1  
PRESCRIPTIVE REQUIREMENTS<sup>0,1</sup> FOR GROUP R OCCUPANCY  
CLIMATE ZONE 1**

Option	Glazing Area <sup>10</sup> : % of Floor	Glazing U-Factor		Door <sup>9</sup> U- Factor	Ceiling <sup>2</sup>	Vaulted Ceiling <sup>3</sup>	Wall <sup>12</sup> Above Grade	Wall• int <sup>4</sup> Below Grade	Wall• ext <sup>4</sup> Below Grade	Floor <sup>5</sup>	Slab <sup>6</sup> on Grade
		Vertical	Overhead <sup>11</sup>								
<b>I.</b>	((12)) 10%	((0.35)) 0.32	0.58	0.20	R-38	R-30	R-15	R-15	R-10	R-30	R-10
<b>II.*</b>	15%	((0.40)) 0.35	0.58	0.20	R-38	R-30	R-21	R-21	R-10	R-30	R-10
<b>III.</b>	25% Group R-1 and R- 2 Occupancy only	0.40	0.58	0.20	R-38/ U = 0.031	R-30/ U = 0.034	R-21/ U = ((0.060)) 0.057	R-15	R-10	R-30/ U = 0.029	R-10
<b>IV.</b>	Unlimited Group R-3 and R-4 Occupancy only	((0.40)) 0.35	0.58	0.20	R-38	R-30	R-21	R-21	R-10	R-30	R-10
<b>V.</b>	Unlimited Group R-1 and R-2 Occupancy only	0.35	0.58	0.20	R-38/ U = 0.031	R-30/ U = 0.034	R-21/ U = ((0.060)) 0.057	R-15	R-10	R-30/ U = 0.029	R-10

\* Reference Case

0. Nominal R-values are for wood frame assemblies only or assemblies built in accordance with Section 601.1.

1. Minimum requirements for each option listed. For example, if a proposed design has a glazing ratio to the conditioned floor area of 13%, it shall comply with all of the requirements of the 15% glazing option (or higher). Proposed designs which cannot meet the specific requirements of a listed option above may calculate compliance by Chapters 4 or 5 of this Code.

2. Requirement applies to all ceilings except single rafter or joist vaulted ceilings complying with note 3. 'Adv' denotes Advanced Framed Ceiling.
3. Requirement applicable only to single rafter or joist vaulted ceilings where both (a) the distance between the top of the ceiling and the underside of the roof sheathing is less than 12 inches and (b) there is a minimum 1-inch vented airspace above the insulation. Other single rafter or joist vaulted ceilings shall comply with the "ceiling" requirements. This option is limited to 500 square feet of ceiling area for any one dwelling unit.
4. Below grade walls shall be insulated either on the exterior to a minimum level of R-10, or on the interior to the same level as walls above grade. Exterior insulation installed on below grade walls shall be a water resistant material, manufactured for its intended use, and installed according to the manufacturer's specifications. See Section 602.2.
5. Floors over crawl spaces or exposed to ambient air conditions.
6. Required slab perimeter insulation shall be a water resistant material, manufactured for its intended use, and installed according to manufacturer's specifications. See Section 602.4.
7. Int. denotes standard framing 16 inches on center with headers insulated with a minimum of R-10 insulation.
8. This wall insulation requirement denotes R-19 wall cavity insulation plus R-5 foam sheathing.
9. Doors, including all fire doors, shall be assigned default U-factors from Table 10-6C.
10. Where a maximum glazing area is listed, the total glazing area (combined vertical plus overhead) as a percent of gross conditioned floor area shall be less than or equal to that value. Overhead glazing with U-factor of U = 0.40 or less is not included in glazing area limitations.
11. Overhead glazing shall have U-factors determined in accordance with NFRC 100 or as specified in Section 502.1.5.
12. Log and solid timber walls with a minimum average thickness of 3.5" are exempt from this insulation requirement.

**TABLE 6-2  
PRESCRIPTIVE REQUIREMENTS<sup>0,1</sup> FOR GROUP R OCCUPANCY  
CLIMATE ZONE 2**

Option	Glazing Area <sup>10</sup> : % of Floor	Glazing U-Factor		Door <sup>9</sup> U-Factor	Ceiling <sup>2</sup>	Vaulted Ceiling <sup>3</sup>	Wall <sup>12</sup> Above Grade	Wall • int <sup>4</sup> Below Grade	Wall • ext <sup>4</sup> Below Grade	Floor <sup>5</sup>	Slab <sup>6</sup> on Grade
		Vertical	Overhead <sup>11</sup>								
<b>I.</b>	<del>((40))</del> 12%	<del>((0.40))</del> 0.35	0.58	0.20	R-38	R-30	R-21 Int <sup>7</sup>	R-21	R-12	R-30	R-10
<b>II.*</b>	15%	<del>((0.40))</del> 0.35	0.58	0.20	R-38	R-30	R-19 +R-5 <sup>8</sup>	R-21	R-12	R-30	R-10
<b>III.</b>	17%	<del>((0.37))</del> 0.32	0.58	0.20	R-38	R-30	R-19 +R-5 <sup>8</sup>	R-21	R-12	R-30	R-10
<b>IV.</b>	25% Group R-1 and R-2 Occupancy only	0.35	0.58	0.20	R-38/ U = 0.031	R-30/ U = 0.034	R-21 int <sup>7</sup> / U = 0.054	R-15	R-12	R-30/ U = 0.029	R-10/ F = 0.54
<b>V.</b>	Unlimited Group R-3 and R-4 Occupancy only	0.35	0.58	0.20	R-38	R-30	<del>((R-21 Int<sup>7</sup>))</del> R-19 +R-5 <sup>8</sup>	R-21	R-12	R-30	R-10
<b>VI.</b>	Unlimited Group R-3 and R-4 Occupancies only	0.30	0.58	0.20	R-49 or R-38 ADV	R-38	R-21 int <sup>7</sup>	R-21	R-12	R-30	R-10
<del>(IV)</del> <b>VII.</b>	Unlimited Group R-1 Occu- pancy only	0.32	0.58	0.20	R-38/ U = 0.031	R-30/ U = 0.034	R-21 int <sup>7</sup> / U = 0.054	R-15	R-12	R-30/ U = 0.029	R-10/ F = 0.54

- \* Reference Case
- 0. Nominal R-values are for wood frame assemblies only or assemblies built in accordance with Section 601.1.
- 1. Minimum requirements for each option listed. For example, if a proposed design has a glazing ratio to the conditioned floor area of 13%, it shall comply with all of the requirements of the 15% glazing option (or higher). Proposed designs which cannot meet the specific requirements of a listed option above may calculate compliance by Chapters 4 or 5 of this Code.
- 2. Requirement applies to all ceilings except single rafter or joist vaulted ceilings complying with note 3. 'Adv' denotes Advanced Framed Ceiling.
- 3. Requirement applicable only to single rafter or joist vaulted ceilings where both (a) the distance between the top of the ceiling and the underside of the roof sheathing is less than 12 inches and (b) there is a minimum 1-inch vented airspace above the insulation. Other single rafter or joist vaulted ceilings shall comply with the "ceiling" requirements. This option is limited to 500 square feet of ceiling area for any one dwelling unit.
- 4. Below grade walls shall be insulated either on the exterior to a minimum level of R-~~((40))~~ 12, or on the interior to the same level as walls above grade. Exterior insulation installed on below grade walls shall be a water resistant material, manufactured for its intended use, and installed according to the manufacturer's specifications. See Section 602.2.
- 5. Floors over crawl spaces or exposed to ambient air conditions.
- 6. Required slab perimeter insulation shall be a water resistant material, manufactured for its intended use, and installed according to manufacturer's specifications. See Section 602.4.
- 7. Int. denotes standard framing 16 inches on center with headers insulated with a minimum of R-10 insulation.
- 8. This wall insulation requirement denotes R-19 wall cavity insulation plus R-5 foam sheathing.
- 9. Doors, including all fire doors, shall be assigned default U-factors from Table 10-6C.
- 10. Where a maximum glazing area is listed, the total glazing area (combined vertical plus overhead) as a percent of gross conditioned floor area shall be less than or equal to that value. Overhead glazing with U-factor of U = 0.40 or less is not included in glazing area limitations.
- 11. Overhead glazing shall have U-factors determined in accordance with NFRC 100 or as specified in Section 502.1.5.
- 12. Log and solid timber walls with a minimum average thickness of 3.5" are exempt from this insulation requirement.

**AMENDATORY SECTION** (Amending WSR 04-01-106, filed 12/17/03, effective 7/1/04)

**WAC 51-11-0701 Scope.** The following standards shall apply to Chapters 1 through 20. The standards and portions thereof, which are referred to in various parts of this Code

shall be part of the Washington State Energy Code and are hereby declared to be a part of this Code.

REFERENCE STANDARD	NO.	TITLE AND SOURCE
RS-1		<del>((2004))</del> <u>2005</u> ASHRAE Fundamentals Handbook.
RS-2		Super Good Cents Technical Reference C Builder's Field Guide.
RS-3		(Reserved).
RS-4		ASHRAE Standard 55- <del>((92))</del> <u>2004</u> Thermal Environmental Conditions for Human Occupancy.
RS-5		<del>((1998))</del> <u>2006</u> ASHRAE Refrigeration Handbook.
RS-6		SMACNA, Installation Standards for Residential Heating and Air Conditioning Systems, 6th Edition, 1988.
RS-7		SMACNA, HVAC Duct Construction Standards, Metal and Flexible, 2nd Edition, 1995.
RS-8		SMACNA, Fibrous Glass Duct Construction Standards, 6th Edition, 1992.
RS-9		ASHRAE/IESNA Standard 90.1- <del>((2004))</del> <u>2004</u> , Energy Standard for Buildings Except Low-Rise Residential Buildings.
RS-10		<del>((2000))</del> <u>2004</u> ASHRAE Systems and Equipment Handbook.
RS-11		<del>((1999))</del> <u>2003</u> ASHRAE HVAC Systems and Applications Handbook.
RS-12		through RS-28 (Reserved).
RS-29		Nonresidential Building Design by Systems Analysis.
RS-30		Title 10, Code of Federal Regulations (CFR), Part 430 (March 14, 1988).
RS-31		National Fenestration Rating Council (NFRC) Standard 100- <del>((2004))</del> <u>2004</u> .
<u>RS-32</u>		<u>Seattle EnvStd 2006</u> .

ACCREDITED AUTHORITATIVE AGENCIES

ANSI refers to the American National Standards Institute, Inc., 11 West 42nd Street, New York, NY 10036  
Phone 212-642-4900 fax 212-398-0023, internet www.ansi.org

ARI refers to the Air Conditioning and Refrigeration Institute, 4301 N. Fairfax Dr., Suite 425, Arlington, VA 22203  
Phone 703-524-8800 fax 703-528-3816, internet www.ari.org

ASHRAE refers to the American Society of Heating, Refrigerating, and Air Conditioning Engineers, Inc., 1791 Tullie Circle, N.E., Atlanta, GA 30329

Phone 404-636-8400 fax 404-321-5478, internet www.ashrae.org

ASTM refers to the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959  
Phone 610-832-9585 fax 610-832-9555, internet www.astm.org

CTI refers to the Cooling Tower Institute, 530 Wells Fargo Drive, Suite 218, Houston, TX 77090  
Phone 281-583-4087 fax 281-537-1721, internet www.cti.org

IESNA refers to the Illuminating Engineering Society of North America, 120 Wall Street, Floor 17, New York, NY 10005-4001  
Phone 212-248-5000 fax 212-248-5017, internet www.iesna.org

NFRC refers to the National Fenestration Rating Council, Incorporated, 8484 Georgia Avenue, Suite 320, Silver Spring, Maryland 20910  
Phone 301-589-1776 fax ~~((301-588-0854))~~ 301-589-3884, internet www.nfrc.org

SMACNA refers to the Sheet Metal and Air Conditioning Contractors National Association, Inc., 4201 Lafayette Center Drive, P.O. Box 221230, Chantilly, VA 20153-1230  
Phone 703-803-2980 fax 703-803-3732, internet www.smacna.org

AMENDATORY SECTION (Amending WSR 04-01-106, filed 12/17/03, effective 7/1/04)

**WAC 51-11-0900 Section 0900—(~~Prescriptive heating system sizing~~)Reserved.** (~~When using the prescriptive approach in Chapter 6, if approved by the building official, design heat load calculations are not required to show compliance to this Code if the heating system installed is equal to or less than the following:~~

<del>Climate Zone 1</del>	<del>20 Btu/h•ft<sup>2</sup></del>
<del>Climate Zone 2</del>	<del>25 Btu/h•ft<sup>2</sup></del>

~~Example: A 2000 ft<sup>2</sup> house in Zone 2, heated with gas, would not have to submit a design heat load if the proposed furnace is 50,000 Btu or less.~~

$$2000 \times 25 = 50,000$$

~~Disclaimer: All heating systems shall be designed and installed in accordance with International Building Code Section 1204.)~~

AMENDATORY SECTION (Amending WSR 04-01-106, filed 12/17/03, effective 7/1/04)

**WAC 51-11-1005 Section 1005: Above-grade walls.**

Section 1005.1 General: Table 10-5, 10-5A and 10-5B list heat-loss coefficients for the opaque portion of above-grade wood stud frame walls, metal stud frame walls and

concrete masonry walls (Btu/h•ft<sup>2</sup>•°F) respectively. They are derived from procedures listed in RS-1, listed in Chapter 7. For intermediate floor slabs which penetrate the insulated wall, use the concrete wall U-factors in Table 10-5B.

Insulation is assumed to uniformly fill the entire cavity and to be installed as per manufacturer's directions. All walls are assumed to be finished on the inside with one-half inch gypsum wallboard, and on the outside with either beveled wood siding over one-half inch plywood sheathing or with five-eighths inch T1-11 siding. Insulated sheathing (either interior or exterior) is assumed to cover the entire opaque wall surface.

1005.2 Framing Description: For wood stud frame walls, three framing types are considered, and defined as follows:

Standard: Studs framed on sixteen inch centers with double top plate and single bottom plate. Corners use three studs and each opening is framed using two studs. Headers consist of double 2X or single 4X material with an air space left between the header and the exterior sheathing. Interior partition wall/exterior wall intersections use two studs in the exterior wall.

Framing weighting factors:	Studs and plates	.19
	Insulated cavity	.77
	Headers	.04

Intermediate: Studs framed on sixteen inch centers with double top plate and single bottom plate. Corners use two studs or other means of fully insulating corners, and each opening is framed by two studs. Headers consist of double 2X material with R-10 insulation between the header and exterior sheathing. Interior partition wall/exterior wall intersections are fully insulated in the exterior wall.

Framing weighting factors:	Studs and plates	.18
	Insulated cavity	.78
	Headers	.04

Advanced: Studs framed on twenty-four inch centers with double top plate and single bottom plate. Corners use two studs or other means of fully insulating corners, and one stud is used to support each header. Headers consist of double 2X material with R-10 insulation between the header and exterior sheathing. Interior partition wall/exterior wall intersections are fully insulated in the exterior wall.

Framing weighting factors:	Studs and plates	.13
	Insulated cavity	.83
	Headers	.04

1005.3 Component Description: Default coefficients for four types of walls are listed: single-stud walls, metal stud walls, strap walls, and double-stud walls.

Single-Stud Wall: Assumes either 2x4 or 2x6 studs framed on sixteen or twenty-four inch centers. Headers are solid for 2x4 walls and double 2x for 2x6 walls, with either dead-air or rigid-board insulation in the remaining space.

Metal Stud Wall: Assumes metal studs spaced on 16 or 24 inch centers with insulation installed to fill wall cavities. Continuous rigid board insulation is applied without creating uninsulated voids in the wall assembly.

Strap Wall: Assumes 2x6 studs framed on sixteen or twenty-four inch centers. 2x3 or 2x4 strapping is run horizontally along the interior surface of the wall to provide additional space for insulation.

Double-Stud Wall: Assumes an exterior structural wall and a separate interior, nonstructural wall. Insulation is placed in both wall cavities and in the space between the 2 walls. Stud spacing is assumed to be on 24 inch centers for both walls.

TABLE 10-5

DEFAULT U-FACTORS FOR ABOVE-GRADE WALLS

**2 x 4 Single Wood Stud: R-11 Batt**

**NOTE:**  
 Nominal Batt R-value:  
 R-11 at 3.5 inch thickness  
  
 Installed Batt R-value:  
 R-11 in 3.5 inch cavity

Siding Material/Framing Type				
R-value of Foam Board	Lapped Wood		T1-11	
	STD	ADV	STD	ADV
0	0.088	0.084	0.094	0.090
1	0.080	0.077	0.085	0.082
2	0.074	0.071	0.078	0.075
3	0.069	0.066	0.072	0.070
4	0.064	0.062	0.067	0.065
5	0.060	0.058	0.063	0.061
6	0.056	0.055	0.059	0.057
7	0.053	0.052	0.055	0.054
8	0.051	0.049	0.052	0.051
9	0.048	0.047	0.050	0.049
10	0.046	0.045	0.047	0.046
11	0.044	0.043	0.045	0.044
12	0.042	0.041	0.043	0.042

**2 x 4 Single Wood Stud: R-13 Batt**

**NOTE:**  
 Nominal Batt R-value:  
 R-13 at 3.63 inch thickness  
  
 Installed Batt R-value:  
 R-12.7 in 3.5 inch cavity

Siding Material/Framing Type				
R-value of Foam Board	Lapped Wood		T1-11	
	STD	ADV	STD	ADV
0	0.082	0.078	0.088	0.083
1	0.075	0.072	0.080	0.076
2	0.069	0.066	0.073	0.070
3	0.065	0.062	0.068	0.065
4	0.060	0.058	0.063	0.061
5	0.057	0.055	0.059	0.057
6	0.053	0.052	0.056	0.054
7	0.051	0.049	0.052	0.051
8	0.048	0.047	0.050	0.048
9	0.046	0.045	0.047	0.046
10	0.044	0.043	0.045	0.044
11	0.042	0.041	0.043	0.042
12	0.040	0.039	0.041	0.040

**2 x 4 Single Wood Stud: R-15 Batt**

Siding Material/Framing Type				
R-value of Foam Board	Lapped Wood		T1-11	
	STD	ADV	STD	ADV
0	0.076	0.071	0.081	0.075
1	0.069	0.065	0.073	0.069
2	0.064	0.061	0.068	0.069
3	0.060	0.057	0.063	0.059
4	0.056	0.053	0.059	0.056
5	0.053	0.051	0.055	0.052
6	0.050	0.048	0.052	0.050
7	0.047	0.046	0.049	0.047
8	0.045	0.044	0.047	0.045
9	0.043	0.042	0.044	0.043
10	0.041	0.040	0.042	0.041
11	0.039	0.038	0.041	0.039
12	0.038	0.037	0.039	0.038

**NOTE:**

Nominal Batt R-value:  
R-15 at 3.5 inch thickness

Installed Batt R-value:  
R-15 in 3.5 inch cavity

**2 x 6 Single Wood Stud: R-19 Batt**

Siding Material/Framing Type						
R-value of Foam Board	Lapped Wood			T1-11		
	STD	INT	ADV	STD	INT	ADV
0	0.062	0.058	0.055	0.065	0.061	0.058
1	0.058	0.055	0.052	0.060	0.057	0.055
2	0.054	0.052	0.050	0.056	0.054	0.051
3	0.051	0.049	0.047	0.053	0.051	0.049
4	0.048	0.046	0.045	0.050	0.048	0.046
5	0.046	0.044	0.043	0.048	0.046	0.044
6	0.044	0.042	0.041	0.045	0.044	0.042
7	0.042	0.040	0.039	0.043	0.042	0.040
8	0.040	0.039	0.038	0.041	0.040	0.039
9	0.038	0.037	0.035	0.039	0.038	0.037
10	0.037	0.036	0.035	0.038	0.037	0.036
11	0.036	0.035	0.034	0.036	0.035	0.035
12	0.034	0.033	0.033	0.035	0.034	0.033

**NOTE:**

Nominal Batt R-value:  
R-19 at 6 inch thickness

Installed Batt R-value:  
R-18 in 5.5 inch cavity



**2 x 6 Single Wood Stud: R-21 Batt**

**NOTE:**  
 Nominal Batt R-value:  
 R-21 at 5.5 inch thickness  
  
 Installed Batt R-value:  
 R-21 in 5.5 inch cavity

Siding Material/Framing Type						
	Lapped Wood			T1-11		
R-value of Foam Board	STD	INT	ADV	STD	INT	ADV
0	0.057	0.054	0.051	0.060	0.056	0.053
1	0.054	0.051	0.048	0.056	0.053	0.050
2	0.050	0.048	0.045	0.052	0.050	0.047
3	0.048	0.045	0.043	0.049	0.047	0.045
4	0.045	0.043	0.041	0.047	0.045	0.043
5	0.043	0.041	0.040	0.044	0.042	0.041
6	0.041	0.039	0.038	0.042	0.041	0.039
7	0.039	0.038	0.036	0.040	0.039	0.037
8	0.038	0.036	0.035	0.039	0.037	0.036
9	0.036	0.035	0.034	0.037	0.036	0.035
10	0.035	0.034	0.033	0.036	0.035	0.033
11	0.033	0.033	0.032	0.034	0.033	0.032
12	0.032	0.031	0.031	0.033	0.032	0.031

**2 x 6 Single Wood Stud: R-22 Batt**

**NOTE:**  
 Nominal Batt R-value:  
 R-22 at 6.75 inch thickness  
  
 Installed Batt R-value:  
 R-20 in 5.5 inch cavity

Siding Material/Framing Type						
	Lapped Wood			T1-11		
R-value of Foam Board	STD	INT	ADV	STD	INT	ADV
0	0.059	0.055	0.052	0.062	0.058	0.054
1	0.055	0.052	0.049	0.057	0.054	0.051
2	0.052	0.049	0.047	0.054	0.051	0.048
3	0.049	0.046	0.044	0.050	0.048	0.046
4	0.046	0.044	0.042	0.048	0.046	0.044
5	0.044	0.042	0.041	0.045	0.043	0.042
6	0.042	0.040	0.039	0.043	0.042	0.040
7	0.040	0.039	0.037	0.041	0.040	0.038
8	0.038	0.037	0.036	0.039	0.038	0.037
9	0.037	0.036	0.035	0.038	0.037	0.035
10	0.035	0.034	0.033	0.036	0.035	0.034
11	0.034	0.033	0.032	0.035	0.034	0.033
12	0.033	0.032	0.031	0.034	0.033	0.032

**2 x 6 Single Wood Stud: Two R-11 Batts**

Siding Material/Framing Type						
R-value of Foam Board	Lapped Wood			T1-11		
	STD	INT	ADV	STD	INT	ADV
0	0.060	0.057	0.054	0.063	0.059	0.056
1	0.056	0.053	0.051	0.059	0.056	0.053
2	0.053	0.050	0.048	0.055	0.052	0.050
3	0.050	0.048	0.046	0.052	0.049	0.047
4	0.047	0.045	0.044	0.049	0.047	0.045
5	0.045	0.043	0.042	0.046	0.045	0.043
6	0.043	0.041	0.040	0.044	0.043	0.041
7	0.041	0.040	0.038	0.042	0.041	0.039
8	0.039	0.038	0.037	0.040	0.039	0.038
9	0.038	0.037	0.036	0.039	0.038	0.036
10	0.036	0.035	0.034	0.037	0.036	0.035
11	0.035	0.034	0.033	0.036	0.035	0.034
12	0.034	0.033	0.032	0.034	0.034	0.033

**NOTE:**

Nominal Batt R-value:  
R-22 at 7 inch thickness

Installed Batt R-value:  
R-18.9 in 5.5 inch cavity

**2 x 8 Single Stud: R-25 Batt**

Siding Material/Framing Type						
R-value of Foam Board	Lapped Wood			T1-11		
	STD	INT	ADV	STD	INT	ADV
0	0.051	0.047	0.045	0.053	0.049	0.046
1	0.048	0.045	0.043	0.049	0.046	0.044
2	0.045	0.043	0.041	0.047	0.044	0.042
3	0.043	0.041	0.039	0.044	0.042	0.040
4	0.041	0.039	0.037	0.042	0.040	0.038
5	0.039	0.037	0.036	0.040	0.038	0.037
6	0.037	0.036	0.035	0.038	0.037	0.036
7	0.036	0.035	0.033	0.037	0.035	0.034
8	0.035	0.033	0.032	0.035	0.034	0.033
9	0.033	0.032	0.031	0.034	0.033	0.032
10	0.032	0.031	0.030	0.033	0.032	0.031
11	0.031	0.030	0.029	0.032	0.031	0.030
12	0.030	0.029	0.028	0.031	0.030	0.029

**NOTE:**

Nominal Batt R-value:  
R-25 at 8 inch thickness

Installed Batt R-value:  
R-23.6 in 7.25 inch cavity

2 x 6: Strap Wall				
	Siding Material/Frame Type			
	Lapped Wood		T1-11	
	STD	ADV	STD	ADV
R-19 + R-11 Batts	0.036	0.035	0.038	0.036
R-19 + R-8 Batts	0.041	0.039	0.042	0.040

**2 x 6 + 2 x 4: Double Wood Stud**

Batt Configuration			Siding Material/Frame Type			
			Lapped Wood		T1-11	
Exterior	Middle	Interior	STD	ADV	STD	ADV
R-19	————	R-11	0.040	0.037	0.041	0.038
R-19	————	R-19	0.034	0.031	0.035	0.032
R-19	R-8	R-11	0.029	0.028	0.031	0.029
R-19	R-11	R-11	0.027	0.026	0.028	0.027
R-19	R-11	R-19	0.024	0.023	0.025	0.023
R-19	R-19	R-19	0.021	0.020	0.021	0.020

**2 x 4 + 2 x 4: Double Wood Stud**

Batt Configuration			Siding Material/Frame Type			
			Lapped Wood		T1-11	
Exterior	Middle	Interior	STD	ADV	STD	ADV
R-11	————	R-11	0.050	0.046	0.052	0.048
R-19	————	R-11	0.039	0.037	0.043	0.039
R-11	R-8	R-11	0.037	0.035	0.036	0.036
R-11	R-11	R-11	0.032	0.031	0.033	0.032
R-13	R-13	R-13	0.029	0.028	0.029	0.028
R-11	R-19	R-11	0.026	0.026	0.027	0.026

**Log Walls**

Average Log Diameter, Inches	U-factor
6	0.148
8	0.111
10	0.089
12	0.074
14	0.063
16	0.056

**NOTE:**

R-value of wood:  
R-1.25 per inch thickness

Average wall thickness  
90% average log diameter

**Metal Stud Walls:** The nominal R-values in Table 10-5A may be used for purposes of calculating metal stud wall section U-factors in lieu of the ASHRAE zone calculation method as provided in Chapter 25 of Standard RS-1.

**Stress Skin Panel**

Panel Thickness, Inches	U-factor
3 1/2	0.071
5 1/2	0.048
7 1/4	0.037
9 1/4	0.030
11 1/4	0.025

**NOTE:**

R-value of expanded polystyrene: R-3.85 per inch

Framing: 6%  
Spline: 8%

No thermal bridging between interior and exterior splines

TABLE 10-5A  
 Default U-factors for Overall Assembly Metal Stud Walls, Effective R-values for Metal Framing and Cavity Only, and  
 Default Metal Building U-factors

OVERALL ASSEMBLY U-FACTORS FOR METAL STUD WALLS

((Metal Framing	R-Value of Continuous Foam Board Insulation	Cavity Insulation					
		R-11	R-13	R-15	R-19	R-21	R-25
16" o.e.	R-0 (none)	U-0.14	U-0.13	U-0.12	U-0.10	U-0.097	U-0.091
	R-1	U-0.12	U-0.12	U-0.11	U-0.094	U-0.089	U-0.083
	R-2	U-0.11	U-0.10	U-0.099	U-0.086	U-0.081	U-0.077
	R-3	U-0.10	U-0.095	U-0.090	U-0.079	U-0.075	U-0.071
	R-4	U-0.091	U-0.087	U-0.082	U-0.073	U-0.070	U-0.067
	R-5	U-0.083	U-0.080	U-0.076	U-0.068	U-0.065	U-0.062
	R-6	U-0.077	U-0.074	U-0.071	U-0.064	U-0.061	U-0.059
	R-7	U-0.071	U-0.069	U-0.066	U-0.060	U-0.058	U-0.055
	R-8	U-0.067	U-0.064	U-0.062	U-0.057	U-0.055	U-0.053
	R-9	U-0.062	U-0.060	U-0.058	U-0.054	U-0.052	U-0.050
R-10	U-0.059	U-0.057	U-0.055	U-0.051	U-0.049	U-0.048	

24" o.e	R-0 (none)	U-0.13	U-0.12	U-0.11	U-0.091	U-0.085	U-0.079
	R-1	U-0.11	U-0.10	U-0.098	U-0.084	U-0.078	U-0.073
	R-2	U-0.10	U-0.091	U-0.089	U-0.077	U-0.073	U-0.068
	R-3	U-0.092	U-0.083	U-0.082	U-0.072	U-0.068	U-0.064
	R-4	U-0.084	U-0.077	U-0.076	U-0.067	U-0.063	U-0.060
	R-5	U-0.078	U-0.071	U-0.070	U-0.063	U-0.060	U-0.057
	R-6	U-0.072	U-0.067	U-0.066	U-0.059	U-0.056	U-0.054
	R-7	U-0.067	U-0.063	U-0.062	U-0.056	U-0.053	U-0.051
	R-8	U-0.063	U-0.059	U-0.058	U-0.053	U-0.051	U-0.048
	R-9	U-0.059	U-0.056	U-0.055	U-0.050	U-0.048	U-0.046
R-10	U-0.056	U-0.053	U-0.052	U-0.048	U-0.046	U-0.044))	

Metal Framing	R-Value of Continuous Foam Board Insulation	Cavity Insulation					
		R-0	R-11	R-13	R-15	R-19	R-21
16" o.c.	R-0 (none)	U-0.352	U-0.132	U-0.124	U-0.118	U-0.109	U-0.106
	R-1	U-0.260	U-0.117	U-0.111	U-0.106	U-0.099	U-0.096
	R-2	U-0.207	U-0.105	U-0.100	U-0.096	U-0.090	U-0.087
	R-3	U-0.171	U-0.095	U-0.091	U-0.087	U-0.082	U-0.080
	R-4	U-0.146	U-0.087	U-0.083	U-0.080	U-0.076	U-0.074
	R-5	U-0.128	U-0.080	U-0.077	U-0.074	U-0.071	U-0.069
	R-6	U-0.113	U-0.074	U-0.071	U-0.069	U-0.066	U-0.065
	R-7	U-0.102	U-0.069	U-0.066	U-0.065	U-0.062	U-0.061
	R-8	U-0.092	U-0.064	U-0.062	U-0.061	U-0.058	U-0.057
	R-9	U-0.084	U-0.060	U-0.059	U-0.057	U-0.055	U-0.054
R-10	U-0.078	U-0.057	U-0.055	U-0.054	U-0.052	U-0.051	

24" o.c	<u>R-0 (none)</u>	<u>U-0.338</u>	<u>U-0.116</u>	<u>U-0.108</u>	<u>U-0.102</u>	<u>U-0.094</u>	<u>U-0.090</u>
	<u>R-1</u>	<u>U-0.253</u>	<u>U-0.104</u>	<u>U-0.098</u>	<u>U-0.092</u>	<u>U-0.086</u>	<u>U-0.083</u>
	<u>R-2</u>	<u>U-0.202</u>	<u>U-0.094</u>	<u>U-0.089</u>	<u>U-0.084</u>	<u>U-0.079</u>	<u>U-0.077</u>
	<u>R-3</u>	<u>U-0.168</u>	<u>U-0.086</u>	<u>U-0.082</u>	<u>U-0.078</u>	<u>U-0.073</u>	<u>U-0.071</u>
	<u>R-4</u>	<u>U-0.144</u>	<u>U-0.079</u>	<u>U-0.075</u>	<u>U-0.072</u>	<u>U-0.068</u>	<u>U-0.066</u>
	<u>R-5</u>	<u>U-0.126</u>	<u>U-0.073</u>	<u>U-0.070</u>	<u>U-0.067</u>	<u>U-0.064</u>	<u>U-0.062</u>
	<u>R-6</u>	<u>U-0.112</u>	<u>U-0.068</u>	<u>U-0.066</u>	<u>U-0.063</u>	<u>U-0.060</u>	<u>U-0.059</u>
	<u>R-7</u>	<u>U-0.100</u>	<u>U-0.064</u>	<u>U-0.062</u>	<u>U-0.059</u>	<u>U-0.057</u>	<u>U-0.055</u>
	<u>R-8</u>	<u>U-0.091</u>	<u>U-0.060</u>	<u>U-0.058</u>	<u>U-0.056</u>	<u>U-0.054</u>	<u>U-0.052</u>
	<u>R-9</u>	<u>U-0.084</u>	<u>U-0.057</u>	<u>U-0.055</u>	<u>U-0.053</u>	<u>U-0.051</u>	<u>U-0.050</u>
<u>R-10</u>	<u>U-0.077</u>	<u>U-0.054</u>	<u>U-0.052</u>	<u>U-0.050</u>	<u>U-0.048</u>	<u>U-0.048</u>	

EFFECTIVE R-VALUES FOR METAL FRAMING AND CAVITY ONLY

	Cavity		Insulation		
	Nominal Depth, Inches	Actual Depth, Inches	Nominal R-Value	Effective R-Value	
				16" O.C.	24" O.C.
Air Cavity	any	any	R-0.91 (air)	0.79	0.91
Wall	4	3-1/2	R-11	5.5	6.6
	4	3-1/2	R-13	6.0	7.2
	4	3-1/2	R-15	6.4	7.8
	6	5-1/2	R-19	7.1	8.6
	6	5-1/2	R-21	7.4	9.0
Roof	Insulation is uncompressed		R-25	7.8	9.6
			R-11	5.5	6.1
			R-19	7.0	9.1
			R-30	9.3	11.4

DEFAULT METAL BUILDING U-FACTORS

	R-10	R-11	R-13	R-19	R-24	R-30
Faced fiber glass blanket insulation rolled over and perpendicular to structural frame. Metal covering sheets fastened to the frame, holding insulation in place.	0.133	0.127	0.114	0.091	na	na
Faced fiber glass batt insulation suspended between structural frame. Metal covering sheets fastened directly to frame.	0.131	0.123	0.107	0.079	0.065	0.057
Faced fiber glass blanket insulation rolled over and perpendicular to structural frame. Rigid insulation blocks placed over insulation to align with structural frame.	0.102	0.096	0.084	0.065	na	na
Faced fiber glass batt insulation suspended between structural frame. Rigid insulation blocks placed over insulation to align with structural frame.	0.099	0.093	0.080	0.059	0.048	0.041

**Concrete Masonry Walls:** The nominal R-values in Table 10-5B may be used for purposes of calculating concrete masonry wall section U-factors in lieu of the ASHRAE isothermal planes calculation method as provided in Chapter 25 of Standard RS-1.

TABLE 10-5B  
Default U-Factors for Concrete and Masonry Walls

8" CONCRETE MASONRY				
WALL DESCRIPTION	CORE TREATMENT			
	Partial Grout with UngROUTED Cores			Solid Grout
	Empty	Loose-fill insulated		
		Perlite	Vermiculite	
Exposed Block, Both Sides	0.40	0.23	0.24	0.43
R-5 Interior Insulation, Wood Furring	0.14	0.11	0.12	0.15

8" CONCRETE MASONRY				
WALL DESCRIPTION	CORE TREATMENT			
	Partial Grout with UngROUTED Cores			Solid Grout
	Empty	Loose-fill insulated		
		Perlite	Vermiculite	
R-6 Interior Insulation, Wood Furring	0.14	0.11	0.11	0.14
R-10.5 Interior Insulation, Wood Furring	0.11	0.09	0.09	0.11
R-8 Interior Insulation, Metal Clips	0.11	0.09	0.09	0.11
R-6 Exterior Insulation	0.12	0.10	0.10	0.12
R-10 Exterior Insulation	0.08	0.07	0.07	0.08
R-9.5 Rigid Polystyrene Integral Insulation, Two Webbed Block	0.11	0.09	0.09	0.12

12" CONCRETE MASONRY				
WALL DESCRIPTION	CORE TREATMENT			
	Partial Grout with UngROUTED Cores			Solid Grout
	Empty	Loose-fill insulated		
		Perlite	Vermiculite	
Exposed Block, Both Sides	0.35	0.17	0.18	0.33
R-5 Interior Insulation, Wood Furring	0.14	0.10	0.10	0.13
R-6 Interior Insulation, Wood Furring	0.13	0.09	0.10	0.13
R-10.5 Interior Insulation, Wood Furring	0.11	0.08	0.08	0.10
R-8 Interior Insulation, Metal Clips	0.10	0.08	0.08	0.09
R-6 Exterior Insulation	0.11	0.09	0.09	0.11
R-10 Exterior Insulation	0.08	0.06	0.06	0.08
R-9.5 Rigid Polystyrene Integral Insulation, Two Webbed Block	0.11	0.08	0.09	0.12

8" CLAY BRICK				
WALL DESCRIPTION	CORE TREATMENT			
	Partial Grout with UngROUTED Cores			Solid Grout
	Empty	Loose-fill insulated		
		Perlite	Vermiculite	
Exposed Block, Both Sides	0.50	0.31	0.32	0.56
R-5 Interior Insulation, Wood Furring	0.15	0.13	0.13	0.16
R-6 Interior Insulation, Wood Furring	0.15	0.12	0.12	0.15
R-10.5 Interior Insulation, Wood Furring	0.12	0.10	0.10	0.12
R-8 Interior Insulation, Metal Clips	0.11	0.10	0.10	0.11
R-6 Exterior Insulation	0.12	0.11	0.11	0.13
R-10 Exterior Insulation	0.08	0.08	0.08	0.09

6" CONCRETE POURED OR PRECAST				
WALL DESCRIPTION	CORE TREATMENT			
	Partial Grout with UngROUTED Cores			Solid Grout
	Empty	Loose-fill insulated		
		Perlite	Vermiculite	
Exposed Concrete, Both Sides	NA	NA	NA	0.61
R-5 Interior Insulation, Wood Furring	NA	NA	NA	0.16
R-6 Interior Insulation, Wood Furring	NA	NA	NA	0.15
R-10.5 Interior Insulation, Wood Furring	NA	NA	NA	0.12

6" CONCRETE POURED OR PRECAST				
WALL DESCRIPTION	CORE TREATMENT			
	Partial Grout with UngROUTED Cores			Solid Grout
	Empty	Loose-fill insulated		
		Perlite	Vermiculite	
R-8 Interior Insulation, Metal Clips	NA	NA	NA	0.12
R-6 Exterior Insulation	NA	NA	NA	0.13
R-10 Exterior Insulation	NA	NA	NA	0.09

**Peripheral Edges of Intermediate Concrete Floors**

SLAB EDGE TREATMENT	AVERAGE THICKNESS OF WALL ABOVE AND BELOW			
	6 inches	8 inches	10 inches	12 inches
Exposed Concrete	0.816	0.741	0.678	0.625
R-5 Exterior Insulation	0.161	0.157	0.154	0.152
R-6 Exterior Insulation	0.138	0.136	0.134	0.132
R-7 Exterior Insulation	0.122	0.120	0.118	0.116
R-8 Exterior Insulation	0.108	0.107	0.106	0.104
R-9 Exterior Insulation	0.098	0.097	0.095	0.094
R-10 Exterior Insulation	0.089	0.088	0.087	0.086

**Notes for Default Table 10-5B**

- Grouted cores at 40" x 48" on center vertically and horizontally in partial grouted walls.
- Interior insulation values include 1/2" gypsum board on the inner surface.
- Furring and stud spacing is 16" on center. Insulation is assumed to fill furring space and is not compressed.
- Intermediate values may be interpolated using this table. Values not contained in this table may be computed using the procedures listed in Standard RS-1.

**AMENDATORY SECTION** (Amending WSR 05-01-013, filed 12/2/04, effective 7/1/05)

**WAC 51-11-1006 Section 1006 Default U-factors for glazing and doors.**

1006.1 Glazing and Doors without NFRC Certification: Glazing and doors that do not have NFRC certification shall be assigned the following U-factors:

**TABLE 10-6**

**Other than Group R Occupancy: DEFAULT U-FACTORS FOR VERTICAL GLAZING, OVERHEAD GLAZING AND OPAQUE DOORS**

Vertical Glazing			
	U-Factor		
	Any Frame	Aluminum W/Thermal Break	Vinyl/Wood Frame
Single	1.45	1.45	1.45
Double	0.90	0.85	0.75
1/2 Inch Air, Fixed	0.75	0.70	0.60
1/2 Inch Air, Low-e <sup>(0.40)</sup> , Fixed	0.60	0.55	0.50

Vertical Glazing			
	U-Factor		
	Any Frame	Aluminum W/Thermal Break	Vinyl/Wood Frame
1/2 Inch Air, Low-e <sup>(0.10)</sup> , Fixed	0.55	0.50	0.45
1/2 Inch Argon, Low-e <sup>(0.10)</sup> , Fixed	0.50	0.45	0.40

The category for aluminum frame with a thermal break is as defined in footnote 7 to Table 10-6A.

Overhead Glazing: Sloped Glazing (Including Frame)			
	U-Factor		
	Any Frame	Aluminum W/Thermal Break	Vinyl/Wood Frame
Single	1.74	1.74	1.74
Double	1.08	1.02	0.90
1/2 Inch Air, Fixed	0.90	0.84	0.72
1/2 Inch Air, Low-e <sup>(0.40)</sup> , Fixed	0.72	0.66	0.60
1/2 Inch Air, Low-e <sup>(0.10)</sup> , Fixed	0.66	0.60	0.54
1/2 Inch Argon, Low-e <sup>(0.10)</sup> , Fixed	0.60	0.54	0.48

This default table is applicable to sloped glazing only. (Sloped glazing is a multiple-lite glazed system (similar to a curtain wall) that is mounted at a slope greater than 15° from the vertical plane.) Other overhead glazing shall use the defaults in Table 10-6E.

Opaque Doors	
	U-Factor
Uninsulated Metal	1.20
Insulated Metal (Including Fire Door and Smoke Vent)	0.60
Wood	0.50

Notes:

- Where a gap width is listed (i.e.: 1/2 inch), that is the minimum allowed.
- Where a low-emissivity emittance is listed (i.e.: 0.40, 0.20, 0.10), that is the maximum allowed.
- Where a gas other than air is listed (i.e.: Argon), the gas fill shall be a minimum of 90%.
- Where an operator type is listed (i.e.: Fixed), the default is only allowed for that operator type. Where a frame type is listed (i.e.: Wood/vinyl), the default is only allowed for that frame type. Wood/vinyl frame includes reinforced vinyl and aluminum-clad wood.

**TABLE 10-6A**  
**Group R Occupancy: DEFAULT U-FACTORS FOR VERTICAL GLAZING**

Description <sup>1,2,3,4</sup>		Frame Type <sup>5,6</sup>			
		Aluminum	Aluminum Thermal Break <sup>7</sup>	Wood/Vinyl	
Windows	Single	1.20	1.20	1.20	
	Double, < 1/2"	Clear	0.92	0.75	0.63
		Clear + Argon	0.87	0.71	0.60
		Low-e	0.85	0.69	0.58
		Low-e + Argon	0.79	0.62	0.53
	Double, ≥ 1/2"	Clear	0.86	0.69	0.58
		Clear + Argon	0.83	0.67	0.55
		Low-e	0.78	0.61	0.51
		Low-e + Argon	0.75	0.58	0.48
	Triple,	Clear	0.70	0.53	0.43
		Clear + Argon	0.69	0.52	0.41
		Low-e	0.67	0.49	0.40
		Low-e + Argon	0.63	0.47	0.37
Garden Windows	Single	2.60	n.a.	2.31	
	Double	Clear	1.81	n.a.	1.61
		Clear + Argon	1.76	n.a.	1.56
		Low-e	1.73	n.a.	1.54
		Low-e + Argon	1.64	n.a.	1.47

- 1 <1/2" = a minimum dead air space of less than 0.5 inches between the panes of glass.  
≥ 1/2" = a minimum dead air space of 0.5 inches or greater between the panes of glass.  
Where no gap width is listed, the minimum gap width is 1/4".
- 2 Any low-e (emissivity) coating (0.1, 0.2 or 0.4).
- 3 U-factors listed for argon shall consist of sealed, gas-filled insulated units for argon, CO2, SF6, argon/SF6 mixtures and Krypton.
- 4 "Glass block" assemblies may use a U-factor of 0.51.
- 5 Insulated fiberglass framed products shall use wood/vinyl U-factors.
- 6 Aluminum clad wood windows shall use the U-factors listed for wood/vinyl windows.
- 7 Aluminum Thermal Break = An aluminum thermal break framed window shall incorporate the following minimum design characteristics:
  - a) The thermal conductivity of the thermal break material shall be not more than 3.6 Btu-in/h/ft²/°F;
  - b) The thermal break material must produce a gap in the frame material of not less than 0.210 inches; and,



- c) All metal framing members of the products exposed to interior and exterior air shall incorporate a thermal break meeting the criteria in a) and b) above.

TABLE 10-6B<sup>1</sup>

## Group R Occupancy: SMALL BUSINESS COMPLIANCE TABLE FOR VERTICAL GLAZING

DESCRIPTION <sup>2,3,4,6</sup>	FRAME TYPE <sup>7,8</sup>			
	ALUMINUM	ALUM. THERMAL BREAK <sup>9</sup>	WOOD/VINYL	ALUM. CLAD WOOD/REINFORCED VINYL <sup>10</sup>
Double, Clear 1/4"	0.82	0.66	0.56	0.59
Double, Clear 1/4" + argon	0.77	0.63	0.53	0.56
Double, Low-e4 1/4"	0.76	0.61	0.52	0.54
Double, Low-e2 1/4"	0.73	0.58	0.49	0.51
Double, Low-e1 1/4"	0.70	0.55	0.47	0.49
Double, Low-e4 1/4" + argon	0.70	0.55	0.47	0.49
Double, Low-e2 1/4" + argon	0.66	0.52	0.43	0.46
Double, Low-e1 1/4" + argon	0.64	0.50	0.41	0.43
Double, Clear 3/8"	0.78	0.63	0.54	0.57
Double, Clear 3/8" + argon	0.75	0.60	0.51	0.54
Double, Low-e4 3/8"	0.72	0.57	0.48	0.51
Double, Low-e2 3/8"	0.69	0.54	0.45	0.48
Double, Low-e1 3/8"	0.66	0.51	0.43	0.46
Double, Low-e4 3/8" + argon	0.68	0.53	0.44	0.47
Double, Low-e2 3/8" + argon	0.63	0.49	0.41	0.44
Double, Low-e1 3/8" + argon	0.61	0.47	<del>((0.39))</del> 0.35	0.41
Double, Clear 1/2"	0.75	0.60	0.50	0.54
Double, Clear 1/2" + argon	0.72	0.58	0.48	0.51
Double, Low-e4 1/2"	0.68	0.53	0.44	0.47
Double, Low-e2 1/2"	0.64	0.50	0.40	0.44
Double, Low-e1 1/2"	0.61	0.47	0.35 <sup>5</sup>	0.42
Double, Low-e4 1/2" + argon	0.65	0.50	0.42	0.44
Double, Low-e2 1/2" + argon	0.60	0.46	0.37	0.40
Double, Low-e1 1/2" + argon	0.58	0.43	<del>((0.35))</del> 0.34	0.38
Triple, Clear 1/4"	0.66	0.52	0.42	0.44
Triple, Clear 1/4" + argon	0.63	0.49	0.39	0.42
Triple, Low-e4 1/4"	0.64	0.50	0.40	0.40
Triple, Low-e2 1/4"	0.62	0.48	0.39	0.41
Triple, Low-e1 1/4"	0.61	0.47	0.38	0.40
Triple, Low-e4 1/4" + argon	0.60	0.46	0.37	0.39
Triple, Low-e2 1/4" + argon	0.58	0.43	0.34	0.37
Triple, Low-e1 1/4" + argon	0.57	0.42	0.34	0.36
Triple, Clear 1/2"	0.61	0.46	0.37	0.40
Triple, Clear 1/2" + argon	0.59	0.45	0.36	0.38
Triple, Low-e4 1/2"	0.58	0.43	0.35	0.37
Triple, Low-e2 1/2"	0.55	0.41	0.32	0.35
Triple, Low-e1 1/2"	0.54	0.39	0.31	0.33
Triple, Low-e4 1/2" + argon	0.55	0.41	0.32	0.35
Triple, Low-e2 1/2" + argon	0.52	0.38	0.30	0.32
Triple, Low-e1 1/2" + argon	0.51	0.37	0.29	0.31

Footnotes to Table 10-6B

- 1 Subtract 0.02 from the listed default U-factor for nonaluminum spacer. Acceptable spacer materials may include but is not limited to fiberglass, wood and butyl or other material with an equivalent thermal performance.
- 2 1/4" = a minimum dead air space of 0.25 inches between the panes of glass.  
 3/8" = a minimum dead air space of 0.375 inches between the panes of glass.  
 1/2" = a minimum dead air space of 0.5 inches between the panes of glass.  
 Product with air spaces different than those listed above shall use the value for the next smaller air space; i.e. 3/4 inch = 1/2 inch U-factors, 7/16 inch = 3/8 inch U-factors, 5/16 inch = 1/4 inch U-factors.
- 3 Low-e4 (emissivity) shall be 0.4 or less.  
 Low-e2 (emissivity) shall be 0.2 or less.  
 Low-e1 (emissivity) shall be 0.1 or less.
- 4 U-factors listed for argon shall consist of sealed, gas-filled insulated units for argon, CO2, SF6, and argon/SF6 mixtures. The following conversion factor shall apply to Krypton gas-filled units: 1/4" or greater with krypton is equivalent to 1/2" argon.
- 5 ~~((Reserved))~~ For this assembly only, products shall be deemed to comply if they have an emissivity of 0.16 or less.
- 6 "Glass block" assemblies may use a U-factor of 0.51.
- 7 Insulated fiberglass framed products shall use wood/vinyl U-factors.
- 8 Subtract 0.02 from the listed default values for solariums.
- 9 Aluminum Thermal Break = An aluminum thermal break framed window shall incorporate the following minimum design characteristics:
  - a) The thermal conductivity of the thermal break material shall be not more than 3.6 Btu-in/h/ft<sup>2</sup>/F°;
  - b) The thermal break material must produce a gap in the frame material of not less than 0.210 inches; and,
  - c) All metal framing members of the products exposed to interior and exterior air shall incorporate a thermal break meeting the criteria in a) and b) above.
- 10 Aluminum clad wood windows shall use the U-factors listed for Aluminum Clad Wood/Reinforced Vinyl windows. Vinyl clad wood window shall use the U-factors listed for Wood/Vinyl windows. Any vinyl frame window with metal reinforcement in more than one rail shall use the U-factors listed for Aluminum Clad Wood/Reinforced Vinyl window.

**TABLE 10-6C**  
**Group R Occupancy: DEFAULT U-FACTORS FOR DOORS**

Door Type	No Glazing	Single Glazing	Double Glazing with 1/4 in. Airspace	Double Glazing with 1/2 in. Airspace	Double Glazing with e = 0.10, 1/2 in. Argon
<b>SWINGING DOORS (Rough opening - 38 in. x 82 in.)</b>					
<i>Slab Doors</i>					
Wood slab in wood frame <sup>a</sup>	0.46				
6% glazing (22 in. x 8 in. lite)	-	0.48	0.47	0.46	0.44
25% glazing (22 in. x 36 in. lite)	-	0.58	0.48	0.46	0.42
45% glazing (22 in. x 64 in. lite)	-	0.69	0.49	0.46	0.39
More than 50% glazing		Use Table 10-6A			
Insulated steel slab with wood edge in wood frame <sup>a</sup>	0.16				
6% glazing (22 in. x 8 in. lite)	-	0.21	0.20	0.19	0.18
25% glazing (22 in. x 36 in. lite)	-	0.39	0.28	0.26	0.23
45% glazing (22 in. x 64 in. lite)	-	0.58	0.38	0.35	0.26
More than 50% glazing		Use Table 10-6A			

Door Type	No Glazing	Single Glazing	Double Glazing with 1/4 in. Airspace	Double Glazing with 1/2 in. Airspace	Double Glazing with e = 0.10, 1/2 in. Argon
Foam insulated steel slab with metal edge in steel frame <sup>b</sup>	0.37				
6% glazing (22 in. x 8 in. lite)	-	0.44	0.42	0.41	0.39
25% glazing (22 in. x 36 in. lite)	-	0.55	0.50	0.48	0.44
45% glazing (22 in. x 64 in. lite)	-	0.71	0.59	0.56	0.48
More than 50% glazing		Use Table 10-6A			
Cardboard honeycomb slab with metal edge in steel frame <sup>b</sup>	0.61				
<i>Style and Rail Doors</i>					
Sliding glass doors/French doors		Use Table 10-6A			
<i>Site-Assembled Style and Rail Doors</i>					
Aluminum in aluminum frame	-	1.32	0.99	0.93	0.79
Aluminum in aluminum frame with thermal break	-	1.13	0.80	0.74	0.63
<b>REVOLVING DOORS (Rough opening - 82 in. x 84 in.)</b>					
Aluminum in aluminum frame					
Open	-	1.32	-	-	-
Closed	-	0.65	-	-	-
<b>SECTIONAL OVERHEAD DOORS (Nominal - 10 ft x 10 ft)</b>					
Uninsulated steel (nominal U = 1.15) <sup>c</sup>	1.15	-	-	-	-
Insulated steel (nominal U = 0.11) <sup>c</sup>	0.24	-	-	-	-
Insulated steel with thermal break (nominal U = 0.08) <sup>c</sup>	0.13	-	-	-	-

a. Thermally broken sill (add 0.03 for nonthermally broken sill)  
 b. Nonthermally broken sill  
 c. Nominal U-factors are through the center of the insulated panel before consideration of thermal bridges around the edges of the door sections and due to the frame.

**TABLE 10-6D**  
**Group R Occupancy: DEFAULT U-FACTORS FOR GLAZED DOORS**  
 See Table 10-6C

**TABLE 10-6E**  
**Group R Occupancy: DEFAULT U-FACTORS FOR OVERHEAD GLAZING**

Glazing Type	Frame Type			
	Aluminum without Thermal Break	Aluminum with Thermal Break	Reinforced Vinyl/Aluminum-Clad Wood or Vinyl	Wood or Vinyl-Clad Wood/Vinyl without Reinforcing
Single Glazing glass acrylic/polycarb	U-1.58	U-1.51	U-1.40	U-1.18
	U-1.52	U-1.45	U-1.34	U-1.11
Double Glazing air argon	U-1.05	U-0.89	U-0.84	U-0.67
	U-1.02	U-0.86	U-0.80	U-0.64
Double Glazing, e = 0.20				

**TABLE 10-6E**  
**Group R Occupancy: DEFAULT U-FACTORS FOR OVERHEAD GLAZING**

Glazing Type	Frame Type			
	Aluminum without Thermal Break	Aluminum with Thermal Break	Reinforced Vinyl/ Aluminum-Clad Wood or Vinyl	Wood or Vinyl-Clad Wood/ Vinyl without Reinforcing
air	U-0.96	U-0.80	U-0.75	U-0.59
argon	U-0.91	U-0.75	U-0.70	U-0.54
Double Glazing, $e = 0.10$				
air	U-0.94	U-0.79	U-0.74	U-0.58
argon	U-0.89	U-0.73	U-0.68	U-0.52
Double Glazing, $e = 0.05$				
air	U-0.93	U-0.78	U-0.73	U-0.56
argon	U-0.87	U-0.71	U-0.66	U-0.50
Triple Glazing				
air	U-0.90	U-0.70	U-0.67	U-0.51
argon	U-0.87	U-0.69	U-0.64	U-0.48
Triple Glazing, $e = 0.20$				
air	U-0.86	U-0.68	U-0.63	U-0.47
argon	U-0.82	U-0.63	U-0.59	U-0.43
Triple Glazing, $e = 0.20$ on 2 surfaces				
air	U-0.82	U-0.64	U-0.60	U-0.44
argon	U-0.79	U-0.60	U-0.56	U-0.40
Triple Glazing, $e = 0.10$ on 2 surfaces				
air	U-0.81	U-0.62	U-0.58	U-0.42
argon	U-0.77	U-0.58	U-0.54	U-0.38
Quadruple Glazing, $e = 0.10$ on 2x surfaces				
air	U-0.78	U-0.59	U-0.55	U-0.39
argon	U-0.74	U-0.56	U-0.52	U-0.36
krypton	U-0.70	U-0.52	U-0.48	U-0.32

1. U-factors are applicable to both glass and plastic, flat and domed units, all spacers and gaps.
2. Emissivities shall be less than or equal to the value specified.
3. Gap fill shall be assumed to be air unless there is a minimum of 90% argon or krypton.
4. Aluminum frame with thermal break is as defined in footnote 9 to Table 10-6B.

**AMENDATORY SECTION** (Amending WSR 05-01-013, filed 12/2/04, effective 7/1/05)

**WAC 51-11-1132 Alterations and repairs.** Alterations and repairs to buildings or portions thereof originally constructed subject to the requirements of this Code shall conform to the provisions of this Code without the use of the exception in Section 1130. Other alterations and repairs may be made to existing buildings and moved buildings without making the entire building comply with all of the requirements of this Code for new buildings, provided the following requirements are met:

1132.1 Building Envelope: Alterations or repairs shall comply with nominal R-values and glazing requirements in Table 13-1 or 13-2.

- EXCEPTIONS:**
1. Storm windows installed over existing glazing.
  2. Glass replaced in existing sash and frame provided that glazing is of equal or lower U-factor.
  3. For solar heat gain coefficient compliance, glazing with a solar heat gain coefficient equal to or lower than that of the other existing glazing.
  4. Existing roof/ceiling, wall or floor cavities exposed during construction provided that these cavities are insulated to full depth with insulation having a minimum nominal value of R-3.0 per inch installed per Sections 1311 and 1313.
  5. Existing walls and floors without framing cavities, provided that any new cavities added to existing walls and floors comply with Exception 4.
  6. Existing roofs where the roof membrane is being replaced and
    - a. The roof sheathing or roof insulation is not exposed; or
    - b. If there is existing roof insulation below the deck.
 In no case shall the energy efficiency of the building be decreased.

1132.2 Building Mechanical Systems: Those parts of systems which are altered or replaced shall comply with Chapter 14 of this Code.

All new systems in existing buildings, including packaged unitary equipment and packaged split systems, shall comply with Chapter 14.

Where mechanical cooling is added to a space that was not previously cooled, the mechanical cooling system shall comply with Sections 1413 and either 1423 or 1433.

**EXCEPTIONS:** These exceptions only apply to situations where mechanical cooling is added to a space that was not previously cooled.

1. Water-cooled refrigeration equipment provided with a water economizer meeting the requirements of Section 1413 need not comply with 1423 or 1433. This exception shall not be used for RS-29 analysis.

2. Alternate designs that are not in full compliance with this Code may be approved when the building official determines that existing building or occupancy constraints make full compliance impractical or where full compliance would be economically impractical.

Alterations to existing mechanical cooling systems shall not decrease economizer capacity unless the system complies with Sections 1413 and either 1423 or 1433. In addition, for existing mechanical cooling systems that do not comply with Sections 1413 and either 1423 or 1433, including both the individual unit size limits and the total building capacity limits on units without economizer, other alterations shall comply with Table 11-1.

Existing equipment currently in use may be relocated within the same floor or same tenant space if removed and reinstalled within the same permit.

**TABLE 11-1: ECONOMIZER COMPLIANCE OPTIONS FOR MECHANICAL ALTERATIONS**

<b>Unit Type</b>	<b>Option A</b>	<b>Option B (alternate to A)</b>	<b>Option C (alternate to A)</b>	<b>Option D (alternate to A)</b>
	<u>Any alteration with new or replacement equipment</u>	<u>Replacement unit of the same type with the same or smaller output capacity</u>	<u>Replacement unit of the same type with a larger output capacity</u>	<u>New equipment added to existing system or replacement unit of a different type</u>
<u>1. Packaged Units</u>	<u>Efficiency: min.<sup>1</sup> Economizer: 1433<sup>2</sup></u>	<u>Efficiency: min.<sup>1</sup> Economizer: 1433<sup>2,3</sup></u>	<u>Efficiency: min.<sup>1</sup> Economizer: 1433<sup>2,3</sup></u>	<u>Efficiency: min.<sup>1</sup> Economizer: 1433<sup>2,4</sup></u>
<u>2. Split Systems</u>	<u>Efficiency: min.<sup>1</sup> Economizer: 1433<sup>2</sup></u>	<u>Efficiency: + 10/5%<sup>5</sup> Economizer: shall not decrease existing economizer capability</u>	<u>Only for new units &lt; 54,000 Btu/h replacing unit installed prior to 1991 (one of two): Efficiency: + 10/5%<sup>5</sup> Economizer: 50%<sup>6</sup>  <u>For units &gt; 54,000 Btu/h or any units installed after 1991: Option A</u></u>	<u>Efficiency: min.<sup>1</sup> Economizer: 1433<sup>2,4</sup></u>
<u>3. Water Source Heat Pump</u>	<u>Efficiency: min.<sup>1</sup> Economizer: 1433<sup>2</sup></u>	<u>(two of three): Efficiency: + 10/5%<sup>5</sup> Flow control valve<sup>7</sup> Economizer: 50%<sup>6</sup></u>	<u>(three of three): Efficiency: + 10/5%<sup>5</sup> Flow control valve<sup>7</sup> Economizer: 50%<sup>6</sup> (except for certain pre-1991 systems<sup>8</sup>)</u>	<u>Efficiency: min.<sup>1</sup> Economizer: 1433<sup>2,4</sup> (except for certain pre-1991 systems<sup>8</sup>)</u>
<u>4. Hydronic Economizer using Air-Cooled Heat Rejection Equipment (Dry Cooler)</u>	<u>Efficiency: min.<sup>1</sup> Economizer: 1433<sup>2</sup></u>	<u>Efficiency: + 10/5%<sup>5</sup> Economizer: shall not decrease existing economizer capacity</u>	<u>Option A</u>	<u>Efficiency: min.<sup>1</sup> Economizer: 1433<sup>2,4</sup></u>
<u>5. Air-Handling Unit (including fan coil units) where the system has an air-cooled chiller</u>	<u>Efficiency: min.<sup>1</sup> Economizer: 1433<sup>2</sup></u>	<u>Economizer: shall not decrease existing economizer capacity</u>	<u>Option A (except for certain pre-1991 systems<sup>8</sup>)</u>	<u>Option A (except for certain pre-1991 systems<sup>8</sup>)</u>

**TABLE 11-1: ECONOMIZER COMPLIANCE OPTIONS FOR MECHANICAL ALTERATIONS**

	<b><u>Option A</u></b>	<b><u>Option B (alternate to A)</u></b>	<b><u>Option C (alternate to A)</u></b>	<b><u>Option D (alternate to A)</u></b>
<b><u>Unit Type</u></b>	<b><u>Any alteration with new or replacement equipment</u></b>	<b><u>Replacement unit of the same type with the same or smaller output capacity</u></b>	<b><u>Replacement unit of the same type with a larger output capacity</u></b>	<b><u>New equipment added to existing system or replacement unit of a different type</u></b>
<b><u>6. Air-Handling Unit (including fan coil units) and Water-cooled Process Equipment, where the system has a water-cooled chiller<sup>10</sup></u></b>	<u>Efficiency: min.<sup>1</sup> Economizer: 1433<sup>2</sup></u>	<u>Economizer: shall not decrease existing economizer capacity</u>	<u>Option A (except for certain pre-1991 systems<sup>8</sup> and certain 1991-2004 systems<sup>9</sup>)</u>	<u>Efficiency: min.<sup>1</sup> Economizer: 1433<sup>2,4</sup> (except for certain pre-1991 systems<sup>8</sup> and certain 1991-2004 systems<sup>9</sup>)</u>
<b><u>7. Cooling Tower</u></b>	<u>Efficiency: min.<sup>1</sup> Economizer: 1433<sup>2</sup></u>	<u>No requirements</u>	<u>Option A</u>	<u>Option A</u>
<b><u>8. Air-Cooled Chiller</u></b>	<u>Efficiency: min.<sup>1</sup> Economizer: 1433<sup>2</sup></u>	<u>Efficiency: + 5%<sup>11</sup> Economizer: shall not decrease existing economizer capacity</u>	<u>Efficiency (two of two): (1) + 10%<sup>12</sup> and (2) multistage Economizer: shall not decrease existing economizer capacity</u>	<u>Efficiency: min.<sup>1</sup> Economizer: 1433<sup>2,4</sup></u>
<b><u>9. Water-Cooled Chiller</u></b>	<u>Efficiency: min.<sup>1</sup> Economizer: 1433<sup>2</sup></u>	<u>Efficiency (one of two): (1) + 10%<sup>13</sup> or (2) plate frame heat exchanger<sup>15</sup> Economizer: shall not decrease existing economizer capacity</u>	<u>Efficiency (two of two): (1) + 15%<sup>14</sup> and (2) plate frame heat exchanger<sup>15</sup> Economizer: shall not decrease existing economizer capacity</u>	<u>Efficiency: min.<sup>1</sup> Economizer: 1433<sup>2,4</sup></u>
<b><u>10. Boiler</u></b>	<u>Efficiency: min.<sup>1</sup> Economizer: 1433<sup>2</sup></u>	<u>Efficiency: + 8%<sup>16</sup> Economizer: shall not decrease existing economizer capacity</u>	<u>Efficiency: + 8%<sup>16</sup> Economizer: shall not decrease existing economizer capacity</u>	<u>Efficiency: min.<sup>1</sup> Economizer: 1433<sup>2,4</sup></u>

1. Minimum equipment efficiency shall comply with Section 1411.1 and Tables 14-1A through M.
2. System and building shall comply with Section 1433 (including both the individual unit size limits and the total building capacity limits on units without economizer). It is acceptable to comply using one of the exceptions to Section 1433.
3. All equipment replaced in an existing building shall have air economizer complying with Sections 1413 and 1433 unless both the individual unit size and the total capacity of units without air economizer in the building is less than that allowed in Exception 1 to Section 1433.
4. All separate new equipment added to an existing building shall have air economizer complying with Sections 1413 and 1433 unless both the individual unit size and the total capacity of units without air economizer in the building is less than that allowed in Exception 1 to Section 1433.
5. Equipment shall have a capacity-weighted average cooling system efficiency:
  - a. For units with a cooling capacity below 54,000 Btu/h, a minimum of 10% greater than the requirements in Tables 14-1A and 14-1B (1.10 x values in Tables 14-1A and 14-1B).
  - b. For units with a cooling capacity of 54,000 Btu/h and greater, a minimum of 5% greater than the requirements in Tables 14-1A and 14-1B (1.05 x values in Tables 14-1A and 14-1B).

6. Minimum of 50% air economizer that is ducted in a fully enclosed path directly to every heat pump unit in each zone, except that ducts may terminate within 12 inches of the intake to an HVAC unit provided that they are physically fastened so that the outside air duct is directed into the unit intake. If this is an increase in the amount of outside air supplied to this unit, the outside air supply system shall be capable of providing this additional outside air and equipped with economizer control.
7. Have flow control valve to eliminate flow through the heat pumps that are not in operation with variable speed pumping control complying with Section 1432.2.2 for that heat pump.
  - When total capacity of units with flow control valves exceeds 15% of total system capacity, a variable frequency drive shall be installed on the main loop pump.
  - As an alternate to this requirement, have a capacity-weighted average cooling system efficiency that is 5% greater than the requirements in note 5 (i.e., a minimum of 15%/10% greater than the requirements in Tables 14-1A and 14-1B (1.15/1.10 x values in Tables 14-1A and 14-1B).)
8. Systems installed prior to 1991 without fully utilized capacity are allowed to comply with Option B, provided that the individual unit cooling capacity does not exceed 90,000 Btu/h.
9. Economizer not required for systems installed with water economizer plate and frame heat exchanger complying with previous codes between 1991 and June 2004, provided that the total fan coil load does not exceed the existing or added capacity of the heat exchangers.
10. For water-cooled process equipment where the manufacturer's specifications require colder temperatures than available with waterside economizer, that portion of the load is exempt from the economizer requirements.
11. The air-cooled chiller shall have an IPLV efficiency that is a minimum of 5% greater than the IPLV requirements in Table 14-1C (1.05 x IPLV values in Table 14-1C).
12. The air-cooled chiller shall:
  - a. Have an IPLV efficiency that is a minimum of 10% greater than the IPLV requirements in Table 14-1C (1.10 x IPLV values in Table 14-1C), and
  - b. Be multistage with a minimum of two compressors.
13. The water-cooled chiller shall have an NPLV efficiency that is a minimum of 10% greater than the NPLV requirements in Table 14-1K, Table 14-1L, or Table 14-1M (1.10 x NPLV values in Table 14-1K, Table 14-1L, or Table 14-1M).
14. The water-cooled chiller shall have an NPLV efficiency that is a minimum of 15% greater than the NPLV requirements in Table 14-1K, Table 14-1L, or Table 14-1M (1.15 x NPLV values in Table 14-1K, Table 14-1L, or Table 14-1M).
15. Economizer cooling shall be provided by adding a plate-frame heat exchanger on the waterside with a capacity that is a minimum of 20% of the chiller capacity at standard ARI rating conditions.
16. The replacement boiler shall have an efficiency that is a minimum of 8% higher than the value in Table 14-1F (1.08 x value in Table 14-1F), except for electric boilers.

1132.3 Lighting and Motors: Where the use in a space changes from one use in Table 15-1 to another use in Table 15-1, the installed lighting wattage shall comply with Section 1521 or 1531.

Other tenant improvements, alterations or repairs where 60 percent or more of the fixtures in a space enclosed by walls or ceiling-height partitions (~~((as defined in Table 15-1) within a tenant space or in an entire floor))~~ are new shall comply with Sections 1531 and 1532. (Where this threshold is triggered, the areas of the affected space may be combined for lighting code compliance calculations.) Where less than 60 percent of the fixtures in a space enclosed by walls or ceiling-height partitions are new, the installed lighting wattage shall be maintained or reduced. Where 60 percent or more of the lighting fixtures in a suspended ceiling are new, and the existing insulation is on the suspended ceiling, the roof/ceiling assembly shall be insulated according to the provisions of Chapter 13 Section 1311.2.

Where new wiring is being installed to serve added fixtures and/or fixtures are being relocated to a new circuit, controls shall comply with Sections 1513.1 through 1513.5 and,

as applicable, 1513.7. In addition, office areas less than 300 ft<sup>2</sup> enclosed by walls or ceiling-height partitions, and all meeting and conference rooms, and all school classrooms, shall be equipped with occupancy sensors that comply with Sections 1513.6 and 1513.7. Where a new lighting panel (or a moved lighting panel) with all new raceway and conductor wiring from the panel to the fixtures is being installed, controls shall also comply with the other requirements in Sections 1513.6 and 1513.7.

Where new walls or ceiling-height partitions are added to an existing space and create a new enclosed space, but the lighting fixtures are not being changed, other than being relocated, the new enclosed space shall have controls that comply with Sections 1513.1 through 1513.2, 1513.4, and 1513.6 through 1513.7.

Those motors which are altered or replaced shall comply with Section 1511.

AMENDATORY SECTION (Amending WSR 93-21-052, filed 10/18/93, effective 4/1/94)

**WAC 51-11-1310 General requirements.** The building envelope shall comply with Sections 1311 through 1314.

1310.1 Conditioned Spaces: The building envelope for conditioned spaces shall also comply with one of the following paths:

- a. Prescriptive Building Envelope Option Sections 1320 through 1323.
- b. Component Performance Building Envelope Option Sections 1330 through 1334.
- c. Systems Analysis. See Section 1141.4.

1310.2 Semi-Heated Spaces: All spaces shall be considered conditioned spaces, and shall comply with the requirements in Section 1310.1 unless they meet the following criteria for semi-heated spaces. The installed heating equipment output, in Climate Zone 1, shall be 3 Btu/(h•ft<sup>2</sup>) or greater but not greater than 8 Btu/(h•ft<sup>2</sup>) and in Climate Zone 2, shall be 5 Btu/(h•ft<sup>2</sup>) or greater but not greater than 12 Btu/(h•ft<sup>2</sup>). ~~((Heating shall be controlled by a thermostat mounted not lower than the heating unit and capable of preventing heating above 44 degrees space temperature. For semi-heated spaces, the only prescriptive, component performance, or systems analysis building envelope requirement shall be that:~~

Climate Zone 1

- a. ~~U=0.10 maximum for the roof assembly, or~~
- b. ~~Continuous R-9 insulation installed entirely outside of the roof structure, or~~
- c. ~~R-11 insulation installed inside or within a wood roof structure, or~~
- d. ~~R-19 insulation installed inside or within a metal roof structure.~~

Climate Zone 2

- a. ~~U=0.07 maximum for the roof assembly, or~~
- b. ~~Continuous R-14 insulation installed entirely outside of the roof structure, or~~
- c. ~~R-19 insulation installed inside or within a wood roof structure, or~~
- d. ~~R-25 insulation installed inside or within a metal roof structure.))~~

For semi-heated spaces, the building envelope shall comply with the same requirements as that for conditioned spaces in Section 1310.1.

EXCEPTION: For semi-heated spaces heated by other fuels only, wall insulation is not required for those walls that separate semi-heated spaces (see definition in Section 201.1) from the exterior provided that the space is heated solely by a heating system controlled by a thermostat with a maximum set-point capacity of 45°F, mounted no lower than the heating unit.

**Figure 13A**  
**Building Envelope Compliance Options**

Section Number	Subject	Prescriptive Option	Component Performance Option	Systems Analysis Option
1310	General Requirements	X	X	X
1311	Insulation	X	X	X
1312	Glazing and Doors	X	X	X
1313	Moisture Control	X	X	X
1314	Air Leakage	X	X	X
1320	Prescriptive Building Envelope Option	X		
1321	General	X		
1322	Opaque Envelope	X		
1323	Glazing	X		
1330	Component Performance Building			
1331	Envelope Option		X	
1332	General		X	
1333	Component U-Factors		X	
1334	UA Calculations Solar Heat Gain Coefficient		X	
RS-29	Systems Analysis			X

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

**WAC 51-11-1312 Glazing and doors.**

1312.1 Standard Procedure for Determination of Glazing and Door U-Factors: U-Factors for glazing and doors shall be determined, certified and labeled in accordance with Standard RS-31 by a certified independent agency licensed by the National Fenestration Rating Council (NFRC). Compliance shall be based on the Residential or the Nonresidential Model Size. Product samples used for U-factor determinations shall be production line units or representative of units as purchased by the consumer or contractor. Unlabeled glazing and doors shall be assigned the default U-factor in Table 10-6.

1312.2 Solar Heat Gain Coefficient and Shading Coefficient: Solar Heat Gain Coefficient (SHGC), shall be determined, certified and labelled in accordance with the National Fenestration Rating Council (NFRC) Standard by a certified, independent agency, licensed by the NFRC.

EXCEPTION: Shading coefficients (SC) shall be an acceptable alternate for compliance with solar heat gain coefficient requirements. Shading coefficients for glazing shall be taken from Chapter ((29)) 31 of RS-((27)) 1 or from the manufacturer's test data.

AMENDATORY SECTION (Amending WSR 93-21-052, filed 10/18/93, effective 4/1/94)

**WAC 51-11-1314 Air leakage.**

1314.1 Building Envelope: The requirements of this section shall apply to building elements separating conditioned from unconditioned spaces. Exterior joints around windows and door frames, openings between walls and foundation, between walls and roof and wall panels; openings at penetra-



tions of utility services through walls, floors, and roofs; and all other openings in the building envelope shall be sealed, caulked, gasketed, or weatherstripped to limit air leakage.

1314.2 Glazing and Doors: Doors and operable glazing separating conditioned from unconditioned space shall be weatherstripped. Fixed windows shall be tight fitting with glass retained by stops with sealant or caulking all around.

EXCEPTION: Openings that are required to be fire resistant.

1314.3 Building Assemblies Used as Ducts or Plenums: Building assemblies used as ducts or plenums shall be sealed, caulked, and gasketed to limit air leakage.

1314.4 Recessed Lighting Fixtures: When installed in the building envelope, recessed lighting fixtures shall be Type IC rated, and certified under ASTM E283 to have no more than 2.0 cfm air movement from the conditioned space to the ceiling cavity. The lighting fixture shall be tested at 75 Pascals or 1.57 lbs/ft<sup>2</sup> pressure difference and have a label attached, showing compliance with this test method. Recessed lighting fixtures shall be installed with a gasket or caulk between the fixture and ceiling to prevent air leakage.

AMENDATORY SECTION (Amending WSR 05-01-013, filed 12/2/04, effective 7/1/05)

**WAC 51-11-1331 General.** Buildings or structures whose design heat loss rate ( $UA_p$ ) and solar heat gain coefficient rate ( $SHGC \cdot A_p$ ) are less than or equal to the target heat loss rate ( $UA_t$ ) and solar heat gain coefficient rate ( $SHGC \cdot A_t$ ) shall be considered in compliance with this section. The stated U-factor, F-factor or allowable area of any component assembly, listed in Tables 13-1 or 13-2, such as roof/ceiling, opaque wall, opaque door, glazing, floor over conditioned space, slab on grade floor, radiant floor or opaque floor may be increased and the U-factor or F-factor for other components decreased, provided that the total heat gain or loss for the entire building envelope does not exceed the total resulting from compliance to the U-factors, F-factors or allowable areas specified in this section.

EXCEPTION: Compliance is also allowed to be shown using RS-32 for Climate Zone 1.

AMENDATORY SECTION (Amending WSR 05-01-013, filed 12/2/04, effective 7/1/05)

**WAC 51-11-1334 Solar heat gain coefficient rate calculations.** Solar heat gain coefficient shall comply with Section 1323.3. The target  $SHGC \cdot A_t$  and the proposed  $SHGC \cdot A_p$  shall be calculated using Equation 13-3 and 13-4 and the corresponding areas and SHGCs from Table 13-1 or 13-2.

**Equation 13-1:  
Target  $UA_{t|}$**

$UA_t$	=	$U_{rat} \cdot A_{rat} + U_{ograt} \cdot A_{ograt} + U_{ort} \cdot A_{ort} + U_{ogort} \cdot A_{ogort} + U_{wt} \cdot A_{wt} + U_{vgt} \cdot A_{vgt} + U_{dt} \cdot A_{dt} + U_{ft} \cdot A_{ft} + F_{st} \cdot P_{st} + U_{bgwt} \cdot A_{bgwt}$
$UA_t$	=	The target combined specific heat transfer of the gross roof/ceiling assembly, exterior wall and floor area.
Where:		
$U_{rat}$	=	The thermal transmittance value for roofs over attics found in Table 13-1 or 13-2.
$U_{ograt}$	=	The thermal transmittance for overhead glazing found in Table 13-1 or 13-2 which corresponds to the proposed total glazing area as a percent of gross exterior wall area.
$U_{ort}$	=	The thermal transmittance value for other roofs found in Table 13-1 or 13-2.
$U_{ogort}$	=	The thermal transmittance for overhead glazing found in Table 13-1 or 13-2 which corresponds to the proposed total glazing area as a percent of gross exterior wall area.
$U_{wt}$	=	The thermal transmittance value for opaque walls found in Table 13-1 or 13-2.
$U_{vgt}$	=	The thermal transmittance value for vertical glazing found in Table 13-1 or 13-2 which corresponds to the proposed total glazing area as a percent of gross exterior wall area.
$U_{dt}$	=	The thermal transmittance value for opaque doors found in Table 13-1 or 13-2.
$U_{ft}$	=	The thermal transmittance value for floors over unconditioned space found in Table 13-1 or 13-2.
$F_{st}$	=	The F-factor for slab-on-grade and radiant slab floors found in Table 13-1 or 13-2.
$U_{bgwt}$	=	The thermal transmittance value for opaque walls found in Table 13-1 or 13-2.
$A_{dt}$	=	The proposed opaque door area, $A_d$ .
$A_{ft}$	=	The proposed floor over unconditioned space area, $A_f$ .
$P_{st}$	=	The proposed lineal feet of slab-on-grade and radiant slab floor perimeter, $P_s$ .
$A_{bgwt}$	=	The proposed below grade wall area, $A_{bgw}$ .
<b>and;</b>		

if the total amount of glazing area as a percent of gross exterior wall area does not exceed the maximum allowed in Table 13-1 or 13-2:

$A_{rat}$  = The proposed roof over attic area,  $A_{ra}$ .

$A_{ograt}$  = The proposed overhead glazing area in roofs over attics,  $A_{ogra}$ .

$A_{ort}$  = The proposed other roof area,  $A_{or}$ .

$A_{ogort}$  = The proposed overhead glazing area in other roofs,  $A_{ogor}$ .

$A_{wt}$  = The proposed opaque above grade wall area,  $A_w$ .

$A_{vgt}$  = The proposed vertical glazing area,  $A_{vg}$ .

or;

if the total amount of glazing area as a percent of gross exterior wall area exceeds the maximum allowed in Table 13-1 or 13-2:

$A_{rat}$  = The greater of:  
the proposed roof over attic area, and  
the gross roof over attic area minus  $A_{ograt}$ .

$A_{ograt}$  = The lesser of:  
proposed overhead glazing area in roofs over attics, and  
the maximum allowed glazing area from Table 13-1 or 13-2.

$A_{ort}$  = The greater of:  
the proposed other roof area, and  
the gross other roof area minus  $A_{ogort}$ .

$A_{ogort}$  = The lesser of:  
the proposed overhead glazing area in other roofs, and  
the maximum allowed glazing area from Table 13-1 or 13-2 minus  $A_{ograt}$ .

$A_{wt}$  = The greater of:  
proposed opaque above grade wall area, and  
the gross exterior above grade wall area minus  $A_{dt}$  minus  $A_{vgt}$ .

$A_{vgt}$  = The lesser of:  
the proposed vertical glazing area, and  
the maximum allowed glazing area from Table 13-1 or 13-2 minus  $A_{ograt}$  minus  $A_{ogort}$ .

**EQUATION 13-2**

**Proposed  $UA_p$**

$$UA_p = U_{ra}A_{ra} + U_{or}A_{or} + U_{og}A_{og} + U_wA_w + U_dA_d + U_{vg}A_{vg} + U_fA_f + F_sP_s + U_{bgw}A_{bgw}$$

Where:

$UA_p$  = The combined proposed specific heat transfer of the gross exterior wall, floor and roof/ceiling assembly area.

$U_{ra}$  = The thermal transmittance of the roof over attic area.

$A_{ra}$  = Opaque roof over attic area.

$U_{or}$  = The thermal transmittance of the other roof area.

$A_{or}$  = Opaque other roof area.

$U_{og}$  = The thermal transmittance for the overhead glazing

$A_{og}$  = Overhead glazing area.

$U_w$  = The thermal transmittance of the opaque wall area.

$A_w$  = Opaque above grade wall area (not including opaque doors).

$U_{vg}$  = The thermal transmittance of the vertical glazing area.

$A_{vg}$  = Vertical glazing area.

$U_d$  = The thermal transmittance value of the opaque door area.

$A_d$  = Opaque door area.

$U_f$  = The thermal transmittance of the floor over unconditioned space area.

- $A_f$  = Floor area over unconditioned space.
- $F_s$  = Slab-on-grade or radiant floor component F-factor.
- $P_s$  = Lineal feet of slab-on-grade or radiant floor perimeter.
- $U_{bgw}$  = The thermal transmittance value of the below grade wall area.
- $A_{bgw}$  = Below grade wall area as defined in Tables 13-1 or 13-2.

**NOTE:** Where more than one type of wall, window, roof/ceiling, door and skylight is used, the U and A terms for those items shall be expanded into sub-elements as:

$$U_{w1}A_{w1} + U_{w2}A_{w2} + U_{w3}A_{w3} + \dots \text{etc.}$$

**EQUATION 13-3**  
**Target SHGCA<sub>t</sub>**

$$SHGCA_t = SHGC_t (A_{ograt} + A_{ogort} + A_{vgt})$$

Where:

$SHGCA_t$  = The target combined specific heat gain of the target glazing area.

$SHGC_t$  = The solar heat gain coefficient for glazing found in Table 13-1 or 13-2 which corresponds to the proposed total glazing area as a percent of gross exterior wall area, and

$A_{ograt}$ ,  $A_{ogort}$ , and  $A_{vgt}$  are defined under Equation 13-1.

**EQUATION 13-4**  
**Proposed SHGCA<sub>p</sub>**

$$SHGCA_p = SHGC_{og}A_{og} + SHGC_{vg}A_{vg}$$

Where:

$SHGCA_t$  = The combined proposed specific heat gain of the proposed glazing area.

$SHGC_{og}$  = The solar heat gain coefficient of the overhead glazing.

$A_{og}$  = The overhead glazing area.

$SHGC_{vg}$  = The solar heat gain coefficient of the vertical glazing.

$A_{vg}$  = The vertical glazing area.

**TABLE 13-1**  
**BUILDING ENVELOPE REQUIREMENTS FOR CLIMATE ZONE 1**  
**MINIMUM INSULATION R-VALUES OR**  
**MAXIMUM COMPONENT U-FACTORS FOR ZONE 1**

**Building Components**

Space Heat Type	Components					
	Roofs Over Attic <sup>3</sup>	All Other Roofs <sup>3</sup>	Opaque Walls <sup>1,2</sup>	Opaque Doors	Floor Over Uncond Space	Slab On Grade <sup>5</sup>
1. Electric resistance heat**	R-38 or U = 0.031	R-30 or U = 0.034	R-19 or U = 0.062	U = 0.60	R-30 or U = 0.029	R-10 or F = 0.54
2. All others including Heat pumps and VAV	R-30 or U = 0.036	R-21 or U = 0.046	(a) Metal framing: R-19 or U = 0.109 (b) Wood framing and framing other than metal: R-19 or U = 0.062	U = 0.60	R-19 or U = 0.056	R-10 or F = 0.54

\*\* Compliance with nominal prescriptive R-values requires wood framing.

**MAXIMUM GLAZING AREAS AND U-FACTORS AND  
MAXIMUM GLAZING SOLAR HEAT GAIN COEFFICIENTS  
FOR ZONE 1**

**Glazing**

Maximum Glazing Area as % of Wall	0% to 30%			>30% to 45%		
	Maximum U-Factor		Max. SHGC <sup>4</sup>	Maximum U-Factor		Max. SHGC <sup>4</sup>
	VG	OG		VG	OG	
1. Electric resistance heat	0.40	0.60	0.40	PRESCRIPTIVE PATH NOT ALLOWED		
2. All others including heat pumps and VAV	0.55	0.70	0.45	0.45	0.60	0.40

**Footnotes**

**1. Below Grade Walls:**

When complying by the prescriptive approach, Section 1322:

- a) Walls insulated on the interior shall use opaque wall values,
- b) Walls insulated on the exterior shall use a minimum of R-10 insulation,
- c) Walls shall be insulated for the first 10 feet below grade. (There shall be no credit for those portions of below grade walls and footings that are more than 10 feet below grade, and those portions below 10 feet shall not be included in the gross exterior wall area).

When complying by the component performance approach, Section 1331:

- a) Walls insulated on the interior shall use the opaque wall values when determining  $U_{bgwt}$ ,
- b) Walls insulated on the exterior shall use a target U-factor of  $U = 0.070$  for  $U_{bgwt}$ ,
- c) The calculations shall include the first 10 feet of walls below grade. (Those portions of below grade walls and footings that are more than 10 feet below grade shall not be included in the gross exterior wall area and shall not be included when determining  $A_{bgwt}$  and  $A_{bgw}$ ).

- 2. **Concrete Masonry Walls:** If the area weighted heat capacity of the total opaque above grade wall is a minimum of  $9.0 \text{ Btu/ft}^2 \cdot ^\circ\text{F}$ , then:

- a. The area weighted average U-factor may be increased to U-0.15 maximum, or minimum additional R-5.7 continuous insulation uninterrupted by framing; or
- b. The wall may be ASTM C90 concrete block walls, ungrouted or partially grouted at 32 in. or less on center vertically and 48 in. or less on center horizontally, with ungrouted cores filled with material having a maximum thermal conductivity of  $0.44 \text{ Btu-in/h} \cdot \text{ft}^2 \cdot ^\circ\text{F}$ .  
– Individual walls with heat capacities less than  $9.0 \text{ Btu/ft}^2 \cdot ^\circ\text{F}$  and below grade walls shall meet opaque wall requirements listed above.  
– Glazing shall comply with the glazing requirements listed above.
- 3. **Roof Types:** A roof over attic is where the roof structure has at least 30 inches clear distance from the top of the bottom chord of a truss or ceiling joist to the underside of the sheathing at the roof ridge, and the ceiling is attached to the ceiling joist or the bottom of the truss or ceiling joist. Anything else is considered all other roofs.
- 4. **SHGC (Solar Heat Gain Coefficient per Section 1312.2):** May substitute Maximum Shading Coefficient (SC) for SHGC (See Chapter 2 for definition of Shading Coefficient).
- 5. **Radiant Floors:** Where insulation is required under the entire slab, radiant floors shall use a minimum of R-10 insulation or  $F = 0.55$  maximum. Where insulation is not required under the entire slab, radiant floors shall use R-10 perimeter insulation according to Section 1311.6 or  $F = 0.78$  maximum.

**TABLE 13-2  
BUILDING ENVELOPE REQUIREMENTS  
FOR CLIMATE ZONE 2  
MINIMUM INSULATION R-VALUES OR  
MAXIMUM COMPONENT U-FACTORS FOR ZONE 2**

**Building Components**

Space Heat Type	Components					
	Roofs Over Attic <sup>3</sup>	All Other Roofs <sup>3</sup>	Opaque Walls <sup>1,2</sup>	Opaque Doors	Floor Over Uncond Space	Slab On Grade
1. Electric resistance heat**	R-38 or $U = 0.031$	R-30 or $U = 0.034$	R-24 or $U = 0.044$	$U = 0.60$	R-30 or $U = 0.029$	R-10 or $F = 0.54$
2. All others including Heat pumps and VAV	R-38 or $U = 0.031$	R-25 or $U = 0.039$	(a) Metal framing: R-13 cavity insul. +R-3.8 continuous insul. or $U = 0.084$ (b) Wood framing and framing other than metal: R-19 or $U = 0.062$	$U = 0.60$	R-21 or $U = 0.047$	R-10 or $F = 0.54$

\*\* Compliance with nominal prescriptive R-values requires wood framing.

**MAXIMUM GLAZING AREAS AND U-FACTORS AND  
MAXIMUM GLAZING SOLAR HEAT GAIN COEFFICIENTS  
FOR ZONE 2**

**Glazing**

Maximum Glazing Area as % of Wall	0% to 30%			>30% to 45%		
	Maximum U-Factor		Max. SHGC <sup>4</sup>	Maximum U-Factor		Max. SHGC <sup>4</sup>
	VG	OG		VG	OG	
1. Electric resistance heat	0.40	0.60	0.40	PRESCRIPTIVE PATH NOT ALLOWED		
2. All others including heat pumps and VAV	0.55	0.70	0.45	0.45	0.60	0.40

**Footnotes**

**1. Below Grade Walls:**

When complying by the prescriptive approach, Section 1322:

- a) Walls insulated on the interior shall use opaque wall values,
- b) Walls insulated on the exterior shall use a minimum of R-12 insulation,
- c) Walls shall be insulated for the first 10 feet below grade. (There shall be no credit for insulating those portions of below grade walls and footings that are more than 10 feet below grade, and those portions below 10 feet shall not be included in the gross exterior wall area.)

When complying by the component performance approach, Section 1331:

- a) Walls insulated on the interior shall use the opaque wall values when determining  $U_{bgwt}$ ,
- b) Walls insulated on the exterior shall use a target U-factor of  $U=0.061$  for  $U_{bgwt}$ ,
- c) The calculations shall include the first 10 feet of walls below grade. (Those portions of below grade walls and footings that are more than 10 feet below grade shall not be included in the gross exterior wall area and shall not be included when determining  $A_{bgwt}$  and  $A_{bgw}$ .)

**2. Concrete Masonry Walls:** If the area weighted heat capacity of the total opaque above grade wall is a minimum of 9.0 Btu/ft<sup>2</sup>•°F, then the U-factor may be increased to 0.123 maximum, or minimum additional R-7.6 continuous insulation uninterrupted by framing.

- Individual walls with heat capacities less than 9.0 Btu/ft<sup>2</sup>•°F and below grade walls shall meet opaque wall requirements listed above.
- Glazing shall comply with the glazing requirements above.

**3. Roof Types:** A roof over attic is where the roof structure has at least 30 inches clear distance from the top of the bottom chord of a truss or ceiling joist to the underside of the sheathing at the roof ridge, and the ceiling is attached to the ceiling joist or the bottom of the truss or ceiling joist. Anything else is considered all other roofs.

**4. SHGC (Solar Heat Gain Coefficient per Section 1312.2):** May substitute Maximum Shading Coefficient (SC) for SHGC (See Chapter 2 for definition of Shading Coefficient).

**5. Radiant Floors:** Where insulation is required under the entire slab, radiant floors shall use a minimum of R-10 insulation or  $F=0.55$  maximum. Where insulation is not required under the entire slab, radiant floors shall use R-10 perimeter insulation according to Section 1311.6 or  $F=0.78$  maximum.

ues shown in Tables 14-1A through 14-1G. If a nationally recognized certification program exists for a product covered in Tables 14-1A through 14-1G, and it includes provisions for verification and challenge of equipment efficiency ratings, then the product shall be listed in the certification program.

Gas-fired and oil-fired forced air furnaces with input ratings  $\geq 225,000$  Btu/h (65 kW) and all unit heaters shall also have an intermittent ignition or interrupted device (IID), and have either mechanical draft (including power venting) or a flue damper. A vent damper is an acceptable alternative to a flue damper for furnaces where combustion air is drawn from the conditioned space. All furnaces with input ratings  $\geq 225,000$  Btu/h (65 kW), including electric furnaces, that are not located within the conditioned space shall have jacket losses not exceeding 0.75% of the input rating.

**1411.2 Rating Conditions:** Cooling equipment shall be rated at ARI test conditions and procedures when available. Where no applicable procedures exist, data shall be furnished by the equipment manufacturer.

**1411.3 Combination Space and Service Water Heating:** For combination space and service water heaters with a principal function of providing space heat, the Combined Annual Efficiency (CAE) may be calculated by using ASHRAE Standard 124-1991. Storage water heaters used in combination space heat and water heat applications shall have either an Energy Factor (EF) or a Combined Annual Efficiency (CAE) of not less than the following:

	Energy Factor (EF)	Combined Annual Efficiency (CAE)
< 50 gallon storage	0.58	0.71
50 to 70 gallon storage	0.57	0.71
> 70 gallon storage	0.55	0.70

**1411.4 Packaged Electric Heating and Cooling Equipment:** Packaged electric equipment providing both heating and cooling with a total cooling capacity greater than 20,000 Btu/h shall be a heat pump.

**EXCEPTION:** Unstaffed equipment shelters or cabinets used solely for personal wireless service facilities.

AMENDATORY SECTION (Amending WSR 02-01-112, filed 12/18/01, effective 7/1/02)

**WAC 51-11-1411 HVAC equipment performance requirements.**

1411.1 General: Equipment shall have a minimum performance at the specified rating conditions not less than the val-

AMENDATORY SECTION (Amending WSR 04-01-106, filed 12/17/03, effective 7/1/04)

**WAC 51-11-1412 Controls.**

1412.1 Temperature Controls: Each system shall be provided with at least one temperature control device. Each zone shall be controlled by individual thermostatic controls responding to temperature within the zone. At a minimum, each floor of a building shall be considered as a separate zone.

1412.2 Deadband Controls: When used to control both comfort heating and cooling, zone thermostatic controls shall be capable of a deadband of at least 5 degrees F within which the supply of heating and cooling energy to the zone is shut off or reduced to a minimum.

EXCEPTIONS: 1. Special occupancy, special usage, or code requirements where deadband controls are not appropriate.  
 2. ~~((Buildings complying with Section 1141.4, if in the proposed building energy analysis, heating and cooling thermostat setpoints are set to the same temperature between 70 degrees F and 75 degrees F inclusive, and assumed to be constant throughout the year.~~  
 3-)) Thermostats that require manual changeover between heating and cooling modes.

1412.3 Humidity Controls: If a system is equipped with a means for adding moisture, a humidistat shall be provided.

1412.4 Setback and Shutoff: HVAC systems shall be equipped with automatic controls capable of accomplishing a reduction of energy use through control setback or equipment shutdown during periods of nonuse or alternate use of the spaces served by the system. The automatic controls shall:

- Have a minimum seven-day clock and be capable of being set for seven different day types per week.
- Be capable of retaining programming and time setting during loss of power for a period of at least ten hours, and
- Include an accessible manual override, or equivalent function (e.g., telephone interface), that allows temporary operation of the system for up to two hours.

EXCEPTIONS: 1. Systems serving areas which require continuous operation at the same temperature setpoint.  
 2. Equipment with full load demands of 2 Kw (6,826 Btu/h) or less may be controlled by readily accessible manual off-hour controls.  
 3. Systems controlled by an occupant sensor that is capable of shutting the system off when no occupant is sensed for a period of up to 30 minutes.  
 4. Systems controlled solely by a manually operated timer capable of operating the system for no more than two hours.

1412.4.1 Dampers: Outside air intakes, exhaust outlets and relief outlets serving conditioned spaces shall be equipped with motorized dampers which close automatically when the system is off or upon power failure. Stair shaft and elevator shaft smoke relief openings shall be equipped with normally open (fails to open upon loss of power) dampers. These dampers shall remain closed until activated by the fire alarm system or other approved smoke detection system.

EXCEPTIONS: 1. Systems serving areas which require continuous operation.  
 2. Combustion air intakes.  
 3. Gravity (nonmotorized) dampers are acceptable in buildings less than 3 stories in height.

- Gravity (nonmotorized) dampers are acceptable in exhaust and relief outlets in the first story and levels below the first story of buildings three or more stories in height.
- Type 1 grease hoods exhaust.

Dampers installed to comply with this section, including dampers integral to HVAC equipment, shall have a maximum leakage rate when tested in accordance with AMCA Standard 500 of:

(a) Motorized dampers: 10 cfm/ft<sup>2</sup> of damper area at 1.0 in w.g.

(b) Nonmotorized dampers: 20 cfm/ft<sup>2</sup> of damper area at 1.0 in w.g., except that for nonmotorized dampers smaller than 24 inches in either dimension: 40 cfm/ft<sup>2</sup> of damper area at 1.0 in w.g.

Drawings shall indicate compliance with this section.

1412.4.2 Optimum Start Controls: Heating and cooling systems with design supply air capacities exceeding 10,000 cfm shall have optimum start controls. Optimum start controls shall be designed to automatically adjust the start time of an HVAC system each day to bring the space to desired occupied temperature levels immediately before scheduled occupancy. The control algorithm shall, as a minimum, be a function of the difference between space temperature and occupied setpoint and the amount of time prior to scheduled occupancy.

1412.5 Heat Pump Controls: Unitary air cooled heat pumps shall include microprocessor controls that minimize supplemental heat usage during start up, set-up, and defrost conditions. These controls shall anticipate need for heat and use compression heating as the first stage of heat. Controls shall indicate when supplemental heating is being used through visual means (e.g., LED indicators).

1412.6 Combustion Heating Equipment Controls: Combustion heating equipment with a capacity over 225,000 Btu/h shall have modulating or staged combustion control.

EXCEPTIONS: Boilers.  
 Radiant heaters.

1412.7 Balancing: Each air supply outlet or air or water terminal device shall have a means for balancing, including but not limited to, dampers, temperature and pressure test connections and balancing valves.

1412.8 Ventilation Controls for High-Occupancy Areas. Demand control ventilation (DCV) is required for spaces that are larger than 500 ft<sup>2</sup>, have a design occupancy for ventilation of greater than 40 people per 1000 ft<sup>2</sup> of floor area, and are served by systems with one or more of the following:

- An air-side economizer.
- Automatic modulating control of the outdoor air damper, or
- A design outdoor airflow greater than 3000 cfm.

EXCEPTIONS: 1. Systems with energy recovery complying with Section 1436.  
 2. Multiple-zone systems without direct-digital control of individual zones communicating with a central control panel.  
 3. Systems with a design outdoor airflow less than 1200 cfm.  
 4. Spaces where the supply airflow rate minus any makeup or outgoing transfer air requirement is less than 1200 cfm.

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

**WAC 51-11-1416 Mechanical systems commissioning and completion requirements.**

~~((1416.1 Drawings: Construction documents shall require that within 90 days after the date of system acceptance, record drawings of the actual installation be provided to the building owner. Record drawings shall include as a minimum the location and performance data on each piece of equipment, general configuration of duct and pipe distribution system, including sizes, and the terminal air and water design flow rates.~~

~~1416.2 Manuals: Construction documents shall require an operating manual and maintenance manual be provided to the building owner. The manual shall be in accordance with industry accepted standards and shall include, at a minimum, the following:~~

- ~~1. Submittal data stating equipment size and selected options for each piece of equipment requiring maintenance.~~
- ~~2. Operation and maintenance manuals for each piece of equipment requiring maintenance, except equipment not furnished as part of the project. Required routine maintenance actions shall be clearly identified.~~
- ~~3. Names and addresses of at least one service agency.~~
- ~~4. HVAC controls system maintenance and calibration information, including wiring diagrams, schematics, and control sequence descriptions. Desired or field-determined set points shall be permanently recorded on control drawings at control devices, or, for digital control systems, in programming comments.~~
- ~~5. A complete narrative of how each system is intended to operate including suggested set points.~~

~~1416.3 System Balancing~~

~~1416.3.1) 1416.1 General: Commissioning is a systematic process of verification and documentation that ensures that the selected building systems have been designed, installed, and function properly, efficiently, and can be maintained in accordance with the contract documents in order to satisfy the building owner's design intent and operational requirements. Drawing notes shall require commissioning and completion requirements in accordance with Section 1416. Drawing notes may refer to specifications for further requirements.~~

~~1416.1.1 Simple Systems: For simple systems, as defined in Section 1421, and for warehouses and semi-heated spaces, commissioning shall include, as a minimum:~~

- ~~a. A Commissioning Plan,~~
- ~~b. System Testing and Balancing,~~
- ~~c. Controls Functional Performance Testing,~~
- ~~d. A Preliminary Commissioning Report,~~
- ~~e. Post Construction Documentation in the form of O&M and Record Drawing Review, and~~
- ~~f. A Final Commissioning Report.~~

1416.1.2 All Other Mechanical Systems: For all other mechanical systems, commissioning shall include, as a minimum:

- a. A Commissioning Plan,
- b. System Testing and Balancing,
- c. Equipment Functional Performance Testing,
- d. Controls Functional Performance Testing,
- e. A Preliminary Commissioning Report,
- f. Post Construction Documentation (all), and
- g. A Final Commissioning Report.

1416.2 Commissioning Requirements.

1416.2.1 Commissioning Plan: The plans shall require tests mandated by this section be performed and the results recorded. The plans shall require preparation of preliminary and final reports of test procedures and results as described herein. At a minimum, the plans shall identify the following for each test:

- a. A detailed explanation of the original design intent,
- b. Equipment and systems to be tested, including the extent of tests,
- c. Functions to be tested (for example, calibration, economizer control, etc.),
- d. Conditions under which the test shall be performed (for example, winter and summer design conditions, full outside air, etc.),
- e. Measurable criteria for acceptable performance.

1416.2.2 Systems Balancing.

1416.2.2.1 General: Construction documents shall require that all HVAC systems be balanced in accordance with generally accepted engineering standards. Air and water flow rates shall be measured and adjusted to deliver final flow rates within 10% of design rates, except variable flow distribution systems need not be balanced upstream of the controlling device (for example, VAV box or control valve). Construction documents shall require a written balance report be provided to the owner. Drawing notes may refer to specifications for further systems balancing requirements.

~~((1416.3.2))~~ 1416.2.2.2 Air System Balancing: Air systems shall be balanced in a manner to first minimize throttling losses then, for fans with system power of greater than 1 hp, fan speed shall be adjusted to meet design flow conditions.

~~((1416.3.3))~~ 1416.2.2.3 Hydronic System Balancing: Hydronic systems shall be proportionately balanced in a manner to first minimize throttling losses, then the pump impeller shall be trimmed or pump speed shall be adjusted to meet design flow conditions. ((Each hydronic system shall have either the ability to measure pressure across the pump, or test ports at each side of each pump.))

- EXCEPTIONS:
1. Pumps with pump motors of 10 hp or less.
  2. When throttling results in no greater than 5% of the nameplate horsepower draw above that required if the impeller were trimmed.

~~((1416.4 Systems Commissioning~~

~~1416.4.1 Simple Systems: For simple systems, as defined in Section 1421, and for warehouses and semi-heated spaces, HVAC control systems shall be tested to ensure that control~~

devices, components, equipment and systems are calibrated, adjusted and operate in accordance with approved plans and specifications. Sequences of operation shall be functionally tested to ensure they operate in accordance with approved plans and specifications. A complete report of test procedures and results shall be prepared and filed with the owner. Drawing notes shall require commissioning in accordance with this paragraph.

1416.4.2 Other Systems: All other HVAC control systems, and other automatically controlled systems for which energy consumption, performance, or mode of operation are regulated by this code, shall be tested to ensure that control devices, equipment and systems are calibrated, adjusted and operate in accordance with approved plans and specifications. Sequences of operation shall be functionally tested to ensure they operate in accordance with approved plans and specifications.

1416.4.2.1 Documentation: Drawing notes shall require commissioning in accordance with this section. Drawing notes may refer to specifications for further commissioning requirements. Plans and specifications shall require tests mandated by this section be performed and the results recorded. Plans and specifications shall require preparation of preliminary and final reports of test procedures and results as described in Section 1416.4.2.2. Plans and specifications shall identify the following for each test:

1. Equipment and systems to be tested, including the extent of sampling tests;
2. Functions to be tested (for example calibration, economizer control, etc.);
3. Conditions under which the test shall be performed (for example winter design conditions, full outside air, etc.);
4. Measurable criteria for acceptable performance.

#### 1416.4.2.2 Commissioning Reports

1416.4.2.2.1 Preliminary Commissioning Report: A preliminary commissioning report of test procedures and results shall be prepared. The preliminary report shall identify:

1. Deficiencies found during testing required by this section which have not been corrected at the time of report preparation and the anticipated date of correction.
2. Deferred tests which cannot be performed at the time of report preparation due to climatic conditions.
3. Climatic conditions required for performance of the deferred tests, and the anticipated date of each deferred test.

1416.4.2.2.2) Each hydronic system shall have either the ability to measure pressure across the pump, or test ports at each side of each pump.

#### 1416.2.3 Functional Performance Testing.

1416.2.3.1 Equipment/Systems Testing: Functional Performance Testing shall demonstrate the correct installation and operation of each component, system, and system-to-system intertie relationship in accordance with approved plans and specifications. This demonstration is to prove the operation,

function, and maintenance serviceability for each of the commissioned systems. Testing shall include all modes of operation, including:

- a. All modes as described in the Sequence of Operation.
- b. Redundant or automatic back-up mode.
- c. Performance of alarms, and
- d. Mode of operation upon a loss of power and restored power.

1416.2.3.2 Controls Testing: HVAC control systems shall be tested to ensure that control devices, components, equipment and systems are calibrated, adjusted and operate in accordance with approved plans and specifications. Sequences of operation shall be functionally tested to ensure they operate in accordance with approved plans and specifications.

#### 1416.2.4 Post Construction Commissioning.

1416.2.4.1 General: Construction documents shall require post construction commissioning be provided to the building owner. Drawing notes may refer to specifications for further commissioning requirements. Post construction commissioning shall include, as a minimum, review and approval of Operation and Maintenance Materials, Record Drawings, and Systems Operational Training.

1416.2.4.2 Operation and Maintenance (O&M) Manuals: The O&M manual shall be in accordance with industry accepted standards and shall include, at a minimum, the following:

- a. Submittal data stating equipment size and selected options for each piece of equipment requiring maintenance.
- b. Operation and maintenance manuals for each piece of equipment requiring maintenance, except equipment not furnished as part of the project. Required routine maintenance actions shall be clearly identified.
- c. Names and addresses of at least one service agency.
- d. HVAC controls system maintenance and calibration information, including wiring diagrams, schematics, and control sequence descriptions. Desired or field determined set points shall be permanently recorded on control drawings at control devices, or, for digital control systems, in programming comments.
- e. A complete narrative of how each system is intended to operate including:
  - i. A detailed explanation of the original design intent.
  - ii. The basis of design (how the design was selected to meet the design intent).
  - iii. A detailed explanation of how new equipment is to interface with existing equipment or systems (where applicable).
  - iv. Suggested set points.

Note: Sequence of Operation is not acceptable as narrative for this requirement.

1416.2.4.3 Record Drawings: Record drawings shall include as a minimum the location and performance data on each piece of equipment, general configuration of duct and pipe distribution system, including sizes, and the terminal air and water design flow rates.



1416.2.4.4 Systems Operational Training: The training of the appropriate maintenance staff for each equipment type and/or system shall include, as a minimum, the following:

a. System/Equipment overview (what it is, what it does and which other systems and/or equipment does it interface with).

b. Review of the available O&M materials.

c. Review of the Record Drawings on the subject system/equipment.

d. Hands-on demonstration of all normal maintenance procedures, normal operating modes, and all emergency shut-down and start-up procedures.

#### 1416.2.5 Commissioning Reports.

1416.2.5.1 Preliminary Commissioning Report: A preliminary report of commissioning test procedures and results shall be completed and provided to the owner. The preliminary commissioning report shall identify:

a. Deficiencies found during testing required by this section which have not been corrected at the time of report preparation and the anticipated date of correction.

b. Deferred tests which cannot be performed at the time of report preparation due to climatic conditions.

c. Climatic conditions required for performance of the deferred tests, and the anticipated date of each deferred test.

1416.2.5.2 Final Commissioning Report: A complete report of test procedures and results shall be prepared and filed with the owner. The Final Commissioning Report shall identify:

a. Results of all Functional Performance Tests.

b. Disposition of all deficiencies found during testing including details of corrective measures used or proposed.

c. All Functional Performance Test procedures used during the commissioning process including measurable criteria for test acceptance, provided herein for repeatability.

EXCEPTION: Deferred tests which cannot be performed at the time of report preparation due to climatic conditions.

#### 1416.3 Acceptance Requirements.

~~((1416.4.2.3))~~ 1416.3.1 Acceptance: Buildings or portions thereof, required by this code to comply with this section, shall not be issued a final certificate of occupancy until such time that the building official determines that the preliminary commissioning report required by ~~((this))~~ Section 1416.2.5.1 has been completed.

AMENDATORY SECTION (Amending WSR 93-21-052, filed 10/18/93, effective 4/1/94)

#### **WAC 51-11-1432 Controls.**

1432.1 Setback and Shutoff: Systems that serve zones with different uses, as defined in Table 15-1

1. Shall be served by separate systems, or

2. Shall include isolation devices and controls to shut off or set back the supply of heating and cooling to each zone independently.

EXCEPTION: Isolation or separate systems are not required for zones expected to operate continuously or expected to be inoperative only when all other zones are inoperative.

#### 1432.2 Systems Temperature Reset Controls

1432.2.1 Air Systems for Multiple Zones: Systems supplying heated or cooled air to multiple zones shall include controls which automatically reset supply air temperatures by representative building loads or by outside air temperature. Temperature shall be reset by at least 25 percent of the design supply-air-to-room-air temperature difference.

EXCEPTION: Where specified humidity levels are required to satisfy process needs, such as computer rooms or museums.

1432.2.2 Hydronic Systems: Systems with a design capacity of ~~((600,000))~~ 300,000 Btu/h or greater supplying heated or mechanically refrigerated water ~~((to comfort conditioning systems))~~ shall include controls which automatically reset supply water temperatures by representative building loads (including return water temperature) or by outside air temperature. Temperature shall be reset by at least 25 percent of the design supply-to-return water temperature differences.

EXCEPTIONS: 1. Hydronic systems that use variable flow devices complying with Section 1438 to reduce pumping energy.  
2. Steam boilers.  
3. Systems that provide heating with 100°F or lower supply temperature (e.g., water source heat pump loops).

To limit the heat loss from the heat rejection device (cooling tower), for hydronic heat pumps connected to a common heat pump water loop with central devices for heat rejection (e.g., cooling tower):

a. If a closed-circuit tower (fluid cooler) is used, either an automatic valve shall be installed to bypass all but a minimal flow of water around the tower (for freeze protection), or low leakage positive closure dampers shall be provided.

b. If an open-circuit tower is used directly in the heat pump loop, an automatic valve shall be installed to bypass all heat pump water flow around the tower.

c. If an open-circuit tower is used in conjunction with a separate heat exchanger to isolate the tower from the heat pump loop, then heat loss shall be controlled by shutting down the circulation pump on the cooling tower loop.

For hydronic heat pumps connected to a common heat pump water loop with central devices for heat rejection (e.g., cooling tower) and having a total pump system power exceeding 10 hp, each hydronic heat pump shall have:

a. A two-position two-way (but not three-way) valve, or

b. A variable head pressure two-way (water regulating) control valve or pump.

For the purposes of this section, pump system power is the sum of the nominal power demand (i.e., nameplate horsepower at nominal motor efficiency) of motors of all pumps that are required to operate at design conditions to supply fluid from the heating or cooling source to all heat transfer devices (e.g., coils, heat exchanger) and return it to the source. This converts the system into a variable flow system and, as such, the primary circulation pumps shall comply with the variable flow requirements in Section 1438.

AMENDATORY SECTION (Amending WSR 05-01-013, filed 12/2/04, effective 7/1/05)

**WAC 51-11-1433 Economizers.** Air economizers meeting the requirements of Section 1413 shall be provided

on all new systems including those serving computer server rooms, electronic equipment, radio equipment, telephone switchgear.

- EXCEPTIONS:
1. High-efficiency cooling units with SEER and EER values more than 10% higher than minimum efficiencies listed in Tables 14-1A, 14-1B and 14-1D, in the appropriate size category, using the same test procedures. The total capacity of all systems without economizers shall not exceed 480,000 Btu/h per building, or 20% of its air economizer capacity, whichever is greater. That portion of the equipment serving Group R Occupancy is not included in determining the total capacity of all units without economizers in a building. This exception shall not be used for RS-29 analysis nor include unitary cooling equipment installed outdoors nor in a mechanical room adjacent to outdoors.
  2. Chilled water terminal units connected to systems with chilled water generation equipment with COP and IPLV values more than 10% higher than minimum efficiencies listed in Table 14-1C, in the appropriate size category, using the same test procedures. The total capacity of all systems without economizers shall not exceed 480,000 Btu/h per building, or 20% of its air economizer capacity, whichever is greater. That portion of the equipment serving Group R Occupancy is not included in determining the total capacity of all units without economizers in a building. This exception shall not be used for RS-29 analysis.
  3. Water-cooled refrigeration equipment provided with a water economizer meeting the requirements of Section 1413. Water economizer capacity per building shall not exceed 500 tons. This exception shall not be used for RS-29 analysis.
  - ~~(3-)~~ 4. Systems for which at least 75% of the annual energy used for mechanical cooling is provided from site-recovery or site-solar energy source.
  - ~~(4-)~~ 5. Systems where special outside air filtration and treatment, for the reduction and treatment of unusual outdoor contaminants, makes an air economizer infeasible.
  - ~~(5-)~~ 6. Systems that affect other systems (such as dehumidification and supermarket refrigeration systems) so as to increase the overall building energy consumption. New humidification equipment shall comply with Section 1413.4.
  - ~~(6-)~~ 7. Systems complying with all of the following criteria:
    - a. Consist of multiple water source heat pumps connected to a common water loop;
    - b. Have a minimum of 60% air economizer;
    - c. Have water source heat pumps with an EER at least 15% higher for cooling and a COP at least 15% higher for heating than that specified in Section 1411;
    - d. Where provided, have a central boiler or furnace efficiency of:
      - i. 90% minimum for units up to 199,000 Btu/h; and
      - ii. 85% minimum for units above 199,000 Btu/h input; and
    - e. Provide heat recovery with a minimum 50% heat recovery effectiveness as defined in Section 1436 to preheat the outside air supply.
  - ~~(7-)~~ 8. For Group R Occupancy, cooling units installed outdoors or in a mechanical room adjacent to outdoors with

a total cooling capacity less than 20,000 Btu/h and other cooling units with a total cooling capacity less than 54,000 Btu/h.

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

**WAC 51-11-1438 Variable flow systems and system criteria.** For fans and pumps greater than 10 horsepower, where the application involves variable flow, and water source heat pump loops subject to the requirements of Section 1432.2.2, there shall be:

a. Variable speed drives, or ((variable flow devices installed. Acceptable variable flow devices include variable inlet vanes, variable blade pitch, and variable fan geometry. Throttling valves (dampers), scroll dampers or bypass circuits shall not be allowed.))

b. Other controls and devices that will result in fan and pump motor demand of no more than 30% of design wattage at 50% of design air volume for fans when static pressure set point equals 1/3 the total design static pressure, and 50% of design water flow for pumps, based on manufacturer's certified test data. Variable inlet vanes, throttling valves (dampers), scroll dampers or bypass circuits shall not be allowed.

Static pressure sensors used to control variable air volume fans shall be placed in a position such that the controller set point is no greater than 1/3 the total design fan static pressure.

For systems with direct digital control of individual zone boxes reporting to the central control panel, there shall be static pressure reset controls and the static pressure set point shall be reset based on the zone requiring the most pressure; i.e., the set point is reset lower until one zone damper is nearly wide open.

1438.1 Cooling Towers: All cooling towers with a total fan motor horsepower greater than 10 hp shall be equipped with a variable speed drive or with a pony motor of a rated hp no greater than 1/3 of the hp of the primary motor. For pony motors, the cooling tower control shall provide two-stage operation of fans and shall bring on the pony motor to operate without the primary motor while meeting the condenser water setpoint.

AMENDATORY SECTION (Amending WSR 05-01-013, filed 12/2/04, effective 7/1/05)

**WAC 51-11-1454 Pool covers.** Heated pools shall be equipped with a vapor retardant pool cover on or at the water surface. Pools heated to more than 90 degrees F shall have a pool cover with a minimum insulation value of R-12.

**Table 14-1A  
Unitary Air Conditioners and Condensing Units, Electrically Operated, Minimum Efficiency Requirements**

Equipment Type	Size Category	Sub-Category or Rating Condition	Minimum Efficiency <sup>b</sup>	Test Procedure <sup>a</sup>
Air Conditioners, Air Cooled	< 65,000 Btu/h <sup>d</sup>	Split System <del>((Before January 23, 2006</del>	<del>10.0 SEER))</del>	ARI 210/240

Equipment Type	Size Category	Sub-Category or Rating Condition	Minimum Efficiency <sup>b</sup>	Test Procedure <sup>a</sup>
		<del>((After January 23, 2006</del>	<del>12.0)) 13.0</del> SEER	
		Single Package <del>((Before January 23, 2006</del> <del>((After January 23, 2006</del>	<del>9.7 SEER))</del> <del>12.0)) 13.0</del> SEER	
	≥ 65,000 Btu/h and < 135,000 Btu/h	Split System and Single Package <u>On or after Jan 1, 2010<sup>d</sup></u>	10.3 EER <sup>c</sup> <u>10.6 IPLV<sup>c</sup></u> <u>11.2 EER<sup>c</sup></u>	
	≥ 135,000 Btu/h and < 240,000 Btu/h	Split System and Single Package <u>On or after Jan 1, 2010<sup>d</sup></u>	9.7 EER <sup>c</sup> <u>9.9 IPLV<sup>c</sup></u> <u>11.0 EER<sup>c</sup></u>	ARI 340/360
	≥ 240,000 Btu/h and < 760,000 Btu/h	Split System and Single Package <u>On or after Jan 1, 2010<sup>d</sup></u>	9.5 EER <sup>c</sup> 9.7 IPLV <sup>c</sup> <u>10.0 EER<sup>c</sup></u>	
	≥ 760,000 Btu/h	Split System and Single Package <u>On or after Jan 1, 2010<sup>d</sup></u>	9.2 EER <sup>c</sup> 9.4 IPLV <sup>c</sup> <u>9.7 EER<sup>c</sup></u>	
Through-the-Wall, Air Cooled	< 30,000 Btu/h <sup>d</sup>	Split System <del>((Before January 23, 2006</del> <u>On or after January 23,</u> <del>((2006)) 2010<sup>d</sup></del>	<del>10.0)) 10.9</del> SEER <del>((10.9)) 12.0</del> SEER	ARI 210/240
		Single Package <del>((Before January 23, 2006</del> <u>On or after January 23,</u> <del>((2006)) 2010<sup>d</sup></del>	<del>9.7)) 10.6</del> SEER <del>((10.6)) 12.0</del> SEER	
Small-Duct High-Velocity, Air Cooled	< 65,000 Btu/h <sup>d</sup>	Split System	10.0 SEER	ARI 210/240
Air Conditioners, Water and Evaporatively Cooled	< 65,000 Btu/h	Split System and Single Package	12.1 EER	ARI 210/240
	≥ 65,000 Btu/h and < 135,000 Btu/h	Split System and Single Package	11.5 EER <sup>c</sup>	
	≥ 135,000 Btu/h and ≤ 240,000 Btu/h	Split System and Single Package	11.0 EER <sup>c</sup>	ARI 340/360
	> 240,000 Btu/h	Split System and Single Package	11.0 EER <sup>c</sup> 10.3 IPLV <sup>c</sup>	
Condensing Units, Air Cooled	≥ 135,000 Btu/h		10.1 EER 11.2 IPLV	ARI 365
Condensing Units, Water or Evaporatively Cooled	≥ 135,000 Btu/h		13.1 EER 13.1 IPLV	

<sup>a</sup> Reserved.

<sup>b</sup> IPLVs are only applicable to equipment with capacity modulation.

<sup>c</sup> Deduct 0.2 from the required EERs and IPLVs for units with a heating section other than electric resistance heat.

<sup>d</sup> Date of manufacture. Applies to all units, including single-phase and three-phase. For single-phase air-cooled air-conditioners < 65,000 Btu/h ((are regulated by NAECA-)), SEER values are those set by NAECA.

**Table 14-1B**  
**Unitary and Applied Heat Pumps, Electrically Operated, Minimum Efficiency Requirements**

Equipment Type	Size Category	Sub-Category or Rating Condition	Minimum Efficiency <sup>b</sup>	Test Procedure <sup>a</sup>
Air Cooled, (Cooling Mode)	< 65,000 Btu/h <sup>d</sup>	Split System <del>((Before January 23, 2006</del> <del>10.0 SEER))</del> <del>((After January 23, 2006</del> <u>12.0</u> ) <u>13.0</u> SEER		ARI 210/240
		Single Package <del>((Before January 23, 2006</del> <del>9.7 SEER))</del> <del>((After January 23, 2006</del> <u>12.0</u> ) <u>13.0</u> SEER		
	≥ 65,000 Btu/h and < 135,000 Btu/h	Split System and Single Package <u>On or after Jan 1, 2010<sup>d</sup></u>	10.1 EER <sup>c</sup> <u>10.4 IPLV<sup>ε</sup></u> <u>11.0 EER<sup>ε</sup></u>	
	≥ 135,000 Btu/h and < 240,000 Btu/h	Split System and Single Package <u>On or after Jan 1, 2010<sup>d</sup></u>	9.3 EER <sup>c</sup> <u>9.5 IPLV<sup>ε</sup></u> <u>10.6 EER<sup>ε</sup></u>	ARI 340/360
	≥ 240,000 Btu/h	Split System and Single Package <u>On or after Jan 1, 2010<sup>d</sup></u>	9.0 EER <sup>c</sup> 9.2 IPLV <sup>c</sup> <u>9.5 EER<sup>c</sup></u>	
Through-the-Wall (Air Cooled, Cooling Mode)	< 30,000 Btu/h <sup>d</sup>	Split System <del>((Before January 23, 2006</del> <del>10.0))</del> <u>10.9</u> SEER <u>On or after January 23, ((2006)) 2010<sup>d</sup></u>		ARI 210/240
		Single Package <del>((Before January 23, 2006</del> <del>9.7))</del> <u>10.6</u> SEER <u>On or after January 23, ((2006)) 2010<sup>d</sup></u>		
Small-Duct High-Velocity (Air Cooled, Cooling Mode)	< 65,000 Btu/h <sup>d</sup>	Split System	10.0 SEER	ARI 210/240
Water-Source (Cooling Mode)	< 17,000 Btu/h	86°F Entering Water	11.2 EER	ARI/ISO-13256-1
	≥ 17,000 Btu/h and < 65,000 Btu/h	86°F Entering Water	12.0 EER	ARI/ISO-13256-1
	≥ 65,000 Btu/h and < 135,000 Btu/h	86°F Entering Water	12.0 EER	ARI/ISO-13256-1
Groundwater-Source (Cooling Mode)	< 135,000 Btu/h	59°F Entering Water	16.2 EER	ARI/ISO-13256-1
Ground Source (Cooling Mode)	< 135,000 Btu/h	77°F Entering Water	13.4 EER	ARI/ISO-13256-1
Air Cooled (Heating Mode)	< 65,000 Btu/h <sup>d</sup> (Cooling Capacity)	Split System <del>((Before January 23, 2006</del> <del>6.8- HSPF))</del> <del>((After January 23, 2006</del> <u>7.4</u> ) <u>7.7</u> HSPF		ARI 210/240

Equipment Type	Size Category	Sub-Category or Rating Condition	Minimum Efficiency <sup>b</sup>	Test Procedure <sup>a</sup>
	≥ 65,000 Btu/h and < 135,000 Btu/h (Cooling Capacity)	Single Package <del>((Before January 23, 2006</del> <b>6.6 HSPF)</b> <del>((After January 23, 2006</del> <b>7.4)) 7.7 HSPF</b>		ARI 340/360
		47°F db/43°F wb Outdoor Air <u>On or after January 1, 2010<sup>d</sup></u> 17°F db/15°F wb Outdoor Air	3.2 COP <u>3.3 COP</u> 2.2 COP	
	≥ 135,000 Btu/h (Cooling Capacity)	47°F db/43°F wb Outdoor Air <u>On or after January 1, 2010<sup>d</sup></u> 17°F db/15°F wb Outdoor Air	3.1 COP <u>3.2 COP</u> 2.0 COP	
Through-the-Wall (Air Cooled, Heating Mode)	< 30,000 Btu/h <sup>d</sup>	Split System <del>((Before January 23, 2006</del> <b>6.8 HSPF)</b> <u>On or after January 23, ((2006)) 2010<sup>d</sup></u> <b>7.1 HSPF</b>	<b>7.1 HSPF</b> <del>6.8 HSPF)</del> <del>((7.1)) 7.4 HSPF</del>	ARI 210/240
		Single Package <del>((Before January 23, 2006</del> <b>6.6 HSPF)</b> <u>On or after January 23, ((2006)) 2010<sup>d</sup></u> <b>7.0 HSPF</b>	<b>7.0 HSPF</b> <del>6.6 HSPF)</del> <del>((7.0)) 7.4 HSPF</del>	
Small-Duct High-Velocity (Air Cooled, Heating Mode)	< 65,000 Btu/h <sup>d</sup>	Split System	6.8 HSPF	ARI 210/240
Water-Source (Heating Mode)	< 135,000 Btu/h (Cooling Capacity)	68°F Entering Water	4.2 COP	ARI/ISO-13256-1
Groundwater-Source (Heating Mode)	< 135,000 Btu/h (Cooling Capacity)	50°F Entering Water	3.6 COP	ARI/ISO-13256-1
Ground Source (Heating Mode)	< 135,000 Btu/h (Cooling Capacity)	32°F Entering Water	3.1 COP	ARI/ISO-13256-1

<sup>a</sup> Reserved.  
<sup>b</sup> IPLVs and part load rating conditions are only applicable to equipment with capacity modulation.  
<sup>c</sup> Deduct 0.2 from the required EERs and IPLVs for units with a heating section other than electric resistance heat.  
<sup>d</sup> Date of manufacture. Applies to all units, including single-phase and three-phase. For single-phase air-cooled heat pumps < 65,000 Btu/h ((are regulated by NAECA.)), SEER and HSPF values are those set by NAECA.

**Table 14-1C  
Water Chilling Packages, Minimum Efficiency Requirements**

Equipment Type	Size Category	Sub-Category or Rating Condition	Minimum Efficiency <sup>b</sup>	Test Procedure <sup>a</sup>
Air Cooled, With Condenser, Electrically Operated	All Capacities		2.80 COP 3.05 IPLV	ARI 550/590
Air Cooled, Without Condenser, Electrically Operated	All Capacities		3.10 COP 3.45 IPLV	

Equipment Type	Size Category	Sub-Category or Rating Condition	Minimum Efficiency <sup>b</sup>	Test Procedure <sup>a</sup>
Air Cooled, With Condenser, Electrically Operated	All Capacities		2.80 COP 3.05 IPLV	ARI 550/590
Water Cooled, Electrically Operated, Positive Displacement (Reciprocating)	All Capacities		4.20 COP 5.05 IPLV	
Water Cooled, Electrically Operated, Positive Displacement (Rotary Screw and Scroll)	< 150 Tons		4.45 COP 5.20 IPLV	ARI 550/590
	≥ 150 Tons and < 300 Tons		4.90 COP 5.60 IPLV	
	≥ 300 Tons		5.50 COP 6.15 IPLV	
Water Cooled, Electrically Operated, Centrifugal	< 150 Tons		5.00 COP 5.25 IPLV	ARI 550/590
	≥ 150 Tons and < 300 Tons		5.55 COP 5.90 IPLV	
	≥ 300 Tons		6.10 COP 6.40 IPLV	
Air Cooled Absorption Single Effect	All Capacities		0.60 COP	ARI 560
Water Cooled Absorption Single Effect	All Capacities		0.70 COP	
Absorption Double Effect, Indirect-Fired	All Capacities		1.00 COP 1.05 IPLV	
Absorption Double Effect, Direct-Fired	All Capacities		1.00 COP 1.00 IPLV	

<sup>a</sup> Reserved.

<sup>b</sup> The chiller equipment requirements do not apply for chillers used in low temperature applications where the design leaving fluid temperature is less than or equal to 40°F.

**Table 14-1D**

**Packaged Terminal Air Conditioners, Packaged Terminal Heat Pumps, Room Air Conditioners, and Room Air Conditioner Heat Pumps, Electrically Operated, Minimum Efficiency Requirements**

Equipment Type	Size Category (Input)	Sub-Category or Rating Condition	Minimum Efficiency <sup>b</sup>	Test Procedure <sup>a</sup>
PTAC (Cooling Mode) New Construction	All Capacities	95°F db Outdoor Air	12.5 - (0.213 x Cap/1000) <sup>b</sup> EER	ARI 310/380
PTAC (Cooling Mode) Replacements <sup>c</sup>	All Capacities	95°F db Outdoor Air	10.9 - (0.213 x Cap/1000) <sup>b</sup> EER	
PTHP (Cooling Mode) New Construction	All Capacities	95°F db Outdoor Air	12.3 - (0.213 x Cap/1000) <sup>b</sup> EER	
PTHP (Cooling Mode) Replacements <sup>c</sup>	All Capacities	95°F db Outdoor Air	10.8 - (0.213 x Cap/1000) <sup>b</sup> EER	
PTHP (Heating Mode) New Construction	All Capacities		3.2 - (0.026 x Cap/1000) <sup>b</sup> COP	
PTHP (Heating Mode) Replacements <sup>c</sup>	All Capacities		2.9 - (0.026 x Cap/1000) <sup>b</sup> COP	

Equipment Type	Size Category (Input)	Sub-Category or Rating Condition	Minimum Efficiency <sup>b</sup>	Test Procedure <sup>a</sup>
SPVAC (Cooling Mode)	All Capacities	95°F db/75°F wb Outdoor Air	8.6 EER	ARI-390
SPVHP (Cooling Mode)	All Capacities	95°F db/75°F wb Outdoor Air	8.6 EER	
SPVAC (Heating Mode)	All Capacities	47°F db/43°F wb Outdoor Air	2.7 COP	
Room Air Conditioners, with Louvered Sides	< 6,000 Btu/h		9.7 EER	ANSI/AHAM RAC-1
	≥ 6,000 Btu/h and < 8,000 Btu/h		9.7 EER	
	≥ 8,000 Btu/h and < 14,000 Btu/h		9.8 EER	
	≥ 14,000 Btu/h and < 20,000 Btu/h		9.7 EER	
	≥ 20,000 Btu/h		8.5 EER	
Room Air Conditioners, without Louvered Sides	< 8,000 Btu/h		9.0 EER	
	≥ 8,000 Btu/h and < 20,000 Btu/h		8.5 EER	
	≥ 20,000 Btu/h		8.5 EER	
Room Air Conditioner Heat Pumps with Louvered Sides	< 20,000 Btu/h		9.0 EER	
	≥ 20,000 Btu/h		8.5 EER	
Room Air Conditioner Heat Pumps without Louvered Sides	< 14,000 Btu/h		8.5 EER	
	≥ 14,000 Btu/h		8.0 EER	
Room Air Conditioner, Casement Only	All Capacities		8.7 EER	
Room Air Conditioner, Casement – Slider	All Capacities		9.5 EER	

<sup>a</sup> Reserved.

<sup>b</sup> Cap means the rated cooling capacity of the product in Btu/h. If the unit's capacity is less than 7000 Btu/h, use 7000 Btu/h in the calculation. If the unit's capacity is greater than 15,000 Btu/h, use 15,000 Btu/h in the calculation.

<sup>c</sup> Replacement units must be factory labeled as follows: "MANUFACTURED FOR REPLACEMENT APPLICATIONS ONLY; NOT TO BE INSTALLED IN NEW CONSTRUCTION PROJECTS." Replacement efficiencies apply only to units with existing sleeves less than 16-in. high and less than 42-in. wide.

<sup>d</sup> Casement room air conditioners are not separate product classes under current minimum efficiency column.

<sup>e</sup> New room air conditioner standards, covered by NAECA became effective October 1, 2000.

**Table 14-1E**

**Warm Air Furnaces and Combination Warm Air Furnaces/Air-Conditioning Units, Warm Air Duct Furnaces and Unit Heaters, Minimum Efficiency Requirements**

Equipment Type	Size Category (Input)	Sub-Category or Rating Condition	Minimum Efficiency <sup>b</sup>	Test Procedure <sup>a</sup>
Warm Air Furnace, Gas-Fired	< 225,000 Btu/h (66 kW)		78% AFUE or 80% E <sub>t</sub> <sup>c</sup>	DOE 10 CFR Part 430 or ANSI Z21.47
	≥ 225,000 Btu/h (66 kW)	Maximum Capacity <sup>c</sup> Minimum Capacity <sup>c</sup>	80% E <sub>c</sub> <sup>f</sup>	ANSI Z21.47

Equipment Type	Size Category (Input)	Sub-Category or Rating Condition	Minimum Efficiency <sup>b</sup>	Test Procedure <sup>a</sup>
Warm Air Furnace, Oil-Fired	< 225,000 Btu/h (66 kW)		78% AFUE or 80% E <sub>t</sub> <sup>c</sup>	DOE 10 CFR Part 430 or UL 727
	≥ 225,000 Btu/h (66 kW)	Maximum Capacity <sup>b</sup> Minimum Capacity <sup>b</sup>	81% E <sub>t</sub> <sup>g</sup> —	UL 727
Warm Air Duct Furnaces, Gas-Fired	All Capacities	Maximum Capacity <sup>b</sup> Minimum Capacity <sup>b</sup>	80% E <sub>c</sub> <sup>e</sup> —	ANSI Z83.9
Warm Air Unit Heaters, Gas-Fired	All Capacities	Maximum Capacity <sup>b</sup> Minimum Capacity <sup>b</sup>	80% E <sub>c</sub> <sup>e</sup> —	ANSI Z83.8
Warm Air Unit Heaters, Oil-Fired	All Capacities	Maximum Capacity <sup>b</sup> Minimum Capacity <sup>b</sup>	80% E <sub>c</sub> <sup>e</sup> —	UL 731

<sup>a</sup> Reserved.

<sup>b</sup> Minimum and maximum ratings as provided for and allowed by the unit's controls.

<sup>c</sup> Combination units not covered by NAECA (3-phase power or cooling capacity greater than or equal to 65,000 Btu/h [19 kW]) may comply with either rating.

<sup>d</sup> E<sub>t</sub> = Thermal efficiency. See test procedure for detailed discussion.

<sup>e</sup> E<sub>c</sub> = Combustion efficiency (100% less flue losses). See test procedure for detailed discussion.

<sup>f</sup> E<sub>c</sub> = Combustion efficiency. Units must also include an IID, have jacket losses not exceeding 0.75% of the input rating, and have either power venting or a flue damper. A vent damper is an acceptable alternative to a flue damper for those furnaces where combustion air is drawn from the conditioned space.

<sup>g</sup> E<sub>t</sub> = Thermal efficiency. Units must also include an IID, have jacket losses not exceeding 0.75% of the input rating, and have either power venting or a flue damper. A vent damper is an acceptable alternative to a flue damper for those furnaces where combustion air is drawn from the conditioned space.

**Table 14-1F  
Boilers, Gas- and Oil-Fired, Minimum Efficiency Requirements**

Equipment Type <sup>f</sup>	Size Category	Sub-Category or Rating Condition	Minimum Efficiency <sup>b</sup>	Test Procedure
Boilers, Gas-Fired	< 300,000 Btu/h	Hot Water	80% AFUE	DOE 10 CFR Part 430
		Steam	75% AFUE	
	≥ 300,000 Btu/h and ≤ 2,500,000 Btu/h	Maximum Capacity <sup>b</sup>	75% E <sub>t</sub> and 80% E <sub>c</sub>	((H.I. Htg Boiler Std)) DOE 10 CFR Part 431
	> 2,500,000 Btu/h <sup>(f)</sup> <sup>a</sup>	Hot Water	80% E <sub>c</sub>	
> 2,500,000 Btu/h <sup>(f)</sup> <sup>a</sup>	Steam	80% E <sub>c</sub>		
Boilers, Oil-Fired	< 300,000 Btu/h		80% AFUE	DOE 10 CFR Part 430
	≥ 300,000 Btu/h and ≤ 2,500,000 Btu/h	Maximum Capacity <sup>b</sup>	78% E <sub>t</sub> and 83% E <sub>c</sub>	((H.I. Htg Boiler Std)) DOE 10 CFR Part 431
	> 2,500,000 Btu/h <sup>(f)</sup> <sup>a</sup>	Hot Water	83% E <sub>c</sub>	



Equipment Type <sup>f</sup>	Size Category	Sub-Category or Rating Condition	Minimum Efficiency <sup>b</sup>	Test Procedure
	> 2,500,000 Btu/h <sup>(f)</sup> <sup>a</sup>	Steam	83% E <sub>c</sub>	
Oil-Fired (Residual)	≥ 300,000 Btu/h and ≤ 2,500,000 Btu/h	Maximum Capacity <sup>b</sup>	78% E <sub>t</sub> and 83% E <sub>c</sub>	((H.I. Htg Boiler Std)) DOE 10 CFR Part 431
	> 2,500,000 Btu/h <sup>(f)</sup> <sup>a</sup>	Hot Water	83% E <sub>c</sub>	
	> 2,500,000 Btu/h <sup>(f)</sup> <sup>a</sup>	Steam	83% E <sub>c</sub>	

<sup>a</sup> ~~((Reserved.))~~ These requirements apply to boilers with rated input of 8,000,000 Btu/h or less that are not packaged boilers, and to all packaged boilers. Minimum efficiency requirements for boilers cover all capacities of packaged boilers.

<sup>b</sup> Minimum and maximum ratings as provided for and allowed by the unit's controls.

<sup>c</sup> E<sub>c</sub> = Combustion efficiency (100% less flue losses). See reference document for detailed information.

<sup>d</sup> E<sub>t</sub> = Thermal efficiency. See reference document for detailed information.

~~((Alternate test procedures used at the manufacturer's option are ASME PTC-4.1 for units over 5,000,000 Btu/h input, or ANSI Z21.13 for units greater than or equal to 300,000 Btu/h and less than or equal to 2,500,000 Btu/h input.~~

~~<sup>f</sup> These requirements apply to boilers with rated input of 8,000,000 Btu/h or less that are not packaged boilers, and to all packaged boilers. Minimum efficiency requirements for boilers cover all capacities of packaged boilers.))~~

**Table 14-1G  
Performance Requirements for Heat Rejection Equipment**

Equipment Type	Total System Heat Rejection Capacity at Rated Conditions	Sub-Category or Rating Condition	Minimum Efficiency <sup>b</sup>	Test Procedure <sup>c</sup>
Propeller or Axial Fan Cooling Towers	All	95°F (35°C) Entering Water 85°F (29°C) Leaving Water 75°F (24°C) wb Outdoor Air	≥38.2 gpm/hp	CTI ATC-105 and CTI STD-201
Centrifugal Fan Cooling Towers	All	95°F (35°C) Entering Water 85°F (29°C) Leaving Water 75°F (24°C) wb Outdoor Air	≥ 20.0 gpm/hp	CTI ATC-105 and CTI STD-201
Air Cooled Condensers	All	125°F (52°C) Condensing Temperature R22 Test Fluid 190°F (88°C) Entering Gas Temperature 15°F (8°C) Subcooling 95°F (35°C) Entering Drybulb	≥176,000 Btu/h•hp	ARI 460

<sup>a</sup> For purposes of this table, cooling tower performance is defined as the maximum flow rating of the tower divided by the fan nameplate rated motor power.

<sup>b</sup> For purposes of this table air-cooled condenser performance is defined as the heat rejected from the refrigerant divided by the fan nameplate rated motor power.

<sup>c</sup> Reserved.

**TABLE 14-2 RESERVED**

**TABLE 14-3 RESERVED**

**TABLE 14-4**  
**Energy Efficient Electric Motors**  
**Minimum Nominal Full-Load Efficiency**

Synchronous Speed (RPM)	Open Motors			Closed Motors		
	3,600	1,800	1,200	3,600	1,800	1,200
HP	Efficiency	Efficiency	Efficiency	Efficiency	Efficiency	Efficiency
1.0	-	82.5	80.0	75.5	82.5	80.0
1.5	82.5	84.0	84.0	82.5	84.0	85.5
2.0	84.0	84.0	85.5	84.0	84.0	86.5
3.0	84.0	86.5	86.5	85.5	87.5	87.5
5.0	85.5	87.5	87.5	87.5	87.5	87.5
7.5	87.5	88.5	88.5	88.5	89.5	89.5
10.0	88.5	89.5	90.2	89.5	89.5	89.5
15.0	89.5	91.0	90.2	90.2	91.0	90.2
20.0	90.2	91.0	91.0	90.2	91.0	90.2
25.0	91.0	91.7	91.7	91.0	92.4	91.7
30.0	91.0	92.4	92.4	91.0	92.4	91.7
40.0	91.7	93.0	93.0	91.7	93.0	93.0
50.0	92.4	93.0	93.0	92.4	93.0	93.0
60.0	93.0	93.6	93.6	93.0	93.6	93.6
75.0	93.0	94.1	93.6	93.0	94.1	93.6
100.0	93.0	94.1	94.1	93.6	94.5	94.1
125.0	93.6	94.5	94.1	94.5	94.5	94.1
150.0	93.6	95.0	94.5	94.5	95.0	95.0
200.0	94.5	95.0	94.5	95.0	95.0	95.0

**TABLE 14-5**  
**Duct Insulation**

Duct Type	Duct Location	Insulation R-Value	Other Requirements
Supply, Return	Not within conditioned space: On exterior of building, on roof, in attic, in enclosed ceiling space, in walls, in garage, in crawl spaces	R-7	Approved weather proof barrier
Outside air intake	Within conditioned space	R-7	See Section 1414.2
Supply, Return, Outside air intake	Not within conditioned space: in concrete, in ground	R-5.3	
Supply with supply air temperature < 55°F or > 105°F	Within conditioned space	R-3.3	

Note: Requirements apply to the duct type listed, whether heated or mechanically cooled. Mechanically cooled ducts requiring insulation shall have a vapor retarder, with a perm rating not greater than 0.5 and all joints sealed.

**TABLE 14-6  
Minimum Pipe Insulation (inches)<sup>1</sup>**

Fluid Design Operating Temp. Range, °F	Insulation Conductivity		Nominal Pipe Diameter (in.)					
	Conductivity Range Btu•in. / (h•ft <sup>2</sup> •°F)	Mean Rating Temp. °F	Runouts <sup>2</sup> up to 2	1 and less	> 1 to 2	> 2 to 4	> 4 to 6	> 6
Heating systems (Steam, Steam Condensate[,], and Hot water)			Nominal Insulation Thickness					
Above 350	0.32-0.34	250	1.5	2.5	2.5	3.0	3.5	3.5
251-350	0.29-0.31	200	1.5	2.0	2.5	2.5	3.5	3.5
201-250	0.27-0.30	150	1.0	1.5	1.5	2.0	2.0	3.5
141-200	0.25-0.29	125	0.5	1.5	1.5	1.5	1.5	1.5
105-140	0.24-0.28	100	0.5	1.0	1.0	1.0	1.5	1.5
Domestic and Service Hot Water Systems								
105 and Greater	0.24-0.28	100	0.5	1.0	1.0	1.5	1.5	1.5
Cooling Systems (Chilled Water, Brine[,], and Refrigerant)								
40-55	0.23-0.27	75	0.5	0.5	0.75	1.0	1.0	1.0
Below 40	0.23-0.27	75	1.0	1.0	1.5	1.5	1.5	1.5

- Alternative Insulation Types. Insulation thicknesses in Table 14-6 are based on insulation with thermal conductivities within the range listed in Table 14-6 for each fluid operating temperature range, rated in accordance with ASTM C 335-84 at the mean temperature listed in the table. For insulation that has a conductivity outside the range shown in Table 14-6 for the applicable fluid operating temperature range at the mean rating temperature shown (when rounded to the nearest 0.01 Btu•in./(h•ft<sup>2</sup>•°F)), the minimum thickness shall be determined in accordance with the following equation:

$$T = PR[(1 + t/PR)^{K/k} - 1]$$

Where

- T = Minimum insulation thickness for material with conductivity K, inches.
  - PR = Pipe actual outside radius, inches.
  - t = Insulation thickness from Table 14-6, inches
  - K = conductivity of alternate material at the mean rating temperature indicated in Table 14-6 for the applicable fluid temperature range, Btu•in./(h•ft<sup>2</sup>•°F)
  - k = the lower value of the conductivity range listed in Table 14-6 for the applicable fluid temperature range, Btu •in./(h•ft<sup>2</sup>•°F)
- Runouts to individual terminal units not exceeding 12 ft. in length.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**CHAPTER 15  
LIGHTING ((~~AND~~)), MOTORS AND TRANSFORMERS**

AMENDATORY SECTION (Amending WSR 93-21-052, filed 10/18/93, effective 4/1/94)

**WAC 51-11-1501 Scope.** Interior and exterior lighting ((~~and~~)), electric motors and transformers shall comply with the requirements of this chapter.

AMENDATORY SECTION (Amending WSR 93-21-052, filed 10/18/93, effective 4/1/94)

**WAC 51-11-1510 General requirements.** Lighting and motors shall comply with Sections 1511 through ((~~1513~~)) 1514. Lighting systems shall comply with one of the following paths:

- Prescriptive Standards:

- Interior Section 1521, or Exterior Section 1522.
- b. Component Performance: Interior Section 1531, or Exterior Section 1532.
- c. Systems Analysis. See Section 1141.4.

The compliance path selected for interior and exterior lighting need not be the same. However, interior and exterior lighting cannot be traded.

Transformers shall comply with Section 1540.

Figure 15A  
Lighting ~~((and))~~, Motor and Transformer Compliance Options

Section Number	Subject	Prescriptive Option	Lighting Power Allowance Option	Systems Analysis Option
1510	General Requirements	X	X	X
1511	Electric Motors	X	X	X
1512	Exempt Lighting	X	X	X
1513	Lighting Controls	X	X	X
1514	<u>Exit Signs</u>	<u>X</u>	<u>X</u>	<u>X</u>
1520	Prescriptive Lighting Option	X		
1521	Prescriptive Interior Lighting Requirements	X		
1522	Prescriptive Exterior Lighting Requirements	Sec. 1532		
1530	Lighting Power Allowance Option		X	
1531	Interior Lighting Power Allowance		X	
1532	Exterior Lighting Power Allowance		X	
1540	<u>Transformers</u>	<u>X</u>	<u>X</u>	<u>X</u>
RS-29	Systems Analysis			X

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

**WAC 51-11-1512 Exempt lighting.**

1512.1 Exempt Spaces: The following rooms, spaces, and areas, are exempt from the lighting power requirements in Sections 1520 and 1530 but shall comply with all other requirements of this chapter.

1. Areas in which medical or dental tasks are performed.
2. High risk security areas or any area identified by building officials as requiring additional lighting.
3. Spaces designed for primary use by the visually impaired, hard of hearing (lip-reading) or by senior citizens.
4. Food preparation areas.
5. ~~((Outdoor manufacturing, greenhouses, and processing areas.~~
- 6.)) Electrical/mechanical equipment rooms.
- 7.)) ~~Outdoor athletic facilities.~~
- 8.)) 6. Inspection and restoration areas in galleries and museums.
- 9.)) 7. The sanctuary portion of a house of worship, defined as the space or room where the worship service takes place. Classrooms, meeting rooms, offices and multipurpose rooms that are part of the same facility are not exempt.

1512.2 Exempt Lighting Equipment: The following lighting equipment and tasks are exempt from the lighting requirements of Section 1520 and need not be included when calculating the installed lighting power under Section 1530 but shall comply with all other requirements of this chapter. All other lighting in areas that are not exempted by Section 1512.2, where exempt tasks and equipment are used, shall comply with all of the requirements of this chapter.

1. Special lighting needs for research.
2. Emergency lighting that is automatically OFF during normal building operation.
3. ~~((Lighting integral to signs, and permanently ballasted lighting fixtures for walkways and pathways.~~
- 4.)) Lighting that is part of machines, equipment or furniture.
- 5.)) 4. Lighting that is used solely for indoor plant growth during the hours of 10:00 p.m. to 6:00 a.m.
- 6.)) 5. Lighting for theatrical productions, television broadcasting (including sports facilities), audio-visual presentations, and special effects lighting for stage areas and dance floors in entertainment facilities.
- 7.)) 6. Lighting for art exhibits, nonretail displays, portable plug in display fixtures, and show case lighting.
- 8.)) ~~Exterior lighting for public monuments.))~~

AMENDATORY SECTION (Amending WSR 05-01-013, filed 12/2/04, effective 7/1/05)

**WAC 51-11-1513 Lighting controls.** Lighting, including exempt lighting in Section 1512, shall comply with this section. Where occupancy sensors are cited, they shall have the features listed in Section 1513.6.1. Where automatic time switches are cited, they shall have the features listed in Section 1513.6.2.

1513.1 Local Control and Accessibility: Each space, enclosed by walls or ceiling-height partitions, shall be provided with lighting controls located within that space. The lighting controls, whether one or more, shall be capable of turning off all lights within the space. The controls shall be readily accessible, at the point of entry/exit, to personnel occupying or using the space.

EXCEPTIONS: The following lighting controls may be centralized in remote locations:

1. Lighting controls for spaces which must be used as a whole.
2. Automatic controls.
3. Controls requiring trained operators.
4. Controls for safety hazards and security.

1513.2 Area Controls: The maximum lighting power that may be controlled from a single switch or automatic control shall not exceed that which is provided by a twenty ampere circuit loaded to not more than eighty percent. A master control may be installed provided the individual switches retain their capability to function independently. Circuit breakers may not be used as the sole means of switching.

EXCEPTIONS: 1. Industrial or manufacturing process areas, as may be required for production.  
2. Areas less than five percent of footprint for footprints over 100,000 square feet.

1513.3 Daylight Zone Control: All daylighted zones, as defined in Chapter 2, both under overhead glazing and adjacent to vertical glazing, shall be provided with individual controls, or daylight-or occupant-sensing automatic controls, which control the lights independent of general area lighting.

Contiguous daylight zones adjacent to vertical glazing are allowed to be controlled by a single controlling device provided that they do not include zones facing more than two adjacent cardinal orientations (i.e. north, east, south, west). Daylight zones under overhead glazing more than 15 feet from the perimeter shall be controlled separately from daylight zones adjacent to vertical glazing.

EXCEPTION: Daylight spaces enclosed by walls or ceiling height partitions and containing 2 or fewer light fixtures are not required to have a separate switch for general area lighting.

1513.4 Display, Exhibition, and Specialty Lighting Controls: All display, exhibition, or specialty lighting shall be controlled independently of general area lighting.

1513.5 Automatic Shut-Off Controls, Exterior: (~~Exterior lighting not intended for 24-hour continuous use shall be automatically switched by timer, photocell, or a combination of timer and photocell. Automatic time switches must also have program back-up capabilities, which prevent the loss of program and time settings for at least 10 hours, if power is interrupted.~~) Lighting for all exterior applications shall have automatic controls capable of turning off exterior lighting when sufficient daylight is available or when the lighting is not required during nighttime hours. Lighting not designated for dusk-to-dawn operation shall be controlled by either:

- a. A combination of a photosensor and a time switch; or
- b. An astronomical time switch.

Lighting designated for dusk-to-dawn operation shall be controlled by an astronomical time switch or photosensor. All time switches shall be capable of retaining programming and the time setting during loss of power for a period of at least 10 hours.

EXCEPTION: Lighting for covered vehicle entrances or exits from buildings or parking structures where required for safety, security, or eye adaptation.

1513.6 Automatic Shut-Off Controls, Interior: Buildings greater than 5,000 sq. ft. and all school classrooms shall be

equipped with separate automatic controls to shut off the lighting during unoccupied hours. Within these buildings, all office areas less than 300 ft<sup>2</sup> enclosed by walls or ceiling-height partitions, and all meeting and conference rooms, and all school classrooms, shall be equipped with occupancy sensors that comply with Section 1513.6.1. For other spaces, automatic controls may be an occupancy sensor, time switch, or other device capable of automatically shutting off lighting.

EXCEPTIONS: 1. Areas that must be continuously illuminated (e.g., 24-hour convenience stores), or illuminated in a manner requiring manual operation of the lighting.  
2. Emergency lighting systems.  
3. Switching for industrial or manufacturing process facilities as may be required for production.  
4. Hospitals and laboratory spaces.  
5. Areas in which medical or dental tasks are performed are exempt from the occupancy sensor requirement.

1513.6.1 Occupancy Sensors: Occupancy sensors shall be capable of automatically turning off all the lights in an area, no more than 30 minutes after the area has been vacated. Light fixtures controlled by occupancy sensors shall have a wall-mounted, manual switch capable of turning off lights when the space is occupied.

EXCEPTION: Occupancy sensors in stairwells are allowed to have two step lighting (high-light and low-light) provided the control fails in the high-light position.

1513.6.2 Automatic Time Switches: Automatic time switches shall have a minimum 7 day clock and be capable of being set for 7 different day types per week and incorporate an automatic holiday "shut-off" feature, which turns off all loads for at least 24 hours and then resumes normally scheduled operations. Automatic time switches shall also have program back-up capabilities, which prevent the loss of program and time settings for at least 10 hours, if power is interrupted.

Automatic time switches shall incorporate an over-ride switching device which:

- a. Is readily accessible;
- b. Is located so that a person using the device can see the lights or the areas controlled by the switch, or so that the area being illuminated is annunciated; and
- c. Is manually operated;
- d. Allows the lighting to remain on for no more than two hours when an over-ride is initiated; and
- e. Controls an area not exceeding 5,000 square feet or 5 percent of footprint for footprints over 100,000 square feet, whichever is greater.

1513.7 Commissioning Requirements: For lighting controls which include daylight or occupant sensing automatic controls, automatic shut-off controls, occupancy sensors, or automatic time switches, the lighting controls shall be tested to ensure that control devices, components, equipment and systems are calibrated, adjusted and operate in accordance with approved plans and specifications. Sequences of operation shall be functionally tested to ensure they operate in accordance with approved plans and specifications. A complete report of test procedures and results shall be prepared and filed with the owner. Drawing notes shall require commissioning in accordance with this paragraph.

NEW SECTION

**WAC 51-11-1514 Exit signs.** Exit signs shall have an input power demand of 5 watts or less per sign.

AMENDATORY SECTION (Amending WSR 05-01-013, filed 12/2/04, effective 7/1/05)

**WAC 51-11-1521 Prescriptive interior lighting requirements.** Spaces for which the Unit Lighting Power Allowance in Table 15-1 is 0.8 watts per square foot or greater may use unlimited numbers of lighting fixtures and lighting energy, provided that the installed lighting fixtures comply with all four of the following criteria:

- a. One- or two-lamp (but not three- or more lamp);
- b. Luminaires have a reflector or louver assembly to direct the light (bare lamp strip or industrial fixtures do not comply with this section);
- c. Fitted with type T-1, T-2, T-4, T-5, T-8 or compact fluorescent lamps from 5 to 60 watts (but not T-10 or T-12 lamps); and
- d. Hard-wired fluorescent electronic dimming ballasts with photocell or programmable dimming control for all lamps in all zones (nondimming electronic ballasts and electronic ballasts that screw into medium base sockets do not comply with this section).

Track lighting is not allowed under this path.

- EXCEPTIONS:
1. Up to a total of 5 percent of installed lighting fixtures may use any type of ballasted lamp and do not require dimming controls.
  2. Clear safety lenses are allowed in food prep and serving areas and patient care areas in otherwise compliant fixtures.
  3. ~~((Exit lights are not included in the count of fixtures provided that they do not exceed 5 watts per fixture and are light emitting diode (LED) type or T-1 fluorescent type only. (See the Uniform Fire Code for face illumination footcandle requirements and other requirements.))~~
  - 4.) LED lights ~~((other than exit lights addressed by exception 3.))~~
  - 5.) 4. Metal halide lighting which complies with all three of the following criteria:
    - i. Luminaires or lamps which have a reflector or louver assembly to direct the light;
    - ii. Fixtures are fitted with ceramic metal halide lamps not exceeding 150 watts; and
    - iii. Electronic ballasts.

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

**WAC 51-11-1530 Lighting power allowance option.** The installed lighting wattage shall not exceed the lighting power allowance. Lighting wattage includes lamp and ballast wattage. ~~((Wattage for fluorescent lamps and ballasts shall be tested per ANSI Standard C82.2-1984.~~

~~The wattage used for any unballasted fixture shall be the maximum UL listed wattage for that fixture regardless of the lamp installed. The wattage used for track lighting shall be:~~

a.) Luminaire wattage incorporated into the installed interior lighting power shall be determined in accordance with the following criteria:

a. The wattage of incandescent or tungsten-halogen luminaires with medium screw base sockets and not containing permanently installed ballasts shall be the maximum labeled wattage of the luminaire.

b. The wattage of luminaires with permanently installed or remote ballasts or transformers shall be the operating input wattage of the maximum lamp/auxiliary combination based on values from the auxiliary manufacturer's literature or recognized testing laboratories or shall be the maximum labeled wattage of the luminaire.

c. For line voltage track((-)) and plugin busway, designed to allow the addition and/or relocation of luminaires without altering the wiring of the system, the wattage shall be:

1. The specified wattage of the luminaires included in the system with a minimum of 50 watts per lineal foot of track or actual ((luminaire)) luminaire wattage, whichever is greater, or

~~((b. For low voltage track, 25 watts per lineal foot of track or the VA rating of the transformer, whichever is greater.))~~ 2. The wattage limit of permanent current limiting device(s) on the system.

d. The wattage of low-voltage lighting track, cable conductor, rail conductor, and other flexible lighting systems that allow the addition and/or relocation of luminaires without altering the wiring of the system shall be the specified wattage of the transformer supplying the system.

e. The wattage of all other miscellaneous lighting equipment shall be the specified wattage of the lighting equipment.

No credit towards compliance with the lighting power allowances shall be given for the use of any controls, automatic or otherwise.

~~((Exit lights that are 5 watts or less per fixture shall not be included in the lighting power allowance calculations. Other exit lights shall be included in the lighting power allowance calculations.))~~

AMENDATORY SECTION (Amending WSR 05-01-013, filed 12/2/04, effective 7/1/05)

**WAC 51-11-1532 Exterior lighting power allowance.** ~~((The exterior lighting power allowance shall be the sum of the calculated allowances for parking, outdoor areas and building exteriors. The lighting allowance for covered parking, open parking and outdoor areas that are illuminated shall be 0.20 watts per square foot. The lighting allowance for building exteriors shall be calculated either by multiplying the building facade area by 0.25 watts per square foot or multiplying the building perimeter in feet by 7.5 watts per linear foot.~~

- EXCEPTIONS:
1. Group U Occupancy accessory to Group R-3 or R-4 Occupancy.
  2. For covered parking, 0.30 w/sf may be used for the lighting provided that the ceilings and walls are painted or stained with a reflectance value of 0.70 or higher.

**TABLE 15-1**  
Unit Lighting Power Allowance (LPA)

Use <sup>1</sup>	LPA <sup>2</sup> (watts/sq. ft.)
Painting, welding, carpentry, machine shops	2.3
Barber shops, beauty shops	2.0
Hotel banquet/conference/exhibition hall <sup>3,4</sup>	2.0
Laboratories (See also office and other appropriate categories)	1.8
Aircraft repair hangars	1.5
Cafeterias, fast food establishments <sup>5</sup>	1.5
Factories, workshops, handling areas	1.5
Gas stations, auto repair shops <sup>6</sup>	1.5
Institutions	1.5
Libraries <sup>5</sup>	1.5
Nursing homes and hotel/motel guest rooms	1.5
Retail <sup>10</sup> , retail banking	1.5
Wholesale stores (pallet rack shelving)	1.5
Mall concourses	1.4
Schools buildings (Group E Occupancy only), school classrooms, day care centers	1.35
Laundries	1.20
Medical offices, clinics <sup>12</sup>	1.20
Office buildings, office/administrative areas in facilities of other use types (including but not limited to schools, hospitals, institutions, museums, banks, churches) <sup>5,7,11</sup>	1.00
Police and fire stations <sup>8</sup>	1.00
Atria (atriums)	1.0
Assembly spaces <sup>9</sup> , auditoriums, gymnasia <sup>9</sup> , theaters	1.0
Group R-1 and R-2 common areas	1.0
Process plants	1.0
Restaurants/bars <sup>5</sup>	1.0
Locker and/or shower facilities	0.8
Warehouses <sup>11</sup> , storage areas	0.5
Aircraft storage hangars	0.4
Parking garages	See Section 1532
Plans Submitted for Common Areas Only <sup>7</sup>	
Main floor building lobbies <sup>2</sup> (except mall concourses)	1.2
Common areas, corridors, toilet facilities and washrooms, elevator lobbies	0.8))

All exterior building grounds luminaires that operate at greater than 100 watts shall contain lamps having a minimum efficacy of 60 lm/W unless the luminaire is controlled by a motion sensor or qualifies for one of the following exceptions.

The total exterior lighting power allowance for all exterior building applications is the sum of the individual lighting power densities permitted in Table 15-2 for these applications. Trade-offs are allowed only among exterior lighting applications listed in the Table 15-2 "Tradable Surfaces" section.

EXCEPTION: Lighting used for the following exterior applications is exempt when equipped with a control device independent of the control of the nonexempt lighting:

- a. Specialized signal, directional, and marker lighting associated with transportation.
- b. Lighting integral to signs.
- c. Lighting integral to equipment or instrumentation and installed by its manufacturer.
- d. Lighting for theatrical purposes, including performance, stage, film production, and video production.
- e. Lighting for athletic playing areas.
- f. Temporary lighting.
- g. Lighting for industrial production.
- h. Theme elements in theme/amusement parks.
- i. Lighting used to highlight features of public monuments.
- j. Group U Occupancy accessory to Group R-3 or R-4 Occupancy.

1540 Transformers. The minimum efficiency of a low voltage dry-type distribution transformer shall be the Class I Efficiency Levels for distribution transformers specified in Table 4-2 of the "Guide for Determining Energy Efficiency for Distribution Transformers" published by the National Electrical Manufacturers Association (NEMA TP-1-2002).

**TABLE 15-1**  
Unit Lighting Power Allowance (LPA)

Use <sup>1</sup>	LPA <sup>2</sup> (watts/sq. ft.)
Automotive facility	0.9
Convention center	1.2
Court house	1.2
Cafeterias, fast food establishments <sup>5</sup> , restaurants/bars <sup>5</sup>	1.3
Dormitory	1.0
Exercise center	1.0
Gymnasia <sup>9</sup> , assembly spaces <sup>2</sup>	1.0
Health care clinic	1.0
Hospital, nursing homes, and other Group I-1 and I-2 Occupancies	1.2
Hotel/motel	1.0
Hotel banquet/conference/exhibition hall <sup>3,4</sup>	2.0
Laboratory spaces (all spaces not classified "laboratory" shall meet office and other appropriate categories)	1.8
Laundries	1.2
Libraries <sup>5</sup>	1.3
Manufacturing facility	1.3
Museum	1.1
Office buildings, office/administrative areas in facilities of other use types (including but not limited to schools, hospitals, institutions, museums, banks, churches) <sup>5,7,11</sup>	1.0
Parking garages	0.2
Penitentiary and other Group I-3 Occupancies	1.0
Police and fire stations <sup>8</sup>	1.0
Post office	1.1
Retail <sup>10</sup> , retail banking, mall concourses, wholesale stores (pallet rack shelving)	1.5

<u>Use<sup>1</sup></u>	<u>LPA<sup>2</sup></u> <u>(watts/sq. ft.)</u>
Schools buildings (Group E Occupancy only), school classrooms, day care centers	1.2
Theater: Motion picture	1.2
Theater, performing arts	1.6
Transportation	1.0
Warehouses <sup>11</sup> , storage areas	0.5
Workshop	1.4
<b>Plans Submitted for Common Areas Only<sup>2</sup></b>	
Main floor building lobbies <sup>3</sup> (except mall concourses)	1.2
All building common areas, corridors, toilet facilities and washrooms, elevator lobbies, including Group R-1 and R-2 Occupancies	0.8

**Footnotes for Table 15-1**

- In cases in which a general use and a specific use are listed, the specific use shall apply. In cases in which a use is not mentioned specifically, the *Unit Power Allowance* shall be determined by the building official. This determination shall be based upon the most comparable use specified in the table. See Section 1512 for exempt areas.
- The watts per square foot may be increased, by two percent per foot of ceiling height above twenty feet, unless specifically directed otherwise by subsequent footnotes.
- Watts per square foot of room may be increased by two percent per foot of ceiling height above twelve feet.
- For all other spaces, such as seating and common areas, use the *Unit Light Power Allowance* for assembly.
- Watts per square foot of room may be increased by two percent per foot of ceiling height above nine feet.
- ~~((See Section 1532 for exterior lighting-))~~ Reserved.
- For conference rooms and offices less than 150 ft<sup>2</sup> with full-height partitions, a Unit Lighting Power Allowance of ~~((1.20))~~ 1.1 W/ft<sup>2</sup> may be used.
- ~~((For the fire engine room, the Unit Lighting Power Allowance is 1.0 watts per square foot.))~~ Reserved.

- For indoor sport tournament courts with adjacent spectator seating over 5,000, the *Unit Lighting Power Allowance* for the court area is 2.6 watts per square foot.
- Display window illumination installed within 2 feet of the window, provided that the display window is separated from the retail space by walls or at least three-quarter-height partitions (transparent or opaque) and lighting for free-standing display where the lighting moves with the display are exempt.

An additional 1.5 w/ft<sup>2</sup> of merchandise display luminaires are exempt provided that they comply with all three of the following:

- Located on ceiling-mounted track or directly on or recessed into the ceiling itself (not on the wall).
- Adjustable in both the horizontal and vertical axes (vertical axis only is acceptable for fluorescent and other fixtures with two points of track attachment).
- Fitted with LED, tungsten halogen, fluorescent, or high intensity discharge lamps.

This additional lighting power is allowed only if the lighting is actually installed.

- Provided that a floor plan, indicating rack location and height, is submitted, the square footage for a warehouse may be defined, for computing the interior *Unit Lighting Power Allowance*, as the floor area not covered by racks plus the vertical face area (access side only) of the racks. The height allowance defined in footnote 2 applies only to the floor area not covered by racks.

~~((12. Medical and clinical offices include those facilities which, although not providing overnight patient care, do provide medical, dental, or psychological examination and treatment. These spaces include, but are not limited to, laboratories and treatment centers.))~~

**TABLE 15-2**  
Lighting Power Densities for Building Exteriors

<b>Tradable Surfaces</b>	<b>Uncovered Parking Areas</b>	
<u>(Lighting power densities for uncovered parking areas, building grounds, building entrances and exits, canopies and overhangs and outdoor sales areas may be traded.)</u>	Parking lots and drives	<u>0.15 W/ft<sup>2</sup></u>
	<b>Building Grounds</b>	
	Walkways less than 10 feet wide	<u>1.0 W/linear foot</u>
	Walkways 10 feet wide or greater	<u>0.2 W/ft<sup>2</sup></u>
	Plaza areas	
	Special feature areas	
	Stairways	<u>1.0 W/ft<sup>2</sup></u>
	<b>Building Entrances and Exits</b>	
	Main entries	<u>30 W/linear foot of door width</u>
	Other doors	<u>20 W/linear foot of door width</u>
<b>Canopies and Overhangs</b>		



<u>Tradable Surfaces</u>	<u>Uncovered Parking Areas</u>	
	<u>Canopies (free standing and attached and overhangs)</u>	<u>1.25 W/ft<sup>2</sup></u>
	<u>Outdoor Sales</u>	
	<u>Open areas (including vehicle sales lots)</u>	<u>0.5 W/ft<sup>2</sup></u>
	<u>Street frontage for vehicle sales lots in addition to "open area" allowance</u>	<u>20 W/linear foot</u>
<u>Nontradable Surfaces</u> (Lighting power density calculations for the following applications can be used only for the specific application and cannot be traded between surfaces or with other exterior lighting. The following allowances are in addition to any allowance otherwise permitted in the "tradable surfaces" section of this table.)	<u>Building facades</u>	
		<u>0.2 W/ft<sup>2</sup> for each illuminated wall or surface or</u> <u>5.0 W/linear foot for each illuminated wall or surface length</u>
	<u>Automated teller machines and night depositories</u>	<u>270 W/ft<sup>2</sup> per location plus</u> <u>90 W/ft<sup>2</sup> per additional ATM per location</u>
	<u>Entrances and gatehouse inspection stations at guarded facilities</u>	<u>1.25 W/ft<sup>2</sup> of uncovered area (covered areas are included in the "Canopies and Overhangs" section of "Tradable Surfaces")</u>
	<u>Loading areas for law enforcement, fire, ambulance and other emergency service vehicles</u>	<u>0.5 W/ft<sup>2</sup> of uncovered area (covered areas are included in the "Canopies and Overhangs" section of "Tradable Surfaces")</u>
	<u>Material handling and associated storage</u>	<u>0.5 W/ft<sup>2</sup></u>
	<u>Drive-up windows at fast food restaurants</u>	<u>400 W/ft<sup>2</sup> per drive-through</u>
<u>Parking near 24-hour retail entrances</u>	<u>800 W/ft<sup>2</sup> per main entry</u>	

**REFERENCE STANDARD 29: NONRESIDENTIAL BUILDING DESIGN BY SYSTEMS ANALYSIS**

AMENDATORY SECTION (Amending WSR 04-01-106, filed 12/17/03, effective 7/1/04)

**WAC 51-11-99902 Section 2—General principles and requirements.**

**2.1 Energy Analysis:** Compliance with this Standard will require an analysis of the annual energy usage, hereinafter called an annual energy analysis.

A building designed in accordance with this Standard will be deemed as complying with this Code, if

a. The calculated annual energy consumption is not greater than that of a corresponding "standard design," as defined below and in Section 3,

and;

b. Whose enclosure elements and energy-consuming systems comply with Sections 1310 through 1314, 1410 through 1416, 1440 through 1443, 1450 through 1454 (~~and~~), 1510 through (~~1513~~) 1514 and 1540. Buildings

shall only vary from those requirements in Sections 1330 through 1334, 1432 through 1439 and 1530 through 1532 where those variations have been accurately and completely modeled. Where variations are not specifically analyzed, the building shall comply with these requirements.

For a proposed building design to be considered similar to a "standard design," it shall utilize the same energy source(s) for the same functions and have equal floor area and the same ratio of envelope area to floor area, environmental requirements, occupancy, climate data and usage operational schedule. Inputs to the energy analysis relating to occupancy and usage shall correspond to the expected occupancy and usage of the building.

Except as noted below, the systems identified, and, to the extent possible, the assumptions made in assigning energy inputs to each system, shall be the same for the standard design and the proposed design. When electrically driven heat pumps, other than multiple units connected to a common water loop, are employed to provide all or part of the heat for the proposed design, the standard design shall also, for the purposes of the analysis, assume that electrically driven heat pump, in conformance with Chapter 14 of the Code and hav-

ing capacity at least as great as those used in the proposed design are employed.

**2.2 Design:** The standard design and the proposed design shall be designed on a common basis as specified herein:

a. The comparison shall be expressed as kBtu input per square foot of conditioned floor area per year at the building site. Buildings which use electricity as the only fuel source, comparisons may be expressed in kWh. When converting electricity in kWh to kBtu a multiplier of 3.413 kWh/kBtu shall be used.

b. If the proposed design results in an increase in consumption of one energy source and a decrease in another energy source, even though similar sources are used for similar purposes, the difference in each energy source shall be converted to equivalent energy units for purposes of comparing the total energy used.

**2.3 Analysis Procedure:** The analysis of the annual energy usage of the standard and the proposed building and system design shall meet the following criteria:

a. The building heating/cooling load calculation procedure used for annual energy consumption analysis shall be detailed to permit the evaluation of effect of factors specified in Section 2.4.

b. The calculation procedure used to simulate the operation of the building and its service systems through a full-year operating period shall be detailed to permit the evaluation of the effect of system design, climatic factors, operational characteristics and mechanical equipment on annual energy usage. Manufacturer's data or comparable field test data shall be used when available in the simulation of systems and equipment. The calculation procedure shall be based upon 8,760 hours of operation of the building and its service systems and shall utilize the design methods, specified in Standard RS-1 listed in Chapter 7 of the Code or in other programs approved by the building official.

**2.4 Calculation Procedure:** The calculation procedure shall cover the following items:

a. Design requirements—Design heating conditions and design cooling conditions as defined in Chapter 2 of the Code.

b. Climatic data—Coincident hourly data for temperatures, solar radiation, wind and humidity of typical days in the year representing seasonal variation.

c. Building data—Orientation, size, shape, mass, air and heat transfer characteristics.

d. Operational characteristics—Temperature, humidity, ventilation, illumination and control mode for occupied and unoccupied hours.

e. Mechanical equipment—Design capacity and part load profile.

f. Building loads—Internal heat generation, lighting, equipment and number of people during occupied and unoccupied periods.

**2.5 Documentation:** All analyses submitted shall be accompanied by an energy analysis comparison report. The report shall provide technical detail on the two building and system designs and on the data used in and resulting from the com-

parative analysis to verify that both the analysis and the designs meet the criteria of Section 1.

The calculation procedure for the standard design and the proposed design shall separately identify the calculated annual energy consumption for each different occupancy type, if possible, for each of the following end uses:

- a. Interior lighting;
- b. Parking lighting;
- c. Exterior lighting;
- d. Space heating;
- e. Space cooling;
- f. Interior ventilation/fans;
- g. Parking ventilation/fans;
- h. Exhaust fans;
- i. Service water heating;
- j. Elevators;
- k. Appliances.

Energy consumption of the following items shall be included but is not required to be separated out by each individual item.

- a. Office equipment;
- b. Refrigeration other than comfort cooling;
- c. Cooking; and
- d. Any other energy-consuming equipment.

The specifications of the proposed building project used in the analysis shall be as similar as is reasonably practical to those in the plans submitted for a building permit.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 51-11-0626	Table 6-2—Reserved.
WAC 51-11-0627	Table 6-3—Reserved.
WAC 51-11-0628	Table 6-4—Reserved.
WAC 51-11-0629	Table 6-5—Reserved.
WAC 51-11-0630	Table 6-6—Reserved.
WAC 51-11-0631	Table 6-7—Reserved.

**WSR 06-16-109  
PROPOSED RULES  
BUILDING CODE COUNCIL**

[Filed August 1, 2006, 11:22 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-07-123.

Title of Rule and Other Identifying Information: Amendment of chapter 51-13 WAC, Washington State Ventilation and Indoor Air Quality Code.

Hearing Location(s): Spokane City Council Chambers, West 808 Spokane Falls Boulevard, Spokane, WA, on Sep-

tember 8, 2006, at 10:00 a.m.; and at the Holiday Inn Select Renton, One Grady Way South, Renton, WA, on October 13, 2006, at 10:00 a.m.

Date of Intended Adoption: November 17, 2006.

Submit Written Comments to: John Neff, Council Chair, P.O. Box 42525, Olympia, WA 98504-2525, e-mail sbcc@cted.wa.gov, fax (360) 586-9383, by October 13, 2006.

Assistance for Persons with Disabilities: Contact Sue Mathers by August 31, 2006, TTY (360) 586-0772 or (360) 725-2966.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rules amend the Washington State Ventilation and Indoor Air Quality Code. The proposed rule updates references to national standards and adds Clark County to the list of high radon potential counties in Section 501.2.2.

Reasons Supporting Proposal: RCW 19.27.190 and 19.27.020.

Statutory Authority for Adoption: RCW 19.27.190 and 19.27.020.

Statute Being Implemented: Chapters 19.27 and 34.05 RCW.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The council is seeking comments on the issues proposed in the following rules.

Name of Proponent: Washington state building code council, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Krista Braaksma, P.O. Box 42525, Olympia, WA 98504-2525, (360) 725-2964; and Enforcement: Local jurisdictions.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule will update the adoption of model codes to stay current with national standards for the benefit of industry and Washington state interests, with no new state amendments being included. No disproportionate economic impact on small business was identified.

A cost-benefit analysis is not required under RCW 34.05.328. The state building code council is not listed in this section as one of the agencies required to comply with this statute.

August 1, 2006  
John P. Neff  
Council Chair

**AMENDATORY SECTION** (Amending WSR 04-07-192, filed 3/24/04, effective 7/1/04)

**WAC 51-13-304 Mechanical ventilation criteria and minimum ventilation performance for all other occupancies not covered in sections 302 and 303.**

304.1 Ventilation: The minimum requirements for operable area to provide natural ventilation are specified in the International Building Code (IBC) as adopted by the state of Washington.

Where a mechanical ventilation system is installed, the mechanical ventilation system shall be capable of supplying ventilation air to each zone with the minimum outdoor air quantities specified in Table 3-4.

EXCEPTION: Where occupancy density is known and documented in the plans, the outside air rate may be based on the design occupant density. Under no circumstance shall the occupancies used result in outside air less than one-half that resulting from application of Table 3-4 estimated maximum occupancy values.

The outdoor air shall be ducted in a fully enclosed path directly to every air handling unit in each zone not provided with sufficient operable area for natural ventilation.

EXCEPTION: Ducts may terminate within 12 inches of the intake to an HVAC unit provided they are physically fastened so that the outside air duct is directed into the unit intake.

In all parking garages, other than open parking garages as defined in IBC 406.3, used for storing or handling of automobiles operating under their own power and on all loading platforms in bus terminals, ventilation shall be provided at 1.5 cfm per square foot of gross floor area. The building official may approve an alternate ventilation system designed to exhaust a minimum fourteen thousand cfm for each operating vehicle. Such system shall be based on the anticipated instantaneous movement rate of vehicles but not less than 2.5 percent (or one vehicle) of the garage capacity. Automatic carbon monoxide sensing systems may be submitted for approval.

In all buildings used for the repair of automobiles, each repair stall shall be equipped with an exhaust extension duct, extending to the outside of the building, which if over ten feet in length, shall mechanically exhaust three hundred cfm. Connecting offices and waiting rooms shall be supplied with conditioned air under positive pressure.

Combustion air requirements shall conform to the requirements of Chapter 7 of the International Mechanical Code (IMC).

Mechanical refrigerating equipment and rooms storing refrigerants shall conform to the requirements of Chapter 11 of the IMC.

304.2 Alternate Systems: Alternate systems designed in accordance with ASHRAE Standard 62.1.((+999))2004 shall be permitted.

**TABLE 3-1  
Minimum Source Specific Ventilation Capacity  
Requirements**

	Bathrooms	Kitchens
Intermittently operating	50 cfm	100 cfm
Continuous operation	20 cfm	25 cfm

**TABLE 3-2**  
**Ventilation Rates For All Group R Occupancies four (4) stories and less\***  
 Minimum and Maximum Ventilation Rates: Cubic Feet Per Minute (CFM)

Floor Area, ft <sup>2</sup>	Bedrooms													
	2 or less		3		4		5		6		7		8	
	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.
<500	50	75	65	98	80	120	95	143	110	165	125	188	140	210
501-1000	55	83	70	105	85	128	100	150	115	173	130	195	145	218
1001-1500	60	90	75	113	90	135	105	158	120	180	135	203	150	225
1501-2000	65	98	80	120	95	143	110	165	125	188	140	210	155	233
2001-2500	70	105	85	128	100	150	115	173	130	195	145	218	160	240
2501-3000	75	113	90	135	105	158	120	180	135	203	150	225	165	248
3001-3500	80	120	95	143	110	165	125	188	140	210	155	233	170	255
3501-4000	85	128	100	150	115	173	130	195	145	218	160	240	175	263
4001-5000	95	143	110	165	125	188	140	210	155	233	170	255	185	278
5001-6000	105	158	120	180	135	203	150	225	165	248	180	270	195	293
6001-7000	115	173	130	195	145	218	160	240	175	263	190	285	205	308
7001-8000	125	188	140	210	155	233	170	255	185	278	200	300	215	323
8001-9000	135	203	150	225	165	248	180	270	195	293	210	315	225	338
>9000	145	218	160	240	175	263	190	285	205	308	220	330	235	353

\*For residences that exceed 8 bedrooms, increase the minimum requirement listed for 8 bedrooms by an additional 15 CFM per bedroom. The maximum CFM is equal to 1.5 times the minimum.

**TABLE 3-3**  
**Prescriptive Exhaust Duct Sizing**

Fan Tested CFM @ 0.25 W.G.	Minimum Flex Diameter	Maximum Length Feet	Minimum Smooth Diameter	Maximum Length Feet	Maximum Elbows <sup>1</sup>
50	4 inch	25	4 inch	70	3
50	5 inch	90	5 inch	100	3
50	6 inch	No Limit	6 inch	No Limit	3
80	4 inch <sup>2</sup>	NA	4 inch	20	3
80	5 inch	15	5 inch	100	3
80	6 inch	90	6 inch	No Limit	3
100	5 inch <sup>2</sup>	NA	5 inch	50	3
100	6 inch	45	6 inch	No Limit	3
125	6 inch	15	6 inch	No Limit	3
125	7 inch	70	7 inch	No Limit	3

- For each additional elbow subtract 10 feet from length.
- Flex ducts of this diameter are not permitted with fans of this size.

**TABLE 3-4**  
**Outdoor air requirements for ventilation<sup>1</sup>**  
**Occupancies not subject to sections 302 and 303**

Application	Estimated Maximum <sup>2</sup> Occupancy P/1000 ft <sup>2</sup> or 100 m <sup>2</sup>	Outdoor Air Requirements cfm/person
Dry Cleaners, Laundries <sup>3</sup>		
Commercial laundry	10	25
Commercial dry cleaner	30	30
Storage, pick up	30	35

Application	Estimated Maximum <sup>2</sup> Occupancy P/1000 ft <sup>2</sup> or 100 m <sup>2</sup>	Outdoor Air Requirements cfm/person
Coin-operated laundries	20	15
Coin-operated dry cleaner	20	15
Dwelling Units In Buildings Greater Than Four Stories or Attached to I-Occupancy Facilities		
Bedroom & living area <sup>24</sup>		15
Food and Beverage Service		
Dining rooms	70	20
Cafeteria, fast food	100	20
Bars, cocktail lounges <sup>4</sup>	100	30
Kitchens (cooking) <sup>23</sup>	20	15
Garages, Repair, Service Stations		
Enclosed parking garage <sup>5</sup>		1.50 cfm/ft.sq.
Auto repair rooms		1.50 cfm/ft.sq.
Hotels, Motels, Resorts, Congregate Residences with More Than Four Stories <sup>6</sup>		
Bedrooms		30 cfm/room
Living Rooms		30 cfm/room
Bath <sup>7</sup>		35 cfm/room
Lobbies	30	15
Conference rooms	50	20
Assembly rooms	120	15
Gambling casinos <sup>4</sup>	120	30
Offices		
Office space <sup>9</sup>	7	20
Reception area	60	15
Telecommunication centers and data entry areas	60	20
Conference rooms	50	20

Application	Estimated Maximum <sup>2</sup> Occupancy P/1000 ft <sup>2</sup> or 100 m <sup>2</sup>	Outdoor Air Requirements cfm/person
<b>Public Spaces</b>		
Corridors and utilities		0.05 cfm/ft.sq.
Public restroom, cfm/wc or urinal <sup>10</sup>		50
Lockers and dressing rooms		0.50 cfm/ft.sq.
Smoking lounge <sup>11</sup>	70	60
Elevators <sup>12</sup>		1.0 cfm/ft.sq.
<b>Retail Stores, Sales Floors, and Show Room Floors</b>		
Basement and street	30	0.30 cfm/ft.sq.
Upper floors	20	0.20 cfm/ft.sq.
Storage rooms	15	0.15 cfm/ft.sq.
Dressing rooms		0.20 cfm/ft.sq.
Malls and arcades	20	0.20 cfm/ft.sq.
Shipping and receiving	10	0.15 cfm/ft.sq.
Smoking lounge <sup>11</sup>	70	60
Warehouses	5	0.05 cfm/ft.sq.
<b>Specialty Shops</b>		
Barber	25	15
Beauty	25	25
Reducing salons	20	15
Florists <sup>13</sup>	8	15
Clothiers, furniture		0.30 cfm/ft.sq.
Hardware, drugs, fabric	8	15
Supermarkets	8	15
Pet shops		1.00 cfm/ft.sq.
<b>Sports and Amusement<sup>14</sup></b>		
Spectator areas	150	15
Game rooms	70	25
Ice arenas (playing areas)		0.50 cfm/ft.sq.
Swimming Pools (pool and deck area) <sup>15</sup>		0.50 cfm/ft.sq.
Playing floor (gymnasium)	30	20
Ballrooms and discos	100	25
Bowling alleys (seating areas)	70	25
<b>Theaters<sup>16</sup></b>		
Ticket booths	60	20
Lobbies	150	20
Auditorium	150	20
Stages, studios	70	15
<b>Transportation<sup>17</sup></b>		
Waiting rooms	100	15
Platforms	100	15
Vehicles	150	15
<b>Workrooms</b>		
Meat processing <sup>18</sup>	10	15
Photo studios	10	15
Darkrooms	10	0.50 cfm/ft.sq.
Pharmacy	20	15
Bank vaults	5	15
Duplicating, printing <sup>19</sup>		0.50 cfm/ft.sq.
<b>INSTITUTIONAL FACILITIES</b>		
<b>Education</b>		

Application	Estimated Maximum <sup>2</sup> Occupancy P/1000 ft <sup>2</sup> or 100 m <sup>2</sup>	Outdoor Air Requirements cfm/person
Classroom	50	15
Laboratories <sup>20</sup>	30	20
Training shop	30	20
Music rooms	50	15
Libraries	20	15
Locker rooms		0.50 cfm/ft.sq.
Corridors		0.10 cfm/ft.sq.
Auditoriums	150	15
Smoking lounges <sup>11</sup>	70	60
<b>Hospitals, Nursing and Convalescent Homes</b>		
Patient rooms <sup>21</sup>	10	25
Medical procedure	20	15
Operating rooms	20	30
Recovery and ICU	20	15
Autopsy rooms <sup>22</sup>		0.50 cfm/ft.sq.
Physical Therapy	20	15
<b>Correctional Facilities</b>		
Cells	20	20
Dining halls	100	15
Guard station	40	15

- Derived from ASHRAE Standard 62-1989.
- Net occupiable space.
- Dry-cleaning process may require more air.
- Supplementary smoke-removal equipment may be required.
- Distribution among people must consider worker location and concentration of running engine; stands where engines are run must incorporate systems for positive engine exhaust withdrawal. Contaminant sensors may be used to control ventilation.
- Independent of room size.
- Installed capacity for intermittent use.
- See also food and beverage service, merchandising, barber and beauty shops, garages.
- Some office equipment may require local exhaust.
- Mechanical exhaust with no recirculation is recommended.
- Normally supplied by transfer air, local mechanical exhaust; with no recirculation recommended.
- Normally supplied by transfer air.
- Ventilation to optimize plant growth may dictate requirements.
- When internal combustion engines are operated for maintenance of playing surfaces, increased ventilation rates may be required.
- Higher values may be required for humidity control.
- Special ventilation will be needed to eliminate special stage effects.
- Ventilation within vehicles may require special considerations.
- Spaces maintained at low temperatures (-10°F. to+ 50°F.) are not covered by these requirements unless the occupancy is continuous. Ventilation from adjoining spaces is permissible. When the occupancy is intermittent, infiltration will normally exceed the ventilation requirements.
- Installed equipment must incorporate positive exhaust and control of undesirable contaminants.
- Special contamination control systems may be required for processes or functions including laboratory animal occupancy.

21. Special requirements or codes and pressure relationships may determine minimum ventilation rates and filter efficiency. Procedures generating contaminants may require higher rates.
22. Air shall not be recirculated into other spaces.
23. Makeup air for hood exhaust may require more ventilating air.
24. Occupant loading shall be based on the number of bedrooms as follows: first bedroom, two persons; each additional bedroom, one person. Where higher occupant loadings are known, they shall be used.

**TABLE 3-5**

**Prescriptive Integrated Forced Air Supply Duct Sizing**

Required Flow (CFM) Per Table 3-2	Minimum Smooth Duct Diameter	Minimum Flexible Duct Diameter	Maximum Length <sup>1</sup>	Maximum Number of Elbows <sup>2</sup>
50-80	6"	7"	20'	3
80-125	7"	8"	20'	3
115-175	8"	10"	20'	3
170-240	9"	11"	20'	3

1. For lengths over 20 feet increase duct diameter 1 inch.
2. For elbows numbering more than 3 increase duct diameter 1 inch.

**TABLE 3-6**

**Prescriptive Supply Fan Duct Sizing**

Supply Fan Tested CFM At 0.4" WG		
Specified volume from Table 3-2	Minimum Smooth Duct Diameter	Minimum Flexible Duct Diameter
50-90 CFM	4 inch	5 inch
90-150 CFM	5 inch	6 inch
150-250 CFM	6 inch	7 inch
250-400 CFM	7 inch	8 inch

**AMENDATORY SECTION** (Amending WSR 95-01-128, filed 12/21/94, effective 6/30/95)

**WAC 51-13-501 Scope.**

501.1 General: The criteria of this chapter establishes minimum radon resistive construction requirements for all Group R Occupancies. These requirements are adopted pursuant to the ventilation requirements of Section 7, of Chapter 2 of the Session Laws of 1990.

501.2 Application: The requirements of this chapter shall be adopted and enforced by all jurisdictions of the state according to the following subsections:

501.2.1: All jurisdictions of the state shall comply with section 502.

501.2.2: Clark, Ferry, Okanogan, Pend Oreille, Skamania, Spokane, and Stevens counties shall also comply with section 503.

**WSR 06-16-110**  
**PROPOSED RULES**  
**BUILDING CODE COUNCIL**

[Filed August 1, 2006, 11:23 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-07-124.

Title of Rule and Other Identifying Information: Amendment of chapter 51-52 WAC, adoption and amendment of the 2006 Edition of the International Mechanical Code (IMC) and International Fuel Gas Code (IFGC); 2006 Edition of the National Fuel Gas Code (NFPA 54); and the 2004 Edition of the Liquefied Petroleum Gas Code (NFPA 58).

Hearing Location(s): Spokane City Council Chambers, West 808 Spokane Falls Boulevard, Spokane, WA, on September 8, 2006, at 10:00 a.m.; and at the Holiday Inn Select Renton, One Grady Way South, Renton, WA, on October 13, 2006, at 10:00 a.m.

Date of Intended Adoption: November 17, 2006.

Submit Written Comments to: John Neff, Council Chair, P.O. Box 42525, Olympia, WA 98504-2525, e-mail sbcc@cted.wa.gov, fax (360) 586-9383, by October 13, 2006.

Assistance for Persons with Disabilities: Contact Sue Mathers by August 31, 2006, TTY (360) 586-0772 or (360) 725-2966.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rules adopt the most recently published editions of the IMC, IFGC, NFPA 54 and NFPA 58 and make changes to the state amendments to those codes.

1. Section 101.2: The scoping section was amended to match new language in the 2006 edition of the International Mechanical Code (IMC), and to update the referenced editions of the National Fuel Gas Code and the Liquefied Petroleum Gas Code.

2. Section 101.5: This amendment was deleted.

3. Section 403.2: Exception 2 was added to coordinate with the Ventilation and Indoor Air Quality Code.

4. Section 403.2.1 and Table 403.3: This section was amended to strike item 4 allowing recirculation of exhaust up to 10% of the supply airstream from toilet rooms, bathrooms and similar areas and striking coordinating footnote h from the table.

5. Section 501.2: This section was amended to reword exception 1 to avoid any possible confusion with the requirement for whole house ventilation in the Ventilation and Indoor Air Quality Code.

6. Section 501.2.1: This section was amended to coordinate with the change to the 2006 edition of the IMC.

7. Section 504.6.3: This requirement was added to protect dryer exhaust ducts from penetrations that could collect lint and cause a fire hazard.

8. Section 506.3.3.1: This section was amended to allow the test to be performed without the building official present.

9. Section 601.2: The reference allowing corridors in hospitals built per IBC requirements to be used as plenums was deleted.

10. Section 601.3: The exceptions allowing exhaust ducts to pass through other ducts or plenums were deleted.

11. Chapter 10: Language was added noting that local jurisdictions may have regulations pertaining to boilers.

12. International Fuel Gas Code (IFGC) Section 101: The scoping section was amended to reference the National Fuel Gas Code for LP gas installations.

13. IFGC Section 404: The specifications for cathodic protection were removed from this section and the National Fuel Gas Code section 6.1.3.

Reasons Supporting Proposal: RCW 19.27.031 and 19.27.074.

Statutory Authority for Adoption: RCW 19.27.031 and 19.27.074.

Statute Being Implemented: Chapters 19.27 and 34.05 RCW.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The council is seeking comments on the issues proposed in the following rules.

Name of Proponent: Washington state building code council, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Krista Braaksma, P.O. Box 42525, Olympia, WA 98504-2525, (360) 725-2964; and Enforcement: Local jurisdictions.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule will update the adoption of model codes to stay current with national standards for the benefit of industry and Washington state interests, with no new state amendments being included. No disproportionate economic impact on small business was identified.

A cost-benefit analysis is not required under RCW 34.05.328. The state building code council is not listed in this section as one of the agencies required to comply with this statute.

August 1, 2006

John P. Neff

Council Chair

AMENDATORY SECTION (Amending WSR 04-01-104, filed 12/17/03, effective 7/1/04)

**WAC 51-52-003 International Mechanical Code.** The ((2003)) 2006 edition of the *International Mechanical Code* published by the International Code Conference is hereby adopted by reference with the exceptions noted in this chapter of the Washington Administrative Code (WAC).

AMENDATORY SECTION (Amending WSR 04-01-104, filed 12/17/03, effective 7/1/04)

**WAC 51-52-008 Implementation.** The International Mechanical Code adopted by chapter 51-52 WAC shall become effective in all counties and cities of this state on July 1, ((2004)) 2007.

AMENDATORY SECTION (Amending WSR 04-01-104, filed 12/17/03, effective 7/1/04)

**WAC 51-52-0101 Section 101—General.**

**101.2 Scope.** This code shall regulate the design, installation, maintenance, alteration and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related processes within buildings. This code shall also regulate those mechanical systems, system components, equipment and appliances specifically addressed herein. The installation of fuel gas distribution piping and equipment, fuel gas-fired appliances and fuel gas-fired appliance venting systems shall be regulated by the *International Fuel Gas Code*.

- EXCEPTIONS:
1. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the *International Residential Code*.
  2. ((Mechanical systems in existing buildings undergoing repair, alterations, or additions, and change of occupancy shall be permitted to comply with the International Existing Building Code.
  - 3.)) The standards for liquefied petroleum gas installations shall be the ((2001)) 2004 Edition of NFPA 58 (Liquefied Petroleum Gas Code) and the ((2002)) 2006 Edition of ANSI Z223.1/NFPA 54 (National Fuel Gas Code).

~~((101.5 Other authorities. In addition to the International Mechanical Code, provisions of chapter 480-93 WAC regarding gas pipeline safety may also apply to single meter installations serving more than one building. The provisions of chapter 480-93 WAC are enforced by the Washington utilities and transportation commission.))~~

AMENDATORY SECTION (Amending WSR 04-01-104, filed 12/17/03, effective 7/1/04)

**WAC 51-52-0202 Section 202—General definitions.**

**UNUSUALLY TIGHT CONSTRUCTION.** Construction meeting the following requirements:

1. Walls exposed to the ((outside)) outdoor atmosphere having a continuous water vapor retarder with a rating of 1 perm (57 ng/s·m<sup>2</sup>·Pa) or less with openings gasketed or sealed; and
2. Operable windows and doors meeting the air leakage requirements of the *International Energy Conservation Code*, Section 502.1.4; and
3. Caulking or sealants are applied to areas such as joints around window and door frames, between sole plates and floors, between wall-ceiling joints, between wall panels, at penetrations for plumbing, electrical and gas lines, and at other openings; or
4. Buildings built in compliance with the 1986 or later editions of the Washington State Energy Code, chapter 51-11 WAC, Northwest Energy Code, or Super Good Cents weatherization standards or equivalent.

AMENDATORY SECTION (Amending WSR 05-01-015, filed 12/2/04, effective 7/1/05)

**WAC 51-52-0401 Section 401—General.**

~~(401.5.2)~~ **401.4.2 Exhaust openings.** Outdoor exhaust openings shall be located in accordance with Chapter 5. Exhaust air shall not be directed onto walkways.

AMENDATORY SECTION (Amending WSR 05-01-015, filed 12/2/04, effective 7/1/05)

**WAC 51-52-0403 Section 403—Mechanical ventilation.**

**403.2 Outdoor air required.** The minimum ventilation rate of outdoor air shall be determined in accordance with Section 403.3.

**EXCEPTIONS:** 1. Where the registered design professional demonstrates that an engineered ventilation system design will prevent the maximum concentration of contaminants from exceeding that obtainable by the rate of outdoor air ventilation determined in accordance with Section 403.3, the minimum required rate of outdoor air shall be reduced in accordance with such engineered system design.  
2. Alternate systems designed in accordance with ASHRAE Standard 62.1-2004 Section 6.2, Ventilation Rate Procedure, shall be permitted.

**403.2.1 Recirculation of air.** The air required by Section 403.3 shall not be recirculated. Air in excess of that required by Section 403.3 shall not be prohibited from being recirculated as a component of supply air to building spaces, except that:

1. Ventilation air shall not be recirculated from one dwelling to another or to dissimilar occupancies.
2. Supply air to a swimming pool and associated deck areas shall not be recirculated unless such air is dehumidified to maintain the relative humidity of the area at 60 percent or less. Air from this area shall not be recirculated to other spaces where 10 percent or more of the resulting supply air-stream consists of air recirculated from these spaces.
3. Where mechanical exhaust is required by Note b in Table 403.3, recirculation of air from such spaces shall be prohibited. All air supplied to such spaces shall be exhausted, including any air in excess of that required by Table 403.3.

(Item 4 is not adopted.)

**403.3 Ventilation rate.** Ventilation systems shall be designed to have the capacity to supply the minimum outdoor airflow rate determined in accordance with Table 403.3 based on the occupancy of the space and the occupant load or other parameter as stated therein. The occupant load utilized for design of the ventilation system shall not be less than the number determined from the estimated maximum occupant load rate indicated in Table 403.3. Ventilation rates for occupancies not represented in Table 403.3 shall be determined by an approved engineering analysis. The ventilation system shall be designed to supply the required rate of ventilation air continuously during the period the building is occupied, except as otherwise stated in other provisions of the code.

**EXCEPTION:** Where occupancy density is known and documented in the plans, the outside air rate may be based on the design occupant density. Under no circumstance shall the occupancies used result in outside air less than one-half that resulting from application of Table 403.3 estimated maximum occupancy rates.

**Table 403.3  
Required Outdoor Ventilation Air**

<b>Occupancy Classification</b>	<b>Estimated Maximum Occupant Load, Persons per 1,000 Square Feet<sup>a</sup></b>	<b>Outdoor Air (Cubic feet per minute (cfm) per person) Unless Noted<sup>d</sup></b>
<b>Correctional facilities</b>		
Cells		
without plumbing fixtures	20	20
with plumbing fixtures <sup>g</sup>	20	20
Dining halls	100	15
Guard stations	40	15
<b>Dry cleaners, laundries</b>		
Coin-operated dry cleaner	20	15
Coin-operated laundries	20	15
Commercial dry cleaner	30	30
Commercial laundry	10	25
Storage, pick up	30	35
<b>Education</b>		
Auditoriums	150	15
Classrooms	50	15
Corridors	—	0.10 cfm/ft <sup>2</sup>
Laboratories	30	20
Libraries	20	15
Locker rooms	—	0.50 cfm/ft <sup>2</sup>
Music rooms	50	15
Smoking lounges <sup>b,g</sup>	70	60
Training shops	30	20
<b>Food and beverage service</b>		
Bars, cocktail lounges	100	30
Cafeteria, fast food	100	20
Dining rooms	70	20
Kitchens (cooking) <sup>f,g</sup>	20	15
<b>Hospitals, nursing and convalescent homes</b>		
Autopsy rooms <sup>b</sup>	—	0.50 cfm/ft <sup>2</sup>
Medical procedure rooms	20	15
Operating rooms	20	30
Patient rooms	10	25
Physical therapy	20	15
Recovery and ICU	20	15
<b>Hotels, motels, resorts and dormitories</b>		
Assembly rooms	120	15
Bathrooms <sup>g</sup>	—	35
Bedrooms	—	30 cfm per room
Conference rooms	50	20
Dormitory sleeping areas	20	15
Gambling casinos	120	30
Living rooms	—	30 cfm per room



**Table 403.3**  
**Required Outdoor Ventilation Air**

<b>Occupancy Classification</b>	<b>Estimated Maximum Occupant Load, Persons per 1,000 Square Feet<sup>a</sup></b>	<b>Outdoor Air (Cubic feet per minute (cfm) per person) Unless Noted<sup>d</sup></b>
Lobbies	30	15
<b>Offices</b>		
Conference rooms	50	20
Office spaces	7	20
Reception areas	60	15
Telecommunication centers and data entry	60	20
<b>Private dwellings, single and multiple</b>		
Garages, common for multiple units <sup>b</sup>	—	1.5 cfm/ft <sup>2</sup>
Garages, separate for each dwelling	—	100 cfm per car
Kitchens <sup>d</sup>	—	100 cfm intermittent or 25 cfm continuous
Living areas <sup>e</sup>	Based upon number of bedrooms. First bedroom: 2; each additional: 1	0.35 air changes per hour <sup>a</sup> or 15 cfm per person, whichever is greater
Toilet rooms and bathrooms <sup>d</sup>	—	Mechanical exhaust capacity of 50 cfm intermittent or 20 cfm continuous
<b>Public spaces</b>		
Corridors and utilities	—	0.05 cfm/ft <sup>2</sup>
Elevator car <sup>e</sup>	—	1.00 cfm/ft <sup>2</sup>
Locker rooms	—	0.5 cfm/ft <sup>2</sup>
Shower rooms (per shower head) <sup>d</sup>	—	50 cfm intermittent or 20 cfm continuous
Smoking lounges <sup>b</sup>	70	60
Toilet rooms <sup>d</sup>	—	75 cfm per water closet or urinal
<b>Retail stores, sales floors and showroom floors</b>		
Basement and street	—	0.30 cfm/ft <sup>2</sup>
Dressing rooms	—	0.20 cfm/ft <sup>2</sup>
Malls and arcades	—	0.20 cfm/ft <sup>2</sup>
Shipping and receiving	—	0.15 cfm/ft <sup>2</sup>
Smoking lounges <sup>b</sup>	70	60
Storage rooms	—	0.15 cfm/ft <sup>2</sup>
Upper floors	—	0.20 cfm/ft <sup>2</sup>
Warehouses	—	0.05 cfm/ft <sup>2</sup>
<b>Specialty shops</b>		
Automotive motor-fuel-dispensing stations	—	1.5 cfm/ft <sup>2</sup>
Barber	25	15
Beauty	25	25
Clothing, furniture	—	0.30 cfm/ft <sup>2</sup>

**Table 403.3**  
**Required Outdoor Ventilation Air**

<b>Occupancy Classification</b>	<b>Estimated Maximum Occupant Load, Persons per 1,000 Square Feet<sup>a</sup></b>	<b>Outdoor Air (Cubic feet per minute (cfm) per person) Unless Noted<sup>d</sup></b>
Embalming room <sup>b</sup>	—	2.0 cfm/ft <sup>2</sup>
Florist	8	15
Hardware, drug, fabrics	8	15
Nail salon <sup>b,i</sup>	—	50 cfm intermittent or 20 cfm continuous per station
Pet shops	—	1.00 cfm/ft <sup>2</sup>
Reducing salons	20	15
Supermarkets	8	15
<b>Sports and amusement</b>		
Ballrooms and discos	100	25
Bowling alleys (seating areas)	70	25
Game rooms	70	25
Ice arenas	—	0.50 cfm/ft <sup>2</sup>
Playing floors (gymnasiums)	30	20
Spectator areas	150	15
Swimming pools (pool and deck area)	—	0.50 cfm/ft <sup>2</sup>
<b>Storage</b>		
Repair garages, enclosed parking garage <sup>d</sup>	—	1.5 cfm/ft <sup>2</sup>
Warehouses	—	0.05 cfm/ft <sup>2</sup>
<b>Theaters</b>		
Auditoriums	150	15
Lobbies	150	20
Stages, studios	70	15
Ticket booths	60	20
<b>Transportation</b>		
Platforms	100	15
Vehicles	150	15
Waiting rooms	100	15
<b>Workrooms</b>		
Bank vaults	5	15
Darkrooms	—	0.50 cfm/ft <sup>2</sup>
Duplicating, printing	—	0.50 cfm/ft <sup>2</sup>
Meat processing <sup>e</sup>	10	15
Pharmacy	20	15
Photo studios	10	15

For SI: 1 cubic foot per minute = 0.0004719 m<sup>3</sup>/s, 1 ton = 908 kg, 1 cubic foot per minutes per square foot = 0.00508 m<sup>3</sup>/(s•m<sup>2</sup>), °C = [(°F) - 32]/1.8, 1 square foot = 0.0929 m<sup>2</sup>.

- a. Based upon net floor area.
- b. Mechanical exhaust required and the recirculation of air from such spaces as permitted by Section 403.2.1 is prohibited (see Section 403.2.1, Items 1 and 3).

- c. Spaces unheated or maintained below 50°F are not covered by these requirements unless the occupancy is continuous.
- d. Ventilation systems in enclosed parking garages shall comply with Section 404.
- e. Where the ventilation rate is expressed in cfm/ft<sup>2</sup>, such rate is based upon cubic feet per minute per square foot of the floor area being ventilated.
- f. The sum of the outdoor and transfer air from adjacent spaces shall be sufficient to provide an exhaust rate of not less than 1.5 cfm/ft<sup>2</sup>.
- g. Transfer air permitted in accordance with Section 403.2.2.
- h. Reserved.
- i. The required exhaust system shall capture the contaminants and odors at their source.

**Reviser's note:** The brackets and enclosed material following the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 05-01-015, filed 12/2/04, effective 7/1/05)

**WAC 51-52-0501 Section 501—General.**

**~~(501.5)~~ 501.2 Exhaust discharge.** The air removed by every mechanical exhaust system shall be discharged outdoors at a point where it will not cause a nuisance and not less than the distances specified in Section 501.2.1. The air shall be discharged to a location from which it cannot again be readily drawn in by a ventilating system. Air shall not be exhausted into an attic or crawlspace.

**EXCEPTIONS:** 1. Whole-house cooling attic fans shall be permitted to discharge into the attic space of dwelling units having private attics.  
2. Commercial cooking recirculating systems.

**501.2.1 Termination point/exhaust outlet.** The termination point ~~((or))~~ of exhaust outlets ~~((for exhaust ducts discharging to the atmosphere))~~ and ducts discharging to the outdoors shall be located with the following minimum distances:

1. **For ducts conveying explosive or flammable vapors, fumes or dusts:** 30 feet (9144 mm) from the property line; 10 feet (3048 mm) from operable openings into the building; 6 feet (1829 mm) from exterior walls and roofs; 30 feet (9144 mm) from combustible walls and operable openings into the building which are in the direction of the exhaust discharge; 10 feet (3048 mm) above adjoining grade.

2. **For other product-conveying outlets:** 10 feet (3048 mm) from ~~((the))~~ property lines; 3 feet (914 mm) from exterior walls and roofs; 10 feet (3048 mm) from operable openings into the building; 10 feet (3048 mm) above adjoining grade.

3. **For environmental air duct exhaust:** 3 feet (914 mm) from ~~((the))~~ property lines, 3 feet (914 mm) from operable openings into the building for all occupancies other than Group U, and 10 feet (3048 mm) from a mechanical air intake. ~~((This includes environmental air regulated by Sections 504 and 505, but does not include enclosed parking garage exhaust outlets regulated by Section 404.))~~

**EXCEPTIONS:** 1. The separation between an air intake and exhaust outlet on a single listed package HVAC unit.  
2. Exhaust from environmental air systems other than garages may be discharged into an open parking garage.  
3. Except for Group I occupancies, where ventilation system design circumstances require building HVAC air to be relieved, such as during economizer operation, such air may be relieved into an open or enclosed parking garage within the same building.

**4. For specific systems:** For clothes dryer exhaust, see Section 504.4; for kitchen hoods, see Section 506.3; and for subslab soil exhaust systems, see Section 512.4.

NEW SECTION

**WAC 51-52-0504 Section 504—Clothes dryer exhaust.**

**504.6.3 Protection required.** Plates or clips shall be placed where nails or screws from finish or other work are likely to penetrate the clothes dryer exhaust duct. Plates or clips shall be placed on the finished face of all framing members where there is less than 1-1/4 inches (32 mm) between the duct and the finished face of the framing material. The plate or clip shall be steel not less than 1/16 inch (1.59 mm) in thickness and of sufficient width to protect the duct.

NEW SECTION

**WAC 51-52-0506 Section 506—Commercial kitchen hood ventilation system ducts and exhaust equipment.**

**506.3.3.1 Grease duct test.** Prior to the use or concealment of any portion of a grease duct system, a leakage test shall be performed. Ducts shall be considered to be concealed where installed in shafts or covered by coatings or wraps that prevent the duct work from being visually inspected on all sides. The permit holder shall be responsible to provide the necessary equipment and perform the grease duct leakage test. A light test or an approved equivalent test method shall be performed to determine that all welded and brazed joints are liquid tight. A light test shall be performed by passing a lamp having a power rating of not less than 100 watts through the entire section of duct work to be tested. The lamp shall be open so as to emit light equally in all directions perpendicular to the duct walls.

A test shall be performed for the entire duct system, including the hood-to-duct connection. The duct work shall be permitted to be tested in sections, provided that every joint is tested.

AMENDATORY SECTION (Amending WSR 04-01-104, filed 12/17/03, effective 7/1/04)

**WAC 51-52-0601 Section 601—General.**

**601.2 Air movement in egress elements.** ~~((Exit access))~~ Corridors shall not serve as supply, return, exhaust, relief or ventilation air ducts.

**EXCEPTIONS:** 1. Use of a corridor as a source of makeup air for exhaust systems in rooms that open directly onto such corridors, including toilet rooms, bathrooms, dressing rooms, smoking lounges and janitor closets, shall be permitted provided that each such corridor is directly supplied with

outdoor air at a rate greater than the rate of makeup air taken from the corridor.

2. Where located within a dwelling unit, the use of corridors for conveying return air shall not be prohibited.

3. Where located within tenant spaces of one thousand square feet (93 m<sup>2</sup>) or less in area, utilization of corridors for conveying return air is permitted.

4. Where such air is part of an engineered smoke control system.

5. ((Corridors conforming to the International Building Code in Group I occupancies.

6.)) Corridors serving residential occupancies shall be permitted to be supplied without specific mechanical exhaust subject to the following:

((6-1)) 5.1 The supply air is one hundred percent outside air; and

((6-2)) 5.2 The units served by the corridor have conforming ventilation independent of the air supplied to the corridor; and

((6-3)) 5.3 For other than high-rise buildings, the supply fan will automatically shut off upon activation of corridor smoke detectors which shall be spaced at no more than thirty feet (9,144 mm) on center along the corridor; or

((6-4)) 5.4 For high-rise buildings, corridor smoke detector activation will close required smoke/fire dampers at the supply inlet to the corridor at the floor receiving the alarm.

~~((601.3 Contamination prevention. Exhaust ducts under positive pressure, chimneys, and vents shall not extend into or pass through ducts or plenums.~~

EXCEPTION: Exhaust ducts conveying environmental air shall be permitted to pass through a duct or plenum provided that:

1. The duct is maintained under sufficient negative pressure to prevent leakage of the exhaust air to the surrounding duct or plenum; or

2. If maintained under a positive pressure with respect to the surrounding duct or plenum, the exhaust duct will be sealed to prevent leakage; or

3. The surrounding air stream is an exhaust air stream not intended for recirculation to the building and cross-contamination of the two air streams will not create a hazardous condition.))

AMENDATORY SECTION (Amending WSR 04-01-104, filed 12/17/03, effective 7/1/04)

**WAC 51-52-1000 Chapter 10—Boilers, water heaters and pressure vessels.**

SECTIONS 1003 THROUGH 1011, are not adopted.

Boilers and Unfired Pressure Vessels are regulated by chapter 70.79 RCW and chapter 296-104 WAC, and may be further regulated by the local jurisdiction.

#### NEW SECTION

##### **WAC 51-52-21101 Section 101—General.**

**101.2 Scope.** This code shall apply to the installation of fuel gas piping systems, fuel gas utilization equipment, gaseous hydrogen systems and regulated accessories in accordance with Section 101.2.1 through 101.2.5.

EXCEPTIONS: 1. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the *International Residential Code*.

2. The standards for liquefied petroleum gas installations shall be the 2004 Edition of NFPA 58 (Liquefied Petroleum Gas Code) and the 2006 Edition of ANSI Z223.1/NFPA 54 (National Fuel Gas Code).

AMENDATORY SECTION (Amending WSR 04-01-104, filed 12/17/03, effective 7/1/04)

**WAC 51-52-22006 Chapter 6—Gas piping installation.**

~~((6.1.3 Protection Against Corrosion. Metallic gas piping in contact with earth or other material that could corrode the piping shall be protected against corrosion in an approved manner, and cathodically protected in accordance with NACE RP-01-69. When dissimilar metals are joined underground, an insulating coupling or fitting shall be used. Piping shall not be laid in contact with einders. Uncoated threaded or socket welded joints shall not be used in piping in contact with soil or where internal or external crevice corrosion is known to occur.))~~

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 51-52-21404

Section 404—Piping system installation.

#### **WSR 06-16-111**

##### **PROPOSED RULES**

#### **BUILDING CODE COUNCIL**

[Filed August 1, 2006, 11:26 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-07-128.

Title of Rule and Other Identifying Information: Amendment of chapters 51-56 and 51-57 WAC, adoption and amendment of the 2006 Edition of the Uniform Plumbing Code (UPC) and standards.

Hearing Location(s): Spokane City Council Chambers, West 808 Spokane Falls Boulevard, Spokane, WA, on September 8, 2006, at 10:00 a.m.; and at the Holiday Inn Select Renton, One Grady Way South, Renton, WA, on October 13, 2006, at 10:00 a.m.

Date of Intended Adoption: November 17, 2006.

Submit Written Comments to: John Neff, Council Chair, P.O. Box 42525, Olympia, WA 98504-2525, e-mail sbcc@cted.wa.gov, fax (360) 586-9383, by October 13, 2006.

Assistance for Persons with Disabilities: Contact Sue Mathers by August 31, 2006, TTY (360) 586-0772 or (360) 725-2966.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rules adopt the most recently published edition of the UPC and make changes to the state amendments to this code.

1. Section 210: The definition for "hot water" is not adopted.
  2. Section 311.4: Two new alternate venting sections were added to Appendix L.
  3. Section 314.5.1 was deleted from the 2006 UPC.
  4. Sections 411 and 502: Were renumbered to correlate with the 2006 edition.
  5. Section 505.1: The 2006 UPC contains amended language equivalent to the state amendment. The new language was amended to reference the IMC for combustion air requirements.
  6. Section 509: The 2006 UPC contains new language equivalent to the state amendment, so the state amendment was deleted.
  7. Section 603.1: This section was revised to be consistent with the amendment in section 603.3.3.
  8. Section 603.4.6.1: The state amendment was revised for consistency with the 2006 UPC language.
  9. Section 603.4.14: The section was amended to include areas containing aerosols.
  10. Section 603.4.23: This section was added for consistency with department of health's regulations for pools and hot tubs.
  11. Section 604.1: The 2006 UPC contains new language equivalent to the state amendment, so the state amendment was deleted.
  12. Section 609.10.2: The 2006 UPC contains new language equivalent to the state amendment, so the state amendment was deleted.
  13. Sections 701.1.2 and 903.1.2: Editorial amendment. Appendix M no longer exists.
  14. Section 704.3: This amendment specifies that indirect connections should only be used when absolutely necessary, and is consistent with the Health Code.
  15. Section 810.4: The state amendment was deleted, reverting back to the 2006 UPC language requiring a "beehive" strainer.
  16. Section 908.4.1: The 2006 UPC language was amended to use phrases defined by the IBC - "dwelling units" and "sleeping units" as opposed to "dwellings" and "guest rooms."
  17. Section 1101.3: Editorial amendment adding back in part of the section mistakenly struck.
  18. Section 1313.3: Editorial amendment updating the department of health WAC reference.
  19. Table 14-1: Amendment updates to the most recent editions of NFPA 99 and NFPA 99C.
  20. Chapter 16: The 2006 UPC moves what was Appendix G into the main body of the code. The UPC requirements for gray water systems are in conflict with department of ecology regulations.
- Reasons Supporting Proposal: RCW 19.27.031 and 19.27.074.
- Statutory Authority for Adoption: RCW 19.27.031 and 19.27.074.
- Statute Being Implemented: Chapters 19.27 and 34.05 RCW.
- Rule is not necessitated by federal law, federal or state court decision.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The council is seeking comments on the issues proposed in the following rules.

Name of Proponent: Washington state building code council, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Krista Braaksma, P.O. Box 42525, Olympia, WA 98504-2525, (360) 725-2964; and Enforcement: Local jurisdictions.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule will update the adoption of model codes to stay current with national standards for the benefit of industry and Washington state interests, with no new state amendments being included. No economic impact on small business was identified.

A cost-benefit analysis is not required under RCW 34.05.328. The state building code council is not listed in this section as one of the agencies required to comply with this statute.

August 1, 2006

John P. Neff  
Council Chair

AMENDATORY SECTION (Amending WSR 04-01-110, filed 12/17/03, effective 7/1/04)

**WAC 51-56-003 Uniform Plumbing Code.** The ((2003)) 2006 edition of the Uniform Plumbing Code, published by the International Association of Plumbing and Mechanical Officials, is hereby adopted by reference with the following additions, deletions and exceptions: Provided that chapters 12 and 15 of this code are not adopted. Provided further, that those requirements of the Uniform Plumbing Code relating to venting and combustion air of fuel fired appliances as found in chapter 5 and those portions of the code addressing building sewers are not adopted.

AMENDATORY SECTION (Amending WSR 04-01-110, filed 12/17/03, effective 7/1/04)

**WAC 51-56-008 Implementation.** The Uniform Plumbing Code adopted by chapter 51-56 WAC shall become effective in all counties and cities of this state on July 1, ((2004)) 2007, unless local government residential amendments have been approved by the state building code council.

AMENDATORY SECTION (Amending WSR 04-01-110, filed 12/17/03, effective 7/1/04)

**WAC 51-56-0200 Chapter 2—Definitions.**

**205.0 Certified Backflow Assembly Tester** - A person certified by the Washington state department of health under chapter 246-292 WAC to inspect (for correct installation and approval status) and test (for proper operation) approved backflow assemblies.

**210.0 Hot Water** - This definition is not adopted.

**218.0 Plumbing System** - Includes all potable water, building supply and distribution pipes, all plumbing fixtures and

traps, all drainage and vent pipe(s), and all building drains including their respective joints and connection, devices, receptors, and appurtenances within the property lines of the premises and shall include potable water piping, potable water treating or using equipment, medical gas and medical vacuum systems, and water heaters: Provided, That no certification shall be required for the installation of a plumbing system within the property lines and outside a building.

**AMENDATORY SECTION** (Amending WSR 04-01-110, filed 12/17/03, effective 7/1/04)

**WAC 51-56-0300 Chapter 3—General regulations.**

**301.1.3 Standards.** Standards listed or referred to in this chapter or other chapters cover materials which will conform to the requirements of this code, when used in accordance with the limitations imposed in this or other chapters thereof and their listing. Where a standard covers materials of various grades, weights, quality, or configurations, there may be only a portion of the listed standard which is applicable. Design and materials for special conditions or materials not provided for herein are allowed to be used by special permission of the authority having jurisdiction after the authority having jurisdiction has been satisfied as to their adequacy in accordance with Section 301.2.

**311.4** Except as hereinafter provided in Sections 908.0, 909.0, 910.0, and Appendix L, Section L 6.0, 7.0 and 8.0, no vent pipe shall be used as a soil or waste pipe, nor shall any soil or waste pipe be used as a vent.

**313.6** No water, soil, or waste pipe shall be installed or permitted outside of a building or in an exterior wall unless, where necessary, adequate provision is made to protect such pipe from freezing. All hot and cold water pipes installed outside the conditioned space shall be insulated to a minimum R-3.

**313.7** All pipe penetrating floor/ceiling assemblies and fire-resistance rated walls or partitions shall be protected in accordance with the requirements of the building code.

~~(**314.5.1** In Seismic Design Categories C, D, E and F, unless east iron piping in sizes 5 inches and larger suspended in exposed locations over public or high traffic areas, pipe over 4 feet in length shall be provided with support on both sides of the coupling.)~~

**AMENDATORY SECTION** (Amending WSR 04-01-110, filed 12/17/03, effective 7/1/04)

**WAC 51-56-0400 Chapter 4—Plumbing fixtures and fixture fittings.**

**402.0 Water-Conserving Fixtures and Fittings.**

**402.1** The purpose of this section shall be to implement water conservation performance standards in accordance with RCW 19.27.170.

**402.2 Application.** This section shall apply to all new construction and all remodeling involving replacement of plumbing fixtures and fittings in all residential, hotel, motel, school,

industrial, commercial use, or other occupancies determined by the council to use significant quantities of water. Plumbing fixtures, fittings and appurtenances shall conform to the standards specified in this section and shall be provided with an adequate supply of potable water to flush and keep the fixtures in a clean and sanitary condition without danger of backflow or cross-connection.

**402.3 Water Efficiency Standards.**

**402.3.1 Standards for Vitreous China Plumbing Fixtures.**

**402.3.1.1** The following standards shall be adopted as plumbing materials, performance standards, and labeling standards for water closets and urinals. Water closets and urinals shall meet either the ANSI/ASME standards or the CSA standard.

ANSI/ASME A112.19.2M-1998	Vitreous China Plumbing Fixtures
ANSI/ASME A112.19.6-1995	Hydraulic Requirements for Water Closets and Urinals
CSA B45	CSA Standards on Plumbing Fixtures

**402.3.1.2** The maximum water use allowed in gallons per flush (gpf) or liters per flush (lpf) for any of the following water closets shall be the following:

Tank-type toilets	1.6 gpf/6.0 lpf
Flushometer-valve toilets	1.6 gpf/6.0 lpf
Flushometer-tank toilets	1.6 gpf/6.0 lpf
Electromechanical hydraulic toilets	1.6 gpf/6.0 lpf

**EXCEPTIONS:**

1. Water closets located in day care centers, intended for use by young children may have a maximum water use of 3.5 gallons per flush or 13.25 liters per flush.
2. Water closets with bed pan washers may have a maximum water use of 3.5 gallons per flush or 13.25 liters per flush.
3. Blow out bowls, as defined in ANSI/ASME A112.19.2M, Section 5.1.2.3 may have a maximum water use of 3.5 gallons per flush or 13.25 liters per flush.

**402.3.1.3** The maximum water use allowed for any urinal shall be 1.0 gallons per flush or 3.78 liters per flush.

**402.3.1.4** No urinal or water closet that operates on a continuous flow or continuous flush basis shall be permitted.

**402.3.1.5** This section does not apply to fixtures installed before the effective date of this Section, that are removed and relocated to another room or area of the same building after the effective date of this Section.

**402.3.2 Standards for Plumbing Fixture Fittings.**

**402.3.2.1** The following standards are adopted as plumbing material, performance requirements, and labeling standards for plumbing fixture fittings. Faucets, aerators, and shower heads shall meet either the ANSI/ASME standard or the CSA standard.

ANSI/ASME A112.18.1M-1996	Plumbing Fixture Fittings
CSA B125	Plumbing Fittings

**402.3.2.2** The maximum water use allowed for any shower head is 2.5 gallons per minute or 9.5 liters per minute.

EXCEPTION: Emergency use showers shall be exempt from the maximum water usage rates.

**402.3.2.3** The maximum water use allowed in gallons per minute (gpm) or liters per minute (lpm) for any of the following faucets and replacement aerators is the following:

Lavatory faucets	2.5 gpm/9.5 lpm
Kitchen faucets	2.5 gpm/9.5 lpm
Replacement aerators	2.5 gpm/9.5 lpm
Public lavatory faucets other than metering	0.5 gpm/1.9 lpm

**402.4 Metering Valves.** Lavatory faucets located in restrooms intended for use by the general public shall be equipped with a metering valve designed to close by spring or water pressure when left unattended (self-closing).

EXCEPTIONS: 1. Where designed and installed for use by persons with a disability.  
2. Where installed in day care centers, for use primarily by children under 6 years of age.

**402.5 Implementation.**

**402.5.1** The standards for water efficiency and labeling contained within Section 402.3 shall be in effect as of July 1, 1993, as provided in RCW 19.27.170 and amended July 1, 1998.

**402.5.2** No individual, public or private corporation, firm, political subdivision, government agency, or other legal entity, may, for purposes of use in the state of Washington, distribute, sell, offer for sale, import, install, or approve for installation any plumbing fixtures or fittings unless the fixtures or fittings meet the standards as provided for in this Section.

Section((s)) 402.6 (~~through 402.9 are~~) is not adopted.

~~((412.2))~~ **411.2 Location of Floor Drains.** Floor drains shall be installed in the following areas:

~~((412.2.1))~~ **411.2.1** Toilet rooms containing two (2) or more water closets or a combination of one (1) water closet and one (1) urinal, except in a dwelling unit. The floor shall slope toward the floor drains.

~~((412.2.2))~~ **411.2.2** Laundry rooms in commercial buildings and common laundry facilities in multifamily dwelling buildings.

~~((413.0))~~ **412.0 Minimum Number of Required Fixtures.** For minimum number of plumbing fixtures required, see Building Code chapter 29 and Table 2902.1.

Sections ~~((413.4))~~ 412.1 through ~~((413.7))~~ 412.7 and Table 4-1 are not adopted.

AMENDATORY SECTION (Amending WSR 04-01-110, filed 12/17/03, effective 7/1/04)

**WAC 51-56-0500 Chapter 5—Water heaters.**

**501.0 General.** The regulations of this chapter shall govern the construction, location, and installation of fuel burning and other water heaters heating potable water. The minimum capacity for water heaters shall be in accordance with the first hour rating listed in Table 5-1. See the Mechanical Code for combustion air and installation of all vents and their connectors. All design, construction, and workmanship shall be in conformity with accepted engineering practices, manufacturer's installation instructions, and applicable standards and shall be of such character as to secure the results sought to be obtained by this Code. No water heater shall be hereinafter installed which does not comply in all respects with the type and model of each size thereof approved by the authority having jurisdiction. A list of accepted gas equipment standards is included in Table 14-1.

TABLE 5-1<sup>1,3</sup>

Number of Bathrooms	1 to 1.5			2 to 2.5				3 to 3.5			
	1	2	3	2	3	4	5	3	4	5	6
Number of Bedrooms											
First Hour Rating <sup>2</sup> , Gallons	42	54	54	54	67	67	80	67	80	80	80

Notes: <sup>1</sup>The first hour rating is found on the "Energy Guide" label.  
<sup>2</sup>Nonstorage and solar water heaters shall be sized to meet the appropriate first hour rating as shown in the table.  
<sup>3</sup>For replacement water heaters, see Section 101.4.1.1.1.

- 502.2 Chimney** – Delete definition.
- 502.3 Chimney, Factory-Built** – Delete definition.
- 502.4 Chimney, Masonry** – Delete definition.
- 502.5 Chimney, Metal** – Delete definition.
- 502.7 Direct Vent Appliance** – Delete definition.
- 502.8 Flue Collar** – Delete definition.
- 502.9 Gas Vent, Type B** – Delete definition.
- 502.10 Gas Vent, Type L** – Delete definition.

- ~~((502.11))~~ **502.12 Vent** – Delete definition.
- ~~((502.12))~~ **502.13 Vent Connector** – Delete definition.
- ~~((502.13))~~ **502.14 Venting System** – Delete definition.

**504.1 Inspection of Chimneys or Vents.** Delete paragraph.

~~((505.1 Prohibited Locations.~~ Water heaters which depend on the combustion of fuel for heat shall not be installed in a room used or designed to be used for sleeping purposes, bathroom, clothes closets or in a closet or other confined space opening into a bath or bedroom.

EXCEPTIONS: 1. Direct vent water heaters.  
2. Water heaters installed in a closet that has a weather-stripped solid door with an approved door closing device, and designed exclusively for the water heater and where all air for combustion and ventilation is supplied from the outdoors.

3. Water heaters of the automatic storage type installed as a replacement in a bathroom, when specifically approved, properly vented and supplied with adequate combustion air.

Where not prohibited by other regulations, water heaters may be located under a stairway or landing.))

**505.1 Location.** Water heater installation in bedrooms and bathrooms shall comply with one of the following:

(1) Fuel-burning water heaters may be installed in a closet located in the bedroom or bathroom provided the closet is equipped with a listed, gasketed door assembly and a listed self-closing device. The self-closing door assembly shall meet the requirements of Section 505.1.1. The door assembly shall be installed with a threshold and bottom door seal and shall meet the requirements of Section 505.1.2. All combustion air for such installations shall be obtained from the outdoors in accordance with the International Mechanical Code. The closet shall be for the exclusive use of the water heater.

(2) Water heater shall be of the direct vent type.

**506.2** All storage-type water heaters deriving heat from fuels or types of energy other than gas, shall be provided with, in addition to the primary temperature controls, an over-temperature safety protection device constructed, listed, and installed in accordance with nationally recognized applicable standards for such devices and a combination temperature and pressure relief valve.

**507.0 Combustion Air.** For issues relating to combustion air, see the Mechanical Code.

Sections 507.1 through 507.10 are not adopted.

Sections 508.6 through 508.9 are not adopted.

508.12 Delete entire section.

508.18 Venting of Flue Gases - Delete entire section.

Sections 508.20 through 508.24.5 are not adopted.

~~((509.0 Access and Working Space:~~

~~509.1 Every water heater installation shall be accessible for inspection, repair, or replacement. The appliance space shall be provided with an opening or doorway of sufficient size to remove the water heater. In no case shall such opening or doorway be less than 24 inches in width. Such access shall be continuous and shall be one or any combination of the following means:~~

~~(1) By an opening or door, and passageway not less than 2 feet in width and large enough to permit removal of the water heater, but not less than 30 inches in height. Stairways and ramps leading to or part of such passageways shall comply with the building code.~~

~~(2) Every attic, roof, mezzanine, or platform more than 8 feet above the ground or floor level shall be made accessible by a stairway or ladder permanently fastened to the building. Such a ladder or stairway shall not be more than 18 feet in length between landings and not less than 14 inches in width. Such a ladder shall have rungs spaced not more than 14 inches center to center and not less than 6 inches from the face of the wall. Each stile is to extend 30 inches above the~~

~~surface to be reached, or as high as possible, if height is limited. Permanent ladders for water heater access need not be provided at parapets or walls less than 30 inches in height.~~

~~EXCEPTION: A portable ladder may be used for access for water heaters in attics on the single-story portion of a Group R or U Occupancy.~~

~~(3) By a trap door or opening and passageway not less than 30 inches by 30 inches, but in no case smaller than the water heater. The passageway shall be continuous from the trap door or opening to the water heater. The trap door or opening shall be located not more than 20 feet from the water heater.~~

~~(4) Every passageway to an attic water heater shall have an unobstructed solid continuous flooring not less than 24 inches wide from the trap door or opening to the water heater. If the trap door or opening is more than 8 feet above the floor, a stairway or ladder permanently fastened to the building shall be provided. Such stairway or ladder shall lead directly to the edge of the trap door or opening and shall comply with the provisions of this section.~~

~~EXCEPTION: A portable ladder may be used for access for water heaters in attics on the single-story portion of a Group R or U Occupancy.~~

~~(5) By an unobstructed catwalk not less than 24 inches wide. Access to the catwalk shall be by ladder or stairs complying with the provisions of this section.~~

~~509.2 Attic and underfloor water heater locations shall be provided with an electric outlet and lighting fixture at or near the water heater. The lighting fixture shall be controlled by a switch located adjacent to the opening or trap door.~~

~~509.3 An unobstructed solidly floored working surface not less than 30 inches in depth and width shall be provided immediately in front of the firebox access opening. A door opening into such space shall not be considered an obstruction.~~

Sections 509.3.1 through 509.3.4 are not adopted.

Sections 510.1 through 511.2.25 are not adopted.))

**510.0 Venting of Equipment.** Delete entire section.

**511.0 Sizing of Category I Venting Systems.** Delete entire section.

**512.0 Direct Vent Equipment.** Delete entire section.

Chapter 5, Part II is not adopted.

AMENDATORY SECTION (Amending WSR 04-01-110, filed 12/17/03, effective 7/1/04)

**WAC 51-56-0600 Chapter 6—Water supply and distribution.**

**603.0 Cross-Connection Control.** Cross-connection control shall be provided in accordance with the provisions of this chapter. Devices or assemblies for protection of the public water system must be models approved by the department of health under WAC 246-290-490. The authority having jurisdiction shall coordinate with the local water purveyor where

applicable in all matters concerning cross-connection control within the property lines of the premises.

No person shall install any water operated equipment or mechanism, or use any water treating chemical or substance, if it is found that such equipment, mechanism, chemical or substance may cause pollution or contamination of the domestic water supply. Such equipment or mechanism may be permitted only when equipped with an approved backflow prevention device or assembly.

**603.1 Approval of Devices or Assemblies.** Before any device or assembly is installed for the prevention of backflow, it shall have first been approved by the authority having jurisdiction. Devices or assemblies shall be tested for conformity with recognized standards or other standards acceptable to the authority having jurisdiction that are consistent with the intent of this code.

All devices or assemblies installed in a potable water supply system for protection against backflow shall be maintained in good working condition by the person or persons having control of such devices or assemblies. Such devices or assemblies shall be tested in accordance with Section 603.3.3 and WAC 246-290-490. If found to be defective or inoperative, the device or assembly shall be replaced or repaired. No device or assembly shall be removed from use or relocated or other device or assembly substituted, without the approval of the authority having jurisdiction.

Testing shall be performed by a Washington state department of health certified backflow assembly tester.

**603.3.3** For devices and assemblies other than those regulated by the Washington department of health in conjunction with the local water purveyor for the protection of public water systems, the authority having jurisdiction shall ensure that the premise owner or responsible person shall have the backflow prevention assembly tested by a Washington state department of health certified backflow assembly tester:

- (1) At the time of installation, repair or relocation; and
- (2) At least on an annual schedule thereafter, unless more frequent testing is required by the authority having jurisdiction.

**603.4.6.1** Potable water supplies to systems having no pumps or connections for pumping equipment, and no chemical injection or provisions for chemical injection, shall be protected from backflow by one of the following devices:

- (1) Atmospheric vacuum breaker.
- (2) Pressure vacuum breaker.
- (3) Spill-resistant pressure vacuum breaker.
- (4) Reduced pressure backflow preventer.

~~((4))~~ (5) A double check valve may be allowed when approved by the water purveyor and the authority having jurisdiction.

~~((5) A spill proof pressure vacuum breaker may be allowed when approved by the water purveyor and the authority having jurisdiction.~~

~~603.4.11))~~ **603.4.10** **Potable Water Make Up Connections to Steam or Hot Water Boilers** shall be protected by an air gap or a reduced pressure principle backflow preventer.

~~((603.4.13))~~ **603.4.12 Potable Water Supply to Carbonator** shall be protected by a listed reduced pressure principle backflow preventer as approved by the authority having jurisdiction for the specific use.

**603.4.14** Backflow preventers shall not be located in any area containing fumes or aerosols that are toxic, poisonous, infectious, or corrosive.

~~((603.4.18.1))~~ **603.4.16.1** Except as provided under Sections ~~((603.4.18.2))~~ **603.4.16.2** and ~~((603.4.18.3))~~ **603.4.16.3**, potable water supplies to fire protection systems that are normally under pressure, including but not limited to standpipes and automatic sprinkler systems, except in one or two family residential flow-through or combination sprinkler systems piped in materials approved for potable water distribution systems, shall be protected from back-pressure and back-siphonage by one of the following testable devices:

1. Double check valve assembly.
2. Double check detector assembly.
3. Reduced pressure backflow preventer.
4. Reduced pressure detector assembly.

Potable water supplies to fire protection systems that are not normally under pressure shall be protected from backflow and shall meet the requirements of the appropriate standard(s) referenced in Table 14-1.

~~((604.1 Water distribution pipe, building supply water pipe and fittings shall be of brass, copper, cast iron, CPVC, galvanized malleable iron, galvanized wrought iron, galvanized steel, PEX or other approved materials. Except as provided in Section 604.14, asbestos-cement, PE, PVC, PEX-AL-PEX or PE-AL-PE water pipe manufactured to recognized standards may be used for cold water building supply distribution systems outside a building. PEX-AL-PEX water pipe, tubing, and fittings, manufactured to recognized standards may be used for hot and cold water distribution systems within a building. Other products not listed in this section are acceptable for their intended use, provided that such materials or distribution systems are listed and approved in accordance with nationally recognized standards. All materials used in the water supply system, except valves and similar devices shall be of like material, except where otherwise approved by the authority having jurisdiction.))~~ **603.4.23 Potable Water Supply to Swimming Pools, Spas and Hot Tubs** shall be protected by an airgap or a reduced pressure principle backflow preventer when:

- (1) The unit is equipped with a submerged fill line; or
- (2) The potable water supply is directly connected to the unit circulation system.

~~((604.14))~~ **604.15** Plastic water service piping may terminate within a building, provided the connection to the potable water distribution system shall be made as near as is practical to the point of entry and shall be accessible. Barbed insert fittings with hose clamps are prohibited as a transition fitting within the building.

**608.5** Relief valves located inside a building shall be provided with a drain, not smaller than the relief valve outlet, of galvanized steel, hard drawn copper piping and fittings, CPVC, or listed relief valve drain tube with fittings which



will not reduce the internal bore of the pipe or tubing (straight lengths as opposed to coils) and shall extend from the valve to the outside of the building with the end of the pipe not more than two (2) feet (610 mm) nor less than six (6) inches (152 mm) above the ground or the flood level of the area receiving the discharge and pointing downward. Such drains may terminate at other approved locations. No part of such drain pipe shall be trapped or subject to freezing. The terminal end of the drain pipe shall not be threaded.

EXCEPTION: Replacement water heating equipment shall only be required to provide a drain pointing downward from the relief valve to extend between two feet (610 mm) and six inches (152 mm) from the floor. No additional floor drain need be provided.

~~((609.10.2 Mechanical Devices. When listed mechanical devices are used, the manufacturer's specifications as to location and method of installation shall be followed.))~~

**610.4** Systems within the range of Table 6-5 may be sized from that table or by the method set forth in Section 610.5.

Listed parallel water distribution systems shall be installed in accordance with their listing.

AMENDATORY SECTION (Amending WSR 02-01-114, filed 12/18/01, effective 7/1/02)

**WAC 51-56-0700 Chapter 7—Sanitary drainage.**

**701.1.2** ABS and PVC DWV piping installations shall be installed in accordance with IS 5((;)) and IS 9((; and Appendix M "Firestop Protection for DWV and Stormwater Application.")). Except for individual single family dwelling units, materials exposed within ducts or plenums shall have a flame-spread index of not more than 25 and a smoke developed index of not more than 50, when tested in accordance with the Test for Surface-Burning Characteristics of the Building Materials (See the Building Code standards based on ASTM E-84 and ANSI/UL 723).

**704.3** ~~((Delete entire section.))~~ Except where specifically required to be connected indirectly to the drainage system, or when first approved by the authority having jurisdiction, all plumbing fixtures, drains, appurtenances, and appliances shall be directly connected to the drainage system of the building or premises.

**710.3** The minimum size of any pump or any discharge pipe from a sump having a water closet connected thereto shall be not less than two (2) inches (52 mm).

Sections 710.3.1 through 710.3.3 are not adopted.

**CHAPTER 7, PART II—BUILDING SEWERS**

**Part II Building Sewers.** Delete all of Part II (Sections 713 through 723, and Tables 7-7 and 7-8).

AMENDATORY SECTION (Amending WSR 02-01-114, filed 12/18/01, effective 7/1/02)

**WAC 51-56-0800 Chapter 8—Indirect wastes.**

~~((810.4 Strainers. Every indirect waste interceptor receiving discharge containing particles that would clog the receptor drain shall have a readily removable dome strainer.))~~

AMENDATORY SECTION (Amending WSR 02-01-114, filed 12/18/01, effective 7/1/02)

**WAC 51-56-0900 Chapter 9—Vents.**

**903.1.2** ABS and PVC DWV piping installations shall be installed in accordance with IS 5((;)) and IS 9((; and Appendix M "Firestop Protection for DWV and Stormwater Application.")). Except for individual single family dwelling units, materials exposed within ducts or plenums shall have a flame-spread index of not more than 25 and a smoke developed index of not more than 50, when tested in accordance with the Test for Surface-Burning Characteristics of the Building Materials (see the Building Code standards based on ASTM E-84 and ANSI/UL 723).

**908.4.1 Where Permitted.** Any combination of fixtures within one (1) or two (2) bathrooms located on the same floor level and serving dwelling units or sleeping units shall be permitted to be vented by a wet vent. The wet vent shall be considered the vent for the fixtures and shall extend from the connection of the dry vent along the direction of the flow in the drain pipe to the most downstream fixture drain connection to the horizontal branch drain. Only the fixtures within the bathroom(s) shall connect to the wet-vented horizontal branch drain. Any additional fixtures shall discharge downstream of the wet vent system and be conventionally vented.

AMENDATORY SECTION (Amending WSR 04-01-110, filed 12/17/03, effective 7/1/04)

**WAC 51-56-1100 Chapter 11—Storm drainage.**

**1101.3 Material Uses.** Rainwater piping placed within the interior of a building or run within a vent or shaft shall be of cast iron, galvanized steel, wrought iron, brass, copper, lead, Schedule 40 ABS DWV, Schedule 40 PVC DWV, or other approved materials, and changes in direction shall conform to the requirements of Section 706.0. ABS and PVC DWV piping installations shall be installed in accordance with IS 5 and IS 9. Except for individual single-family dwelling units, materials exposed within ducts or plenums shall have a flame-spread index of not more than 25 and a smoke-developed index of not more than 50, when tested in accordance with the Test for Surface-Burning Characteristics of the Building Materials (see the Building Code standards based on ASTM E-84 and ANSI/UL 723).

**1101.12.0 Cleanouts.**

**1101.12.1** Cleanouts for building storm drains shall comply with the requirements of this section. Rain leaders and conductors connected to a building storm sewer shall have a cleanout installed at the base of the outside leader or outside conductor before it connects to the horizontal drain. Cleanouts shall be placed inside the building near the connection between the building drain and the building sewer or installed outside the building at the lower end of the building drain and extended to grade.

**1101.12.2** Each cleanout shall be installed so that it opens to allow cleaning in the direction of flow of the soil or waste or at right angles thereto, and except in the case of wye branch and end-of-line cleanouts, shall be installed vertically above the flow line of the pipe.

**1101.12.3** Cleanouts installed under concrete or asphalt paving shall be made accessible by yard boxes, or extending flush with paving with approved materials and be adequately protected.

**1101.12.4** Approved manholes may be installed in lieu of cleanouts when first approved by the authority having jurisdiction. The maximum distance between manholes shall not exceed three hundred (300) feet (91.4 m).

The inlet and outlet connections shall be made by the use of a flexible compression joint no closer than twelve (12) inches (305 mm) to, and not farther than three (3) feet (914 mm) from the manhole. No flexible compression joints shall be embedded in the manhole base.

**1108.0 Controlled-Flow Roof Drainage.** This section is not adopted.

AMENDATORY SECTION (Amending WSR 04-01-110, filed 12/17/03, effective 7/1/04)

**WAC 51-56-1300 Chapter 13—Health care facilities and medical gas and vacuum systems.**

**Part II Medical Gas and Vacuum Systems**

**1309.0 Scope.**

AMENDATORY SECTION (Amending WSR 04-01-110, filed 12/17/03, effective 7/1/04)

**WAC 51-56-1400 Chapter 14—Referenced standards.**

**TABLE 14-1  
Standards for Materials, Equipment, Joints and Connections**

Where more than one standard has been listed for the same material or method, the relevant portions of all such standards shall apply.

Add the following standard to those listed in Table 14-1:

Standard Number	Standard Title	Application	((Indicate if Not Approved in the UPC))
<u>NFPA 99-2005</u>	<u>Health Care Facilities</u>	<u>Piping</u>	
<u>NFPA 99C-2005</u>	<u>Gas and Vacuum Systems</u>	<u>Piping</u>	
WAC 246-290-490	Washington State Department of Health Cross-connection Control Requirements	Backflow Protection	

NEW SECTION

**WAC 51-56-1600 Chapter 16—Gray water systems.**

**Part I, Gray Water Systems, is not adopted.**

**1309.1** The provisions herein shall apply to the design, installation, testing, and verification of medical gas, medical vacuum systems, and related permanent equipment in hospitals, clinics, and other health care facilities.

**1309.2** The purpose of this chapter is to provide minimum requirements for the design, installation, testing and verification of medical gas, medical vacuum systems, and related permanent equipment, from the central supply system to the station outlets or inlets.

**1313.3 Minimum Station Outlets/Inlets.** Station outlets and inlets for medical gas and medical vacuum systems shall be provided as listed in chapter 246-320 WAC ((246-320-525)).

**1331.0 System Verification.**

**1331.1** Prior to any medical gas system being placed in service, each and every system shall be verified as described in section 1331.2.

**1331.1.1** Verification tests shall be performed only after all tests required in section 1329.0, Installer Performed Tests, have been completed.

Testing shall be conducted by a party technically competent and experienced in the field of medical gas and vacuum pipeline testing and meeting the requirements of ANSI/ASSE Standard 6030, Medical Gas Verifiers Professional Qualifications Standard.

Testing shall be performed by a party other than the installing contractor or material vendor.

When systems have been installed by in-house personnel, testing shall be permitted by personnel of that organization who meet the requirements of this section.

AMENDATORY SECTION (Amending WSR 04-01-110, filed 12/17/03, effective 7/1/04)

**WAC 51-57-003 Uniform Plumbing Code Standards.** The ((2003)) 2006 edition of the Uniform Plumbing Code Standards (Appendixes A, B and I), published by the International Association of Plumbing and Mechanical Officials are hereby adopted by reference.

NEW SECTION

**WAC 51-57-004 Conflicts between Appendix I and the manufacturer's installation instructions.** Where a conflict exists between the provisions of Appendix I and the manufacturer's installation instructions, the conditions of the listing and the manufacturer's installation instructions shall apply.

AMENDATORY SECTION (Amending WSR 02-01-114, filed 12/18/01, effective 7/1/02)

**WAC 51-57-007 Exceptions.** The exceptions and amendments to the ~~((Uniform))~~ Model Codes contained in the provisions of chapter 19.27 RCW shall apply in cases of conflict with any of the provisions of these rules.

AMENDATORY SECTION (Amending WSR 04-01-110, filed 12/17/03, effective 7/1/04)

**WAC 51-57-008 Implementation.** The Uniform Plumbing Code Standards adopted by chapter 19.27 RCW shall become effective in all counties and cities of this state on July 1, ~~((2004))~~ 2007, unless local government residential amendments have been approved by the state building code council.

AMENDATORY SECTION (Amending WSR 04-01-110, filed 12/17/03, effective 7/1/04)

**WAC 51-57-202000 Installation standard 20-200—CPVC solvent cemented hot and cold water distribution systems.**

~~((301.1.1 Materials. Materials shall comply with the following:))~~

<b>Materials</b>	<b>ASTM Std</b>
<del>Raw Material—CPVC 23447-B</del>	<del>D1784-95</del>
<del>IPS pipe</del>	
<del>    Sch 40 (1/2 in., 3/4 in., and 1 in.)</del>	<del>F 441-89e1</del>
<del>    Sch 80 (1/2 in. - 2 in.)</del>	<del>F 441-94</del>
<del>Tubing</del>	
<del>    SDR 11 (1/2 in. - 2 in.)</del>	<del>D2846-93</del>
<del>Fittings</del>	
<del>    Sch 40 (1/2 in., 3/4 in., and 1 in.)</del>	<del>F 438-93</del>
<del>    Sch 80 (1/2 in. - 2 in.)</del>	<del>F 439-93a</del>
<del>    Tube Fittings (1/2 in. - 2 in.)</del>	<del>D2846-93))</del>

**2.1.2 Primer.** Listed primers shall be used that are compatible with the type of listed CPVC cement and pipe used. The primer shall be a true solvent for CPVC, containing no slow-drying ingredient. Cleaners shall not be allowed to be used as a substitute or equivalent for a listed primer.

EXCEPTION: Listed solvent cements that do not require the use of primer shall be permitted for use with CPVC pipe and fittings, manufactured in accordance with ASTM D2845 ~~((1/2 in. - 2 in.)), 1/2 inch through 2 inches in diameter.~~

AMENDATORY SECTION (Amending WSR 02-01-114, filed 12/18/01, effective 7/1/02)

**WAC 51-57-790000 Installation Standard ~~((7-90))~~ 7-03—Polyethylene cold water building supply and yard piping.**

~~((604.1))~~ **2.6.1 Location.** Polyethylene piping may terminate within a building or structure. The connection to the potable water distribution system shall be accessible, except that it may be buried underground outside of the building or structure in an accessible location. Barbed insert fittings with hose clamps are prohibited within a building.

AMENDATORY SECTION (Amending WSR 02-01-114, filed 12/18/01, effective 7/1/02)

**WAC 51-57-895000 Installation Standard ~~((8-95))~~ 8-03—PVC cold water building supply and yard piping.**

~~((604.1))~~ **2.7.1 Location.** PVC piping may terminate within a building or structure. The connection to the potable water distribution system shall be accessible, except that it may be buried underground outside of the building or structure in an accessible location.

**WSR 06-16-112  
PROPOSED RULES  
BUILDING CODE COUNCIL**  
[Filed August 1, 2006, 11:28 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-07-126.

Title of Rule and Other Identifying Information: Amendment of chapter 51-51 WAC, adoption and amendment of the 2006 Edition of the International Residential Code (IRC).

Hearing Location(s): Spokane City Council Chambers, West 808 Spokane Falls Boulevard, Spokane, WA, on September 8, 2006, at 10:00 a.m.; and at the Holiday Inn Select Renton, One Grady Way South, Renton, WA, on October 13, 2006, at 10:00 a.m.

Date of Intended Adoption: November 17, 2006.

Submit Written Comments to: John Neff, Council Chair, P.O. Box 42525, Olympia, WA 98504-2525, e-mail sbcc@cted.wa.gov, fax (360) 586-9383, by October 13, 2006.

Assistance for Persons with Disabilities: Contact Sue Mathers by August 31, 2006, TTY (360) 586-0772 or (360) 725-2966.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rules adopt the most recently published edition of the IRC and make changes to the state amendments to this code.

1. WAC 51-51-003 International Residential Code: Adopts by reference the 2006 edition of the International Residential Code, excluding chapters 11 and 25 through 42. References appropriate regulations for plumbing, energy and electrical codes.

2. WAC 51-51-008 Implementation: Sets an effective date of July 1, 2007.

3. Section R102 Applicability: Specifies that appendices do not apply unless adopted locally, and approved by the state building code council. Retains amendment related to moved buildings in accordance with RCW 19.27.180.

4. Section R202 Definitions: Retains existing amendments and adds definitions of "dwelling unit" and "small business."

5. Section R310.6 Access to emergency escape and rescue openings: Requires a firm level base on the ground below escape and rescue openings for ladder access.

6. Section R311 Means of egress: Retains and makes editorial corrections to section exempting limited areas in dwellings from stairway requirements.

7. Section R313 Smoke alarms: Moves smoke alarm requirements specific to family child day care homes to section regulating dwelling units.

8. Section R317.2 Townhouses: Provides for continuity in the fire resistant wall between townhouses where a story extends beyond the story below.

9. Section R325 Adult family homes: Retains state amendment related to adult family homes in a new section.

10. Section R326 Family child day care homes: Retains state amendment related to family child day care homes in a new section.

11. Section R327 Protection against radon: Adopts the radon control methods of Appendix F for high radon potential counties.

12. Sections R403 and R404 Footings and Foundations; Sections R602.3; R602.10; R602.11 Wood Wall Bracing: Option 1 revises sections on footings and foundations and wood wall bracing to eliminate overlapping provisions for the support of interior braced walls by continuous footings and foundations. Option 2 modifies Option 1 and addresses additional provisions for lateral support of foundation walls.

13. Section R408 Under-floor space: Revises amount of opening area required for under-floor ventilation.

14. Section R613 Exterior windows and glass doors: Provides an exception to the testing requirements for windows and glass doors manufactured by a small business.

15. Section R703 Exterior wall covering: This section includes new requirements in the 2006 IRC for a means of draining water that enters the exterior wall envelope, where water resistive barriers are required, and requirements for flashing.

16. Section R806—Roof ventilation: This section, allowing unvented attic spaces, is not adopted.

17. Section M1201—General: Provides standards required for liquid petroleum gas (propane) installations consistent with RCW 19.27.031.

18. Chapter 43—Referenced standards: Retains test standard for emissions from fireplaces.

19. Appendix F radon control methods: Identifies high radon potential counties, and for those counties requires compliance with construction techniques in this appendix.

Reasons Supporting Proposal: RCW 19.27.031 and 19.27.074.

Statutory Authority for Adoption: RCW 19.27.031 and 19.27.074.

Statute Being Implemented: Chapters 19.27 and 34.05 RCW.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The council is seeking comments on the issues proposed in the following rules.

Name of Proponent: Washington state building code council, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Tim Nogler, P.O. Box 42525, Olympia, WA 98504-2525, (360) 725-2969; and Enforcement: Local jurisdictions.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule will update the adoption of model codes to stay current with national standards for the benefit of industry and Washington state interests. New state amendments clarify and simplify the code. Where disproportionate economic impact on small business was identified, proposed amendments mitigate the impact by providing an exemption for small business.

A cost-benefit analysis is not required under RCW 34.05.328. The state building code council is not listed in this section as one of the agencies required to comply with this statute.

August 1, 2006

John P. Neff

Council Chair

AMENDATORY SECTION (Amending WSR 04-01-109, filed 12/17/03, effective 7/1/04)

**WAC 51-51-003 International Residential Code.** The ((2003)) 2006 edition of the *International Residential Code* as published by the International Code Council is hereby adopted by reference with the following additions, deletions, and exceptions: Provided that chapters 11 and 25 through 42 of this code are not adopted. Energy Code is regulated by chapter 51-11 WAC; Plumbing Code is regulated by chapter 51-56 WAC; Electrical Code is regulated by chapter 296-46B WAC or Electrical Code as adopted by the local jurisdiction.

AMENDATORY SECTION (Amending WSR 04-01-109, filed 12/17/03, effective 7/1/04)

**WAC 51-51-008 Implementation.** The International Residential Code adopted by chapter 51-51 Washington Administrative Code (WAC) shall become effective in all counties and cities of this state on July 1, ((2004)) 2007.

AMENDATORY SECTION (Amending WSR 04-01-109, filed 12/17/03, effective 7/1/04)

**WAC 51-51-0102 Section R102—Applicability.**

**R102.5 Appendices.** Provisions in the appendices shall not apply unless specifically referenced in the adopting ordinance. An appendix adopted by a local jurisdiction shall not be effective unless approved by the state building code council pursuant to RCW 19.27.060 (1)(a).

**R102.7.2 Moved buildings.** Buildings or structures moved into or within a jurisdiction shall comply with the provisions of this code, the International Building Code (chapter 51-50 WAC), the International Mechanical Code (chapter 51-52 WAC), the International Fire Code (chapter 51-54 WAC), the Uniform Plumbing Code and Standards (chapters 51-56 and 51-57 WAC), the Washington State Energy Code (chapter 51-11 WAC) and the Washington State Ventilation and Indoor Air Quality Code (chapter 51-13 WAC) for new buildings or structures.

EXCEPTION: Group R-3 buildings or structures are not required to comply if:

1. The original occupancy classification is not changed; and
2. The original building is not substantially remodeled or rehabilitated.

For the purposes of this section a building shall be considered to be substantially remodeled when the costs of remodeling exceed 60 percent of the value of the building exclusive of the costs relating to preparation, construction, demolition or renovation of foundations.

AMENDATORY SECTION (Amending WSR 04-01-109, filed 12/17/03, effective 7/1/04)

**WAC 51-51-0202 Section R202—Definitions.**

**ADULT FAMILY HOME** means a dwelling in which a person or persons provide personal care, special care, room and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services.

**CHILD DAY CARE**, shall, for the purposes of these regulations, mean the care of children during any period of a 24 hour day.

**CHILD DAY CARE HOME, FAMILY** is a child day care facility, licensed by the state, located in the dwelling of the person or persons under whose direct care and supervision the child is placed, for the care of twelve or fewer children, including children who reside at the home.

**DWELLING UNIT.** A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. Dwelling units may also include the following uses:

1. Adult family homes, foster family care homes and family day care homes licensed by the Washington state department of social and health services.

2. Offices, mercantile, food preparation for off-site consumption, personal care salons or similar uses which are conducted primarily by the occupants of the dwelling unit and are secondary to the use of the unit for dwelling purposes, and which do not exceed 500 square feet (46.4m<sup>2</sup>).

**SMALL BUSINESS.** Any business entity (including a sole proprietorship, corporation, partnership or other legal entity) which is owned and operated independently from all other businesses, which has the purpose of making a profit, and which has fifty or fewer employees, or which has a million dollars or less per year in gross sales, of window products.

**UNUSUALLY TIGHT CONSTRUCTION.** Construction meeting the following requirements:

1. Walls exposed to the outside atmosphere having a continuous water vapor retarder with a rating of 1 perm (57 ng/s·m<sup>2</sup>·Pa) or less with openings gasketed or sealed;

2. Openable windows and doors meeting the air leakage requirements of the *International Energy Conservation Code*, Section 502.1.4; and

3. Caulking or sealants are applied to areas such as joints around window and door frames, between sole plates and floors, between wall-ceiling joints, between wall panels, at penetrations for plumbing, electrical and gas lines, and at other openings; or

4. Buildings built in compliance with the 1986 or later editions of the Washington State Energy Code chapter 51-11 WAC, Northwest Energy Code, or Super Good Cents weatherization standards or equivalent.

NEW SECTION

**WAC 51-51-0310 Section R310—Emergency escape and rescue openings.**

**R310.6 Access to emergency escape and rescue openings.**

An approved firm level base for ground ladder access shall be provided below emergency escape and rescue openings when required by the fire code official.

EXCEPTION: One- and two-family buildings equipped throughout with an approved automatic sprinkler system installed in accordance with IFC 903.3.1.3.

AMENDATORY SECTION (Amending WSR 04-01-109, filed 12/17/03, effective 7/1/04)

**WAC 51-51-0311 Section R311—Means of egress.**

**R311.1 General.** Stairways, ramps, exterior exit balconies, hallways and doors shall comply with this section.

EXCEPTION: Stairs or ladders within an individual dwelling unit used ~~((to gain))~~ for access to areas of 200 square feet (18.6 m<sup>2</sup>) or less, and not containing the primary bathroom or kitchen.

~~((R311.6.3.3 Continuity. Handrails where required on ramps shall be continuous for the full length of the ramp. Handrail ends shall be returned or shall terminate in newel posts or safety terminals. Handrails adjacent to a wall shall have a space of not less than 1.5 inches (38 mm) between the wall and the handrails. At least one handrail shall extend in the direction of ramp run not less than 12 inches (305 mm) horizontally beyond the top and bottom of the ramp runs.))~~

AMENDATORY SECTION (Amending WSR 04-01-109, filed 12/17/03, effective 7/1/04)

**WAC 51-51-0313 Section R313—Smoke alarms.**

~~((R313.3 Family child day care homes. In family child day care homes operable smoke alarms shall be located in all sleeping and napping areas. When the family child day care home has more than one story, and in family child day care homes with basements, an operable smoke alarm shall be installed on each story and in the basement. In family child~~

day care homes where a story or basement is split into two or more levels, the smoke alarm shall be installed in the upper level, except that when the lower level contains a sleeping or napping area, an operable smoke alarm shall be located on each level. When sleeping rooms are on an upper level, the smoke alarm shall be placed at the ceiling of the upper level in close proximity to the stairway. In family child day care homes where the ceiling height of a room open to the hallway serving the bedrooms exceeds that of the hallway by 24 inches or more, smoke alarms shall be installed in the hallway and the adjacent room. Smoke alarms shall sound an alarm audible in all areas of the building.)) **R313.2 Location.** Smoke alarms shall be installed in the following locations:

1. In each sleeping room.
2. Outside each separate sleeping area in the immediate vicinity of the bedrooms.
3. On each additional story of the dwelling, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

4. In napping areas in family child day care homes.

When more than one smoke alarm is required to be installed within an individual dwelling unit, the alarm devices shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in the individual unit.

#### NEW SECTION

#### **WAC 51-51-0317 Section R317—Dwelling unit separation.**

**R317.2 Townhouses.** Each townhouse shall be considered a separate building and shall be separated by fire-resistance-rated wall assemblies meeting the requirements of Section R302 for exterior walls.

EXCEPTION: A common 2-hour fire-resistance-rated wall is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. Penetrations of electrical outlet boxes shall be in accordance with Section R317.3.

**R317.2.1 Continuity.** The fire-resistance-rated wall or assembly separating townhouses shall be continuous from the foundation to the underside of the roof sheathing, deck or slab. The fire-resistance-rating shall extend the full length of the wall or assembly, including wall extensions through and separating attached enclosed accessory structures.

Where a story extends beyond the exterior wall of a story below:

1. The fire-resistance-rated wall or assembly shall extend to the outside edge of the upper story; or
2. The underside of the exposed floor-ceiling assembly shall be protected as required for projections in Section R302.

AMENDATORY SECTION (Amending WSR 04-01-109, filed 12/17/03, effective 7/1/04)

#### **WAC 51-51-0325 Section R325—Adult family ((child day care)) homes.**

##### SECTION R325

##### ADULT FAMILY ((CHILD DAY CARE)) HOMES

~~((R325 Family Child Day Care Homes. For family child day care homes with more than six children, each floor level used for family child day care purposes shall be served by two remote means of egress. Exterior exit doors shall be operable from the inside without the use of keys or any special knowledge or effort.~~

~~Basements located more than 4 feet below grade level shall not be used for family child day care homes unless one of following conditions exist:~~

1. ~~Stairways from the basement open directly to the exterior of the building without entering the first floor; or~~
2. ~~One of the two required means of egress discharges directly to the exterior from the basement level, and a self closing door is installed at the top or bottom of the interior stair leading to the floor above; or~~
3. ~~One of the two required means of egress is an operable window or door, approved for emergency escape or rescue, that opens directly to a public street, public alley, yard or exit court; or~~

4. ~~A residential sprinkler system is provided throughout the entire building in accordance with National Fire Protection Association Standard 13d.~~

~~Floors located more than 4 feet above grade level shall not be occupied by children in family day care homes.~~

EXCEPTIONS: ~~1. Use of toilet facilities while under supervision of an adult staff person.  
2. Family child day care homes may be allowed on the second story if one of the following conditions exists:  
2.1 Stairways from the second story open directly to the exterior of the building without entering the first floor; or  
2.2 One of the two required means of egress discharges directly to the exterior from the second story level, and a self-closing door is installed at the top or bottom of the interior stair leading to the floor below; or  
2.3 A residential sprinkler system is provided throughout the entire building in accordance with National Fire Protection Association Standard 13d.~~

~~Every sleeping or napping room in a family child day care home shall have at least one operable window for emergency rescue.~~

EXCEPTION: ~~Sleeping or napping rooms having doors leading to two separate means of egress, or a door leading directly to the exterior of the building.~~

~~Rooms or spaces containing a commercial type cooking kitchen, boiler, maintenance shop, janitor closet, laundry, woodworking shop, flammable or combustible storage, or painting operation shall be separated from the family child day care area by at least one-hour fire resistive construction.~~

EXCEPTION: ~~A fire-resistive separation shall not be required where the food preparation kitchen contains only a domestic cook-~~

~~ing range, and the preparation of food does not result in the production of smoke or grease laden vapors.)~~

**R325.1 General.** This section shall apply to all newly constructed adult family homes and all existing single family homes being converted to adult family homes. This section shall not apply to those adult family homes licensed by the state of Washington department of social and health services prior to July 1, 2001.

**R325.2 Submittal Standards.** In addition to those requirements in Section 106.1, the submittal shall identify the project as a Group R-3 Adult Family Home Occupancy. A floor plan shall be submitted identifying the means of egress and the components in the means of egress such as stairs, ramps, platform lifts and elevators. The plans shall indicate the rooms used for clients and the sleeping room classification of each room.

**R325.3 Sleeping Room Classification.** Each sleeping room in an adult family home shall be classified as:

1. Type S - where the means of egress contains stairs, elevators or platform lifts.
2. Type NS1 - where one means of egress is at grade level or a ramp constructed in accordance with R311.6 is provided.
3. Type NS2 - where two means of egress are at grade level or ramps constructed in accordance with R311.6 are provided.

**R325.4 Types of Locking Devices.** All bedroom and bathroom doors shall be openable from the outside when locked.

Every closet shall be readily openable from the inside.

**R325.5 Smoke Alarm Requirements.** All adult family homes shall be equipped with smoke alarms installed as required in Section R313. Alarms shall be installed in such a manner so that the fire warning may be audible in all parts of the dwelling upon activation of a single device.

**R325.6 Escape Windows and Doors.** Every sleeping room shall be provided with emergency escape and rescue windows as required by Section R310.

**R325.7 Fire Apparatus Access Roads and Water Supply for Fire Protection.** Adult family homes shall be served by fire apparatus access roads and water supplies meeting the requirements of the local jurisdiction.

#### NEW SECTION

**WAC 51-51-0326 Section R326—Family child day care homes.**

#### SECTION R326 FAMILY CHILD DAY CARE HOMES

**R326 Family Child Day Care Homes.** For family child day care homes with more than six children, each floor level used for family child day care purposes shall be served by two remote means of egress. Exterior exit doors shall be operable from the inside without the use of keys or any special knowledge or effort.

Basements located more than 4 feet below grade level shall not be used for family child day care homes unless one of following conditions exist:

1. Stairways from the basement open directly to the exterior of the building without entering the first floor; or
2. One of the two required means of egress discharges directly to the exterior from the basement level, and a self-closing door is installed at the top or bottom of the interior stair leading to the floor above; or
3. One of the two required means of egress is an operable window or door, approved for emergency escape or rescue, that opens directly to a public street, public alley, yard or exit court; or
4. A residential sprinkler system is provided throughout the entire building in accordance with National Fire Protection Association Standard 13d.

Floors located more than 4 feet above grade level shall not be occupied by children in family day care homes.

- EXCEPTIONS:
1. Use of toilet facilities while under supervision of an adult staff person.
  2. Family child day care homes may be allowed on the second story if one of the following conditions exists:
    - 2.1 Stairways from the second story open directly to the exterior of the building without entering the first floor; or
    - 2.2 One of the two required means of egress discharges directly to the exterior from the second story level, and a self-closing door is installed at the top or bottom of the interior stair leading to the floor below; or
    - 2.3 A residential sprinkler system is provided throughout the entire building in accordance with National Fire Protection Association Standard 13d.

Every sleeping or napping room in a family child day care home shall have at least one operable window for emergency rescue.

- EXCEPTION:
- Sleeping or napping rooms having doors leading to two separate means of egress, or a door leading directly to the exterior of the building.

Rooms or spaces containing a commercial-type cooking kitchen, boiler, maintenance shop, janitor closet, laundry, woodworking shop, flammable or combustible storage, or painting operation shall be separated from the family child day care area by at least one-hour fire-resistive construction.

- EXCEPTION:
- A fire-resistive separation shall not be required where the food preparation kitchen contains only a domestic cooking range, and the preparation of food does not result in the production of smoke or grease laden vapors.

#### NEW SECTION

**WAC 51-51-0327 Section R327—Protection against radon.**

**R327.1 Protection Against Radon.** The radon control provisions of Appendix F of this code shall apply to buildings constructed in High Radon Potential Counties (zone 1) designated in Table AF101 (1). The radon control provisions of Appendix F of this code shall also apply to all buildings constructed using the provisions of Section R408.3 Unvented crawl space compliance method.

**OPTION 1**  
**SECTIONS 0403 AND 0404**

NEW SECTION**WAC 51-51-0403 Section R403—Footings.**

**R403.1 General.** All exterior walls shall be supported on solid or fully grouted masonry or concrete footings, wood foundations, or other approved structural systems of sufficient design to accommodate all loads specified in Section R301 and to transmit the resulting loads to the supporting soil within the limitations determined from the characteristics of the soil. Footings shall be supported on undisturbed natural soil or fill soils in accordance with Section R401.2.

EXCEPTION: Foundation walls complying with Section R404 or stem walls complying with Section R403.1.3 shall be permitted to support exterior walls provided they are supported by footings.

**R403.1.2 Braced wall panels at Seismic Design Categories D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub>.** The braced wall panels at interior and exterior walls of buildings assigned to Seismic Design Categories D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub> shall be supported by foundations.

EXCEPTIONS: 1. At buildings in Seismic Design Categories D<sub>0</sub> and D<sub>1</sub>, and at one-story buildings in Seismic Design Category D<sub>2</sub>, interior braced wall panels are not required to be supported by foundations, provided no building plan dimension perpendicular to the interior braced wall lines is greater than 50 feet.

2. At two-story buildings in Seismic Design Category D<sub>2</sub>, interior braced wall panels are not required to be supported by foundations, provided all of the following conditions are met:

2.1. No building plan dimension perpendicular to the interior braced wall lines exceeds 50 feet;

2.2. The distances between braced wall lines do not exceed twice the building width measured parallel to the braced wall lines;

2.3. The braced wall panels at the first story are continuously supported by floor joists, blocking or floor beams; and

2.4. The heights of braced wall panels in under-floor spaces do not exceed 48 inches (1219 mm).

**R403.1.2.1 Foundations.** Foundations at braced wall panels shall be constructed of masonry or concrete foundation walls in accordance with Sections R402 and R404, and masonry or concrete footings in accordance with Sections R402 and R403.

EXCEPTION: In under-floor spaces, braced wall panels shall be permitted to substitute for the foundation wall provided they comply with the following:

1. They are located directly below the braced wall panels above;
2. They are in accordance with Sections R602.10.2 and R602.10.9.4 for cripple wall bracing; and
3. They are supported by footings complying with Sections R402 and R403.

**R403.1.2.2 Exterior braced wall panels.** Foundation walls complying with Section R404 or stem walls complying with Section R403.1.3 shall be permitted to support braced wall panels at exterior walls provided they are supported by footings.

**R403.1.2.3 Footing size.** In addition to the requirements of Section R403.1.1, footings shall be constructed beyond the ends of foundation walls, stem walls and cripple walls supporting braced wall panels for a minimum distance of 4 inches and a maximum distance of the footing thickness.

**R403.1.3 Concrete reinforcement in Seismic Design Categories D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub>.** Concrete footings of buildings assigned to Seismic Design Categories D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub> shall comply with this section and have minimum reinforcement as specified by Section R403.1.3.1 or R403.1.3.2. Bottom reinforcement shall be located 3 inches (76 mm) to 4 inches (102 mm) from the bottom of the footing.

Where a construction joint is created between a concrete footing and a concrete stem wall, minimum vertical reinforcement of one No. 4 bar shall be installed at not more than 4 feet (1219 mm) on center. The bars shall extend to 3 inches (76 mm) clear of the bottom of the footing, have a standard hook, and extend into the stem wall the lesser of 2 inches (49 mm) clear of the top of the wall and 14 inches (357 mm).

Where a solidly grouted masonry stem wall is supported on a concrete footing, minimum vertical reinforcement of one No. 4 bar shall be installed at not more than 4 feet (1219 mm) on center. The bars shall extend to 3 inches (76 mm) clear of the bottom of the footing, have a standard hook, and extend into the stem wall the lesser of 2 inches (49 mm) clear of the top of the wall and 14 inches (357 mm).

Masonry stem walls without solid grout or vertical reinforcing are not permitted.

Concrete and masonry stem walls shall comply with the requirements of Section R404 for foundation walls.

EXCEPTION: In detached one- and two-family dwellings of light-framed construction and three stories or less above grade, plain concrete footings supporting walls, columns or pedestals are permitted.

**R403.1.3.1 Footings with stem walls.** Footings with stem walls shall have installed a minimum of one No. 4 bar within 12 inches (305 mm) of the top of the wall and one No. 4 bar located 3 inches (76 mm) to 4 inches (102 mm) from the bottom of the footing.

**R403.1.3.2 Slabs-on-ground with turned-down footings.** Slabs-on-ground with turned-down footings shall have a minimum of one No. 4 bar located 3 inches (76 mm) to 4 inches (102 mm) from the top and bottom of the footing.

EXCEPTION: For slabs-on-ground cast monolithically with a footing, one No. 5 bar or two No. 4 bars shall be located in the middle third of the footing depth.

**R403.1.4 Minimum depth.** All exterior footings shall be placed at least 12 inches (305 mm) below the undisturbed ground surface. Where applicable, the depth of footings shall also comply with Sections R403.1.4.1 through R403.1.4.2.

**R403.1.4.1 Frost protection.** Except where otherwise protected from frost, foundations, piers and other permanent supports of buildings and structures shall be protected from frost by one or more of the following methods:

1. Extend below the frost line specified in Table R301.2(1);
2. Construct in accordance with Section R403.3;
3. Construct in accordance with ASCE 32; or



## 4. Erect on solid rock.

EXCEPTIONS: 1. Protection of freestanding accessory structures with an area of 600 square feet (56 m<sup>2</sup>) or less, of light-framed construction, with an eave height of 10 feet (3048 mm) or less shall not be required.

2. Protection of freestanding accessory structures with an area of 400 square feet (37 m<sup>2</sup>) or less, of other than light-framed construction, with an eave height of 10 feet (3048 mm) or less shall not be required.

3. Decks not supported by a dwelling need not be provided with footings that extend below the frost line.

Footings shall not bear on frozen soil unless the frozen condition is permanent.

**R403.1.6 Anchorage at braced wall panels.** Where braced wall panels are supported by footings or foundations, the wood sill plates or cold-formed steel bottom tracks shall be anchored to the footing or foundation in accordance with this section.

The wood sill plate shall be anchored to the footing or foundation with anchor bolts spaced a maximum of 6 feet (1829 mm) on center. There shall be a minimum of two bolts per plate section with one bolt located not more than 12 inches (305 mm) and not less than seven bolt diameters from each end of the plate section. Bolts shall be at least 1/2 inch (13 mm) in diameter and shall extend a minimum of 7 inches (178 mm) into masonry or concrete. A nut and washer shall be tightened to a snug-tight condition on each bolt to the plate.

Cold-formed steel framing systems shall be fastened to wood sill plates or anchored directly to the foundation in accordance with Section R505.3.1 or R603.3.1.

EXCEPTIONS: 1. Anchorage, spaced as required to provide equivalent anchorage to 1/2-inch-diameter (13 mm) anchor bolts.

2. Walls 24 inches (610 mm) or less in length connecting offset braced wall panels shall be anchored to the footing or foundation with a minimum of one anchor bolt located in the center third of the plate section and shall be attached to adjacent braced wall panels as specified in Figure R602.10.5 at the corners.

3. Walls 12 inches (305 mm) or less in length connecting offset braced wall panels shall be permitted to be connected to the footing or foundation without anchor bolts. The wall shall be attached to adjacent braced wall panels as specified in Figure R602.10.5 at the corners.

**R403.1.6.1 Anchorage in Seismic Design Categories C, D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub>.** In addition to the requirements of Section R403.1.6, the following requirements shall apply to all structures of wood light-framed construction in Seismic Design Categories D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub> and townhouses of wood light-framed construction in Seismic Design Category C.

1. Interior braced wall sill plates shall be anchored to footings or foundations with anchor bolts spaced at not more than 6 feet (1829 mm) on center, and located not more than 12 inches (305 mm) and not less than seven bolt diameters from the ends of each plate section, when supported on a foundation.

2. The maximum anchor bolt spacing shall be 4 feet (1219 mm) for buildings over two stories in height.

3. Plate washers complying with Section R602.11.1 shall be installed on the anchor bolts over the full length of required braced wall panels. Properly sized cut washers shall

be permitted for anchor bolts in wall lines not containing braced wall panels.

4. Stepped cripple walls shall comply with Section R602.11.3.

5. Where wood foundations in accordance with Sections R402.1 and R404.2 are used, the force transfer shall have a capacity equal to or greater than the connections required by Section R602.11.1 or the braced wall panel shall be connected to the wood foundations in accordance with the braced wall panel-to-floor fastening requirements of Table 602.3(1).

NEW SECTION**WAC 51-51-0404 Section R404—Foundation and retaining walls.**

**R404.1.4 Seismic Design Categories D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub>.** In addition to the requirements of Tables R404.1.1(1) and R404.1.1(5), plain concrete and plain masonry foundation walls located in Seismic Design Categories D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub> shall comply with the following:

1. Wall height shall not exceed 8 feet (2438 mm).

2. Unbalanced backfill height shall not exceed 4 feet (1219 mm).

3. Minimum reinforcement for plain concrete foundation walls shall consist of one No. 4 (No. 13) horizontal bar located in the upper 12 inches (305 mm) of the wall.

4. Minimum thickness for plain concrete foundation walls shall be 7.5 inches (191 mm) except that 6 inches (152 mm) is permitted when the maximum height is 4 feet, 6 inches (1372 mm).

5. Minimum nominal thickness for plain masonry foundation walls shall be 8 inches (203 mm).

6. Masonry stem walls shall have a minimum vertical reinforcement of one No. 4 (No. 13) bar located a maximum of 4 feet (1220 mm) on center in grouted cells. Vertical reinforcement shall be tied to the horizontal reinforcement in the footings.

Foundation walls located in Seismic Design Categories D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub>, supporting more than 4 feet (1219 mm) of unbalanced backfill or exceeding 8 feet (2438 mm) in height shall be constructed in accordance with Table R404.1.1(2), R404.1.1(3) or R404.1.1(4) for masonry, or Table R404.1.1(5) for concrete. Where Table R404.1.1(5) permits plain concrete walls, not less than No. 4 (No. 13) vertical bars at a spacing not exceeding 48 inches (1219 mm) shall be provided. Insulating concrete form foundation walls shall be reinforced as required in Table R404.4(1), R404.4(2), R404.4(3), R404.4(4) or R404.4(5). Where no vertical reinforcement is required by Table R404.4(2), R404.4(3) or R404.4(4) there shall be a minimum of one No. 4 (No. 13) bar at 48 inches (1220 mm) on center. All concrete and masonry foundation walls shall have two No. 4 (No. 13) horizontal bars located in the upper 12 inches (305 mm) of the wall.

**R404.3 Wood sill plates.** Wood sill plates shall be a minimum of 2-inch by 4-inch nominal lumber. Sill plate anchorage shall be in accordance with Sections R403.1.6 and R602.11.

**OPTION 2**  
**SECTIONS 0403 AND 0404**

NEW SECTION**WAC 51-51-0403 Section R403—Footings.**

**R403.1 General.** All exterior walls shall be supported on continuous solid or fully grouted masonry or concrete footings, wood foundations, or other approved structural systems of sufficient design to accommodate all loads specified in Section R301 and to transmit the resulting loads to the supporting soil within the limitations determined from the characteristics of the soil. Footings shall be supported on undisturbed natural soil or fill soils in accordance with Section R401.2. Foundation walls complying with Section R404 or stem walls complying with Section R403.1.3 shall be permitted to support exterior walls and exterior braced wall panels provided they are supported by footings.

**R403.1.2 Braced Wall Panels in Seismic Design Categories D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub>.** The braced wall panels at exterior and interior walls of buildings located in Seismic Design Categories D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub> shall be supported by foundations.

EXCEPTIONS: 1. At buildings in Seismic Design Categories D<sub>0</sub> and D<sub>1</sub>, and at one-story buildings in Seismic Design Category D<sub>2</sub>, interior braced wall panels are not required to be supported by foundations, provided no building plan dimension perpendicular to the interior braced wall lines is greater than 50 feet.

2. At two-story buildings in Seismic Design Category D<sub>2</sub>, interior braced wall panels are not required to be supported by foundations, provided all of the following conditions are met:

2.1. No building plan dimension perpendicular to the interior braced wall lines exceeds 50 feet;

2.2. The distances between braced wall lines do not exceed twice the building width measured parallel to the braced wall lines;

2.3. The braced wall panels at the first story are continuously supported by floor joists, blocking or floor beams; and

2.4. The heights of braced wall panels in under-floor spaces do not exceed 48 inches (1219 mm).

**R403.1.2.1 Foundations.** Foundations at braced wall panels shall be constructed of masonry or concrete foundation walls in accordance with Sections R402 and R404, and masonry or concrete footings in accordance with Sections R402 and R403.

EXCEPTIONS: 1. Footings of foundations supporting interior braced wall panels are not required to be continuous but shall be constructed beyond the ends of foundation walls, stem walls and cripple walls supporting braced wall panels for a minimum distance of 4 inches and a maximum distance of the footing thickness.

2. In under-floor spaces, cripple walls shall be permitted to substitute for masonry or concrete foundation walls provided they comply with the following:

a. They are located directly below the interior braced wall panels above;

b. They are braced in accordance with Sections R602.10.2 and R602.10.11.4 for cripple wall bracing; and

c. They are supported by footings complying with Sections R402 and R403, except that the footing of a foundation supporting an interior braced wall panel is not required to be continuous.

**R403.1.3 Concrete and Masonry Reinforcement in Seismic Design Categories D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub>.** Concrete footings of buildings assigned to Seismic Design Categories D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub> shall comply with this section and have minimum reinforcement as specified by Section R403.1.3.1 or R403.1.3.2. Bottom reinforcement shall be located 3 inches (76 mm) to 4 inches (102 mm) from the bottom of the footing.

Where a construction joint is created between a concrete footing and a concrete stem wall, minimum vertical reinforcement of one No. 4 bar shall be installed at not more than 4 feet (1219 mm) on center. The bars shall extend to 3 inches (76 mm) clear of the bottom of the footing, have a standard hook, and extend into the stem wall the lesser of 2 inches (49 mm) clear of the top of the wall and 14 inches (357 mm).

Where a solidly grouted masonry stem wall is supported on a concrete footing, minimum vertical reinforcement of one No. 4 bar shall be installed at not more than 4 feet (1219 mm) on center. The bars shall extend to 3 inches (76 mm) clear of the bottom of the footing, have a standard hook, and extend into the stem wall to 2 inches (49 mm) clear of the top of the wall.

Masonry stem walls without solid grout and vertical reinforcing are not permitted.

Concrete and masonry stem walls shall comply with the requirements of Section R404 for foundation walls.

EXCEPTION: In detached one- and two-family dwellings of light-framed construction and three stories or less above grade plain concrete footings supporting walls, columns or pedestals are permitted.

**R403.1.3.1 Foundation stem walls.** Foundation stem walls shall have installed a minimum of one No. 4 bar within 12 inches (305 mm) of the top of the stem wall.

**R403.1.3.2 Slabs-on-ground with turned-down footings.** Slabs-on-ground with turned-down footings shall have a minimum of one No. 4 bar located 3 inches (76 mm) to 4 inches (102 mm) from the top and bottom of the footing.

EXCEPTION: For slabs-on-ground cast monolithically with a footing, one No. 5 bar or two No. 4 bars shall be located in the middle third of the footing depth.

**R403.1.4 Minimum depth.** All exterior footings shall be placed at least 12 inches (305 mm) below the undisturbed ground surface. Where applicable, the depth of footings shall also comply with Sections R403.1.4.1 through R403.1.4.2.

**R403.1.4.1 Frost protection.** Except where otherwise protected from frost, foundations, piers and other permanent supports of buildings and structures shall be protected from frost by one or more of the following methods:

1. Extend below the frost line specified in Table R301.2(1);
2. Construct in accordance with Section R403.3;
3. Construct in accordance with ASCE 32; or
4. Erect on solid rock.

EXCEPTIONS: 1. Protection of freestanding accessory structures with an area of 600 square feet (56 m<sup>2</sup>) or less, of light-framed construction, with an eave height of 10 feet (3048 mm) or less shall not be required.

2. Protection of freestanding accessory structures with an area of 400 square feet (37 m<sup>2</sup>) or less, of other than light-

framed construction, with an eave height of 10 feet (3048 mm) or less shall not be required.

3. Decks not supported by a dwelling need not be provided with footings that extend below the frost line. Footings shall not bear on frozen soil unless the frozen condition is a permanent.

**R403.1.6 Anchorage at braced wall panels.** Where braced wall panels are supported by monolithic slabs, footings or foundations, the wood sole plates, wood sill plates or cold-formed steel bottom tracks shall be anchored to the monolithic slab, footing or foundation in accordance with this section.

The wood sole or sill plate shall be anchored to the monolithic slab, footing or foundation with anchor bolts spaced a maximum of 6 feet (1829 mm) on center. There shall be a minimum of two bolts per plate section with one bolt located not more than 12 inches (305 mm) and not less than seven bolt diameters from each end of the plate section. Bolts shall be at least 1/2 inch (13 mm) in diameter and shall extend a minimum of 7 inches (178 mm) into masonry or concrete. A nut and washer shall be tightened to a snug-tight condition on each bolt to the plate.

Cold-formed steel framing systems shall be fastened to wood sill plates or anchored directly to the foundation in accordance with Section R505.3.1 or R603.3.1.

**EXCEPTIONS:**

1. Anchorage, spaced as required to provide equivalent anchorage to 1/2-inch-diameter (13 mm) anchor bolts.
2. Walls 24 inches (610 mm) or less in length connecting offset braced wall panels shall be anchored to the footing or foundation with a minimum of one anchor bolt located in the center third of the plate section and shall be attached to adjacent braced wall panels as specified in Figure R602.10.5 at the corners.
3. Walls 12 inches (305 mm) or less in length connecting offset braced wall panels shall be permitted to be connected to the footing or foundation without anchor bolts. The wall shall be attached to adjacent braced wall panels as specified in Figure R602.10.5 at the corners.

**R403.1.6.1 Anchorage in Seismic Design Categories C, D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub>.** In addition to the requirements of Section R403.1.6, the following requirements shall apply to all structures of wood light-framed construction in Seismic Design Categories D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub> and townhouses of wood light-framed construction in Seismic Design Category C.

1. Interior braced wall sill plates shall be anchored to footings or foundations with anchor bolts spaced at not more than 6 feet (1829 mm) on center, and located not more than 12 inches (305 mm) and not less than seven bolt diameters from the ends of each plate section, when required to be supported on a foundation.

2. The maximum anchor bolt spacing shall be 4 feet (1219 mm) for buildings over two stories in height.

3. Plate washers complying with Section R602.11.1 shall be installed on the anchor bolts over the full length of required braced wall panels. Properly sized cut washers shall be permitted for anchor bolts in wall lines not containing braced wall panels.

4. Stepped cripple walls shall comply with Section R602.11.3.

5. Where wood foundations in accordance with Sections R402.1 and R404.2 are used, the force transfer shall have a capacity equal to or greater than the connections required by

Section R602.11.1 or the braced wall panel shall be connected to the wood foundations in accordance with the braced wall panel-to-floor fastening requirements of Table 602.3(1).

#### NEW SECTION

#### **WAC 51-51-0404 Section R404—Foundation and retaining walls.**

**R404.1 Concrete and masonry foundation walls.** Concrete and masonry foundation walls shall be selected and constructed in accordance with the provisions of Section R404 or in accordance with ACI 318, ACI 332, NCMA TR68-A or ACI 530/ASCE 5/TMS 402 or other approved structural standards. When ACI 318, ACI 332 or ACI 530/ASCE 5/TMS 402 or the provisions of Section R404 are used to design concrete or masonry foundation walls, project drawings, typical details and specifications are not required to bear the seal of the architect or engineer responsible for the design, unless otherwise required by the state law of the jurisdiction having authority.

Foundation walls that meet all of the following shall be considered laterally supported:

1. Full basement floor shall be 3.5 inches (89 mm) thick concrete slab poured tight against the bottom of the foundation wall.

2. Floor joists and blocking shall be connected to the sill plate at the top of the wall by the prescriptive method called out in Table R404.1(1), or; shall be connected with an approved connector with listed capacity meeting Table 404.1(1).

3. Bolt spacing for the sill plate shall be no greater than per Table R404.1(2).

4. Floor shall be blocked perpendicular to the floor joists. Blocking shall be full depth within two joist spaces of the foundation wall, and be flat-blocked with minimum 2-inch by 4-inch (51 mm by 102 mm) blocking elsewhere.

5. Where foundation walls support unbalanced load on opposite sides of the building, such as a daylight basement, the building aspect ratio, L/W, shall not exceed the value specified in Table R404.1(3). For such foundation walls, the rim board shall be attached to the sill with a 20 gage metal angle clip at 24 inches (610 mm) on center, with five 8d nails per leg, or an approved connector supplying 230 pounds per linear foot (3.36 kN/m) capacity.

**EXCEPTION:** Foundations constructed entirely of concrete with stem walls not exceeding 5 feet (1524 mm) in height and supporting less than 4 feet (1220 mm) of unbalanced backfill are exempt from the lateral bracing requirements of Section R404.1.

**R404.1.4 Seismic Design Categories D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub>.** In addition to the requirements of Table R404.1.1(1) and R404.1.1(5), plain concrete and plain masonry foundation walls located in Seismic Design Categories D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub> shall comply with the following:

1. Wall height shall not exceed 8 feet (2438 mm).

2. Unbalanced backfill height shall not exceed 4 feet (1219 mm).

3. Minimum reinforcement for plain concrete foundation walls shall consist of one No. 4 (No. 13) horizontal bar located in the upper 12 inches (305 mm) of the wall.

4. Minimum thickness for plain concrete foundation walls shall be 7.5 inches (191 mm) except that 6 inches (152 mm) is permitted when the maximum height is 4 feet, 6 inches (1372 mm).

5. Minimum nominal thickness for plain masonry foundation walls shall be 8 inches (203 mm).

6. Masonry stem walls shall have a minimum vertical reinforcement of one No. 4 (No. 13) bar located a maximum of 4 feet (1220 mm) on center in grouted cells. Vertical reinforcement shall be tied to the horizontal reinforcement in the footings.

Foundation walls located in Seismic Design Categories D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub>, supporting more than 4 feet (1219 mm) of unbalanced backfill or exceeding 8 feet (2438 mm) in height shall be constructed in accordance with Table R404.1.1(2), R404.1.1(3) or R404.1.1(4) for masonry, or Table R404.1.1(5) for concrete. Where Table R404.1.1(5) permits plain concrete walls, not less than No. 4 (No. 13) vertical bars at a spacing not exceeding 48 inches (1219 mm) shall be provided. Insulating concrete form foundation walls shall be reinforced as required in Table R404.4(1), R404.4(2), R404.4(3), R404.4(4) or R404.4(5). Where no vertical reinforcement is required by Table 404.4(2), R404.4(3) or 404.4(4) there shall be a minimum of one No. 4 (No. 13) bar at 48 inches (1220 mm) on center. All concrete and masonry foundation walls shall have two No. 4 (No. 13) horizontal bars located in the upper 12 inches (305 mm) of the wall.

TABLE R404.1.1(3)

**10-INCH MASONRY FOUNDATION WALLS WITH REINFORCING**

WHERE  $d > 6.75$  INCHES<sup>a</sup>

(no changes to Table R404.1.1(3) or footnotes)

**R404.3 Wood sill plates.** Wood sill plates shall be a minimum of 2-inch by 4-inch nominal lumber. Sill plate anchorage shall be in accordance with Sections R403.1.6 and R602.11.

NEW SECTION

**WAC 51-51-0408 Section R408—Under-floor space.**

**R408.2 Openings for under-floor ventilation.** The minimum net area of ventilation openings shall not be less than 1 square foot (0.0929 m<sup>2</sup>) for each 300 square feet (28 m<sup>2</sup>) of under-floor area. In addition, a ground cover that meets the requirements of Section 502.1.6.7 of the Washington State Energy Code (chapter 51-11 WAC) shall be installed. One ventilating opening shall be within 3 feet (914 mm) of each corner of the building, except one side of the building shall be permitted to have no ventilation openings. Ventilation openings shall be covered for their height and width with any of the following materials provided that the least dimension of the covering shall not exceed 1/4 inch (6.4 mm):

1. Perforated sheet metal plates not less than 0.070 inch (1.8 mm) thick.
2. Expanded sheet metal plates not less than 0.047 inch (1.2 mm) thick.
3. Cast-iron grill or grating.
4. Extruded load-bearing brick vents.

5. Hardware cloth of 0.035 inch (0.89 mm) wire or heavier.

6. Corrosion-resistant wire mesh, with the least dimension being 1/8 inch (3.2 mm).

**OPTION 1**

**SECTIONS R602.3; R602.10; R602.11**

NEW SECTION

**WAC 51-51-0602 Section R602—Wood wall framing.**

**R602.3 Design and construction.** Exterior walls of wood light-framed construction shall be designed and constructed in accordance with the provisions of this chapter and Figures R602.3(1) and R602.3(2) or in accordance with AF&PA's NDS. Components of exterior walls shall be fastened in accordance with Table R602.3(1) through R602.3(4). Exterior walls covered with foam plastic sheathing shall be braced in accordance with Section R602.10. Structural sheathing shall be fastened directly to structural framing members.

**R602.3.4 Bottom (sole) plate.** Studs shall have full bearing on a 2-inch nominal (38 mm) or larger bottom (sole) plate or sill plate having a width at least equal to the width of the studs.

**R602.10 Wall bracing.** Buildings shall be braced in accordance with Sections R602.10 through R602.10.8. All exterior walls shall be braced. Bracing shall be provided at interior walls spaced in accordance with Section R602.10.1.1. Bracing shall consist of braced wall lines in accordance with Section R602.10.1. For buildings in Seismic Design Categories D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub>, walls shall be constructed in accordance with the additional requirements of Sections 602.10.11 through 602.11.3.

**R602.10.1 Braced wall lines.** Braced wall lines shall consist of braced wall panels constructed in accordance with Section R602.10.3. The locations and percentages of bracing shall be in accordance with Table R602.10.1 and shall be the greater of that required by the Seismic Design Category and the design wind speed. Braced wall panels shall begin no more than 12.5 feet (3810 mm) from each end of a braced wall line. Braced wall panels in a braced wall line shall be in line.

**EXCEPTION:** In a braced wall line, out-of-plane offsets of braced wall panels shall be permitted provided they comply with the following:

1. The offsets between adjacent braced wall panels do not exceed 4 feet (1219 mm) in width; and
2. The aggregate width of out-of-plane offsets at all the braced wall panels does not exceed 8 feet (2438 mm).

**R602.10.1.1 Spacing.** Spacing of braced wall lines shall not exceed 35 feet (10.67 m) on center in both the longitudinal and transverse directions in each story.

**EXCEPTIONS:**

1. Spacing of braced wall lines not exceeding 50 feet (15.24 m) shall be permitted where:
  - 1.1. The wall bracing installed equals or exceeds the percentages of bracing specified in Table R602.10.1 multiplied by a factor equal to the braced wall line spacing divided by 35 feet (10.67 m); and
  - 1.2. The length-to-width ratio of the floor or roof diaphragm does not exceed 3:1.

2. Spacing of braced wall lines at buildings in Seismic Design Categories D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub> shall comply with Section R602.10.11.1.

### **R602.10.5 Continuous wood structural panel sheathing.**

When continuous wood structural panel sheathing is provided in accordance with Method 3 of Section R602.10.3 on all sheathable areas of all exterior walls, including areas above and below openings, braced wall panel lengths are not required to be in accordance with Section R602.10.4 provided they are in accordance with Table R602.10.5. Wood structural panel sheathing shall be installed at corners in accordance with Figure R602.10.5. The bracing percentages in Table R602.10.1 for Method 3 shall be permitted to be multiplied by a factor of 0.9 for exterior walls with a maximum opening height that does not exceed 85 percent of the wall height or a factor of 0.8 for exterior walls with a maximum opening height that does not exceed 67 percent of the wall height. The exterior walls shall be supported by foundations that are continuous across the entire length of the exterior wall where continuous wood structural panel sheathing is located.

**TABLE R602.10.5**

#### **LENGTH REQUIREMENTS FOR BRACED WALL PANELS IN A CONTINUOUSLY SHEATHED WALL<sup>a,b,c</sup>**

(no proposed changes to contents of Table R602.10.5)

For SI: 1 inch = 25.4 mm, 1 foot = 305 mm, 1 pound per square foot = 0.0479 kN/m<sup>2</sup>.

- a. Linear interpolation shall be permitted.
- b. Full-height sheathed wall segments on either side of garage openings that support roofs of light-framed construction only, with roof covering dead loads of 3 psf or less shall be permitted to have a 4:1 height-to-width ratio.
- c. Walls on either or both sides of openings in garages attached to fully sheathed dwellings shall be permitted to be built in accordance with Section R602.10.6.2 and Figure R602.10.6.2 except that a single sill plate shall be permitted and two anchor bolts shall be placed at 1/3 points. In addition, tie-down devices shall not be required and the vertical wall segment shall have a maximum 6:1 height-to-width ratio (with height being measured from top of header to the bottom of the sill plate). This option shall be permitted for the first story of two-story applications in Seismic Design Categories A through C.

**R602.10.6 Alternate braced wall panel construction methods.** Alternate braced wall panels shall be constructed in accordance with Sections R602.10.6.1 and R602.10.6.2.

**R602.10.6.1 Alternate braced wall panels.** Alternate braced wall lines constructed in accordance with one of the following provisions shall be permitted to replace each 4 feet (1219 mm) of braced wall panel as required by Section R602.10.4. The maximum height and minimum width of each panel shall be in accordance with Table R602.10.6.

1. In one-story buildings, each panel shall be sheathed on one face with 3/8-inch-minimum-thickness (9.5 mm) wood structural panel sheathing nailed with 8d common or galvanized box nails in accordance with Table R602.3(1) and blocked at all wood structural panel sheathing edges. Two anchor bolts installed in accordance with Figure R403.1(1)

shall be provided in each panel. Anchor bolts shall be placed in from each end of the panel a horizontal distance of one-fourth the panel width. Each panel end stud shall have a tie-down device fastened to the foundation, capable of providing an uplift capacity in accordance with Table R602.10.6. The tie-down device shall be installed in accordance with the manufacturer's recommendations. The panels shall be supported directly on a foundation or on floor framing supported directly on a foundation, which is continuous across the entire length of the braced wall line. This foundation shall be reinforced with not less than one No. 4 bar top and bottom. When the continuous foundation is required to have a depth greater than 12 inches (305 mm), a minimum 12-inch by 12-inch (305 mm by 305 mm) continuous footing or turned down footing is permitted at door openings in the braced wall line. This continuous footing or turned down footing shall be reinforced with not less than one No. 4 bar top and bottom. This reinforcement shall be lapped 15 inches (381 mm) with the reinforcement required in the continuous foundation located directly under the braced wall line.

2. In the first story of two-story buildings, each braced wall panel shall be in accordance with Item 1 above, except that the following:

- 2.1 The wood structural panel sheathing shall be provided on both faces;
- 2.2 Sheathing edge nailing spacing shall not exceed 4 inches on center; and
- 2.3 Anchor bolts shall be placed at the center of the panel width and in from each end of the panel a horizontal distance of one-fifth the panel width (three total).

**R602.10.6.2 Alternate braced wall panel adjacent to a door or window opening.** Alternate braced wall panels constructed in accordance with one of the following provisions are also permitted to replace each 4 feet (1219 mm) of braced wall panel as required by Section R602.10.4 for use adjacent to a window or door opening with a full-length header:

1. In one-story buildings, each panel shall have a length of not less than 16 inches (406 mm) and a height of not more than 10 feet (3048 mm). Each panel shall be sheathed on one face with a single layer of 3/8-inch-minimum-thickness (9.5 mm) wood structural panel sheathing nailed with 8d common or galvanized box nails in accordance with Figure R602.10.6.2. The wood structural panel sheathing shall extend up over the solid sawn or glued-laminated header and shall be nailed in accordance with Figure R602.10.6.2. Use of a built-up header consisting of at least two 2 x 12s and fastened in accordance with Table R602.3(1) shall be permitted. A spacer, if used, shall be placed on the side of the built-up beam opposite the wood structural panel sheathing. The header shall extend between the inside faces of the first full-length outer studs of each panel. The clear span of the header between the inner studs of each panel shall be not less than 6 feet (1829 mm) and not more than 18 feet (5486 mm) in length. A strap with an uplift capacity of not less than 1,000 pounds (4448 N) shall fasten the header to the side of the inner studs opposite the sheathing. One anchor bolt not less than 5/8-inch-diameter (16 mm) and installed in accordance with Section R403.1.6 shall be provided in the center of each sill plate. The studs at each end of the panel shall have a tie-

down device fastened to the foundation with an uplift capacity of not less than 4,200 pounds (18 683 N).

Where a panel is located on one side of the opening, the header shall extend between the inside face of the first full-length stud of the panel and the bearing studs at the other end of the opening. A strap with an uplift capacity of not less than 1,000 pounds (4448 N) shall fasten the header to the bearing studs. The bearing studs shall also have a tie-down device fastened to the foundation with an uplift capacity of not less than 1,000 pounds (4448 N).

The tie-down devices shall be an embedded strap type, installed in accordance with the manufacturer's recommendations. The panels shall be supported directly on a foundation, which is continuous across the entire length of the braced wall line. This foundation shall be reinforced with not less than one No. 4 bar top and bottom.

Where the continuous foundation is required to have a depth greater than 12 inches (305 mm), a minimum 12-inch by 12-inch (305 mm by 305 mm) continuous footing or turned down footing is permitted at door openings in the braced wall line. This continuous footing or turned down footing shall be reinforced with not less than one No. 4 bar top and bottom. This reinforcement shall be lapped not less than 15 inches (381 mm) with the reinforcement required in the continuous foundation located directly under the braced wall line.

2. In the first story of two-story buildings, each wall panel shall be braced in accordance with Item 1 above, except that each panel shall have a length of not less than 24 inches (610 mm).

**R602.10.7 Panel joints.** All vertical joints of panel sheathing shall occur over and be fastened to common studs. Horizontal joints in braced wall panels shall occur over and be fastened to common blocking of a minimum 2 inches in nominal thickness.

EXCEPTION: Blocking is not required behind horizontal joints in Seismic Design Categories A and B and detached dwellings in Seismic Design Category C when constructed in accordance with Section R602.10.3, braced-wall-panel construction Method 3 and Table R602.10.1, Method 3, or where permitted by the manufacturer's installation requirements for the specific sheathing material.

**R602.10.8 Connections.** Braced wall panel bottom (sole) plates shall be fastened to the floor framing and top plates shall be connected to the framing above in accordance with Table R602.3(1). Sill plates shall be fastened to the footing, foundation or slab in accordance with Sections R403.1.6 and R602.11. Where joists are perpendicular to the braced wall lines above, blocking shall be provided under and in line with the braced wall panels. Where joists are perpendicular to braced wall lines below, blocking shall be provided over and in line with the braced wall panels. Where joists are parallel to braced wall lines above or below, a rim joist or other parallel framing member shall be provided at the wall to permit fastening per Table R602.3(1). For buildings in Seismic Design Categories D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub>, braced wall panels shall also be fastened in accordance with Section R602.11.2.

**R602.10.9 Interior braced wall support.** This section is not adopted.

**R602.10.10 Design of structural elements.** This section is not adopted.

**R602.10.11 Bracing in Seismic Design Categories D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub>.** Structures located in Seismic Design Categories D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub> shall have exterior and interior braced wall lines in accordance with Sections R602.10.11.1 through R602.10.11.5.

**R602.10.11.1 Braced wall line spacing.** Spacing between braced wall lines in each story shall not exceed 25 feet (7620 mm) on center in both the longitudinal and transverse directions.

EXCEPTION: In one- and two-story buildings, spacing between two adjacent braced wall lines shall not exceed 35 feet (10,363 mm) on center in order to accommodate one single room not exceeding 900 square feet (84 m<sup>2</sup>) in each dwelling unit. Spacing between all other braced wall lines shall not exceed 25 feet (7620 mm).

**R602.10.11.2 Braced wall panel location.** Exterior braced wall lines shall have a braced wall panel located at each end of the braced wall line.

EXCEPTION: For braced wall panel construction Method 3 of Section R602.10.3, the braced wall panel shall be permitted to begin no more than 8 feet (2438 mm) from each end of the braced wall line provided one of the following conditions is met:

1. A minimum 24-inch-wide (610 mm) panel is applied to each side of the building corner and the two 24-inch-wide (610 mm) panels at the corner shall be attached to framing in accordance with Figure R602.10.5.

2. The end of each braced wall panel closest to the corner shall have a tie-down device fastened to the stud at the edge of the braced wall panel closest to the corner and to the foundation or framing below. The tie-down device shall be capable of providing an uplift allowable design value of at least 1,800 pounds (8 kN). The tie-down device shall be installed in accordance with the manufacturer's recommendations.

**R602.10.11.3 Collectors.** A designed collector shall be provided if a braced wall panel is not located at each end of a braced wall line as indicated in Section R602.10.11.2 or, when using the Section R602.10.11.2 Exception, if a braced wall panel is more than 8 feet (2438 mm) from each end of a braced wall line.

**R602.10.11.4 Cripple wall bracing.** In addition to the requirements of Section R602.10.2, where interior braced wall panels occur without a foundation below, the length of parallel exterior cripple wall bracing shall be one and one-half times the length required by Table R602.10.1. Where cripple walls braced using Method 3 of Section R602.10.3 cannot provide this additional length, the capacity of the sheathing shall be increased by reducing the spacing of fasteners along the perimeter of each piece of sheathing to 4 inches (102 mm) on center.

**R602.10.11.5 Sheathing attachment.** Adhesive attachment of wall sheathing shall not be permitted in Seismic Design Categories C, D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub>.

**R602.11 Framing and connections for Seismic Design Categories D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub>.** The framing and connection details of buildings located in Seismic Design Categories D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub> shall be in accordance with Sections R602.11.1 through R602.11.3.

**R602.11.1 Wall anchorage.** Sill plates at braced wall panels shall be anchored to concrete or masonry foundations in accordance with Sections R403.1.6 and R602.11. For all buildings in Seismic Design Categories  $D_0$ ,  $D_1$  and  $D_2$  and townhouses in Seismic Design Category C, plate washers, a minimum of 0.229 inch by 3 inches by 3 inches (5.8 mm by 76 mm by 76 mm) in size, shall be installed between the foundation sill plate and the nut. The hole in the plate washer is permitted to be diagonally slotted with a width of up to 3/16 inch (5 mm) larger than the bolt diameter and a slot length not to exceed 1-3/4 inches (44 mm), provided a standard cut washer is placed between the plate washer and the nut.

**R602.11.2 Interior braced wall panel connections.** Interior braced wall panels shall be fastened to floor and roof framing in accordance with Table R602.3(1), to foundations in accordance with Section R602.11.1, and in accordance with the following requirements:

1. Floor joists parallel to the top plate shall be toe-nailed to the top plate with at least 8d nails spaced a maximum of 6 inches (152 mm) on center.
2. Top plate laps shall be face-nailed with at least eight 16d nails on each side of the splice.

**R602.11.3 Stepped foundations.** Where stepped foundations occur, the following requirements apply:

1. Where the height of a required braced wall panel that extends from foundation to floor above varies more than 4 feet (1220 mm), the braced wall panel shall be constructed in accordance with Figure R602.11.3.
2. Where the lowest floor framing rests directly on a sill plate anchored to a foundation not less than 8 feet (2440 mm) in length along a line of bracing, the line shall be considered as braced. The double plate of the cripple wall beyond the segment of footing that extends to the lowest framed floor shall be spliced by extending the upper top plate a minimum of 4 feet (1219 mm) along the foundation. Anchor bolts shall be located a maximum of 1 foot and a minimum of seven bolt diameters (305 and 914 mm) from each end of the plate section at the step in the foundation.
3. Where cripple walls occur between the top of the foundation and the lowest floor framing, the bracing requirements for a story shall apply.
4. Where only the bottom of the foundation is stepped and the lowest floor framing rests directly on a sill plate anchored to the foundations, the requirements of Section R602.11.1 shall apply.

## OPTION 2

### SECTIONS R602.3; R602.10; R602.11

#### NEW SECTION

**WAC 51-51-0602 Section R602—Wood wall framing.**

**R602.3 Design and construction.** Exterior walls of wood light-framed construction shall be designed and constructed in accordance with the provisions of this chapter and Figures R602.3(1) and R602.3(2) or in accordance with AF&PA's NDS. Components of exterior walls shall be fastened in

accordance with Table R602.3(1) through R602.3(4). Exterior walls covered with foam plastic sheathing shall be braced in accordance with Section R602.10. Structural sheathing shall be fastened directly to structural framing members.

**R602.3.4 Bottom (sole) plate.** Studs shall have full bearing on a 2-inch nominal (38 mm) or larger bottom (sole) plate or sill plate having a width at least equal to the width of the studs.

**R602.10 Wall bracing.** Buildings shall be braced in accordance with Sections R602.10 through R602.10.8. All exterior walls shall be braced. Bracing shall be provided at interior walls spaced in accordance with Section R602.10.1.1. Bracing shall consist of braced wall lines in accordance with Section R602.10.1. For buildings in Seismic Design Categories  $D_0$ ,  $D_1$  and  $D_2$ , walls shall be constructed in accordance with the additional requirements of Sections R602.10.11 through R602.11.3.

**R602.10.1 Braced wall lines.** Braced wall lines shall consist of braced wall panels constructed in accordance with Section R602.10.3. The locations and percentages of bracing shall be in accordance with Table R602.10.1 and shall be the greater of that required by the Seismic Design Category and the design wind speed. Braced wall panels shall begin no more than 12.5 feet (3810 mm) from each end of a braced wall line. Braced wall panels in a braced wall line shall be in line.

**EXCEPTION:** In a braced wall line, out-of-plane offsets of braced wall panels shall be permitted provided they comply with the following:

1. The offsets between adjacent braced wall panels do not exceed 4 feet (1219 mm) in width; and
2. The aggregate width of out-of-plane offsets at all the braced wall panels does not exceed 8 feet (2438 mm).

**R602.10.1.1 Spacing.** Spacing of braced wall lines shall not exceed 35 feet (10.67 m) on center in both the longitudinal and transverse directions in each story.

**EXCEPTIONS:**

1. Spacing of braced wall lines not exceeding 50 feet (15.24 m) shall be permitted where:
  - 1.1. The wall bracing installed equals or exceeds the percentages of bracing specified in Table R602.10.1 multiplied by a factor equal to the braced wall line spacing divided by 35 feet (10.67 m); and
  - 1.2. The length-to-width ratio of the floor or roof diaphragm does not exceed 3:1.
2. Spacing of braced wall lines at buildings in Seismic Design Categories  $D_0$ ,  $D_1$  and  $D_2$  shall comply with Section R602.10.11.1.

**R602.10.2 Cripple wall bracing.**

**R602.10.2.1 Seismic Design Categories Other than  $D_2$ .** In Seismic Design Categories other than  $D_2$ , cripple walls supporting exterior walls or interior braced wall panels as required in Section R403.1.2 and R403.1.2.1 shall be braced with an amount and type of bracing as required for the wall above in accordance with Table R602.10.1 with the following modifications for cripple wall bracing:

1. The percent bracing amount as determined from Table R602.10.1 shall be increased by 15 percent; and
2. The wall panel spacing shall be decreased to 18 feet (5486 mm) instead of 25 feet (7620 mm).

**R602.10.2.2 Seismic Design Category D<sub>2</sub>.** In Seismic Design Category D<sub>2</sub>, cripple walls supporting exterior walls or interior braced wall panels as required in Section R403.1.2 and R403.1.2.1 shall be braced in accordance with Table R602.10.1.

**R602.10.2.3 Redesignation of cripple walls.** In any Seismic Design Category, cripple walls are permitted to be redesignated as the first story walls for purposes of determining wall bracing requirements. If the cripple walls are redesignated, the stories above the redesignated story shall be counted as the second and third stories, respectively.

**R602.10.5 Continuous wood structural panel sheathing.** When continuous wood structural panel sheathing is provided in accordance with Method 3 of Section R602.10.3 on all sheathable areas of all exterior walls including areas above and below openings, braced wall panel lengths are not required to be in accordance with Section R602.10.4 provided they are in accordance with Table R602.10.5. Wood structural panel sheathing shall be installed at corners in accordance with Figure R602.10.5. The bracing percentages in Table R602.10.1 for Method 3 shall be permitted to be multiplied by a factor of 0.9 for exterior walls with a maximum opening height that does not exceed 85 percent of the wall height or a factor of 0.8 for exterior walls with a maximum opening height that does not exceed 67 percent of the wall height.

**TABLE R602.10.5**  
**LENGTH REQUIREMENTS FOR BRACED WALL PANELS IN A**  
**CONTINUOUSLY SHEATHED WALL<sup>a,b</sup>**  
(no proposed changes to contents of Table R602.10.5)

For SI: 1 inch = 25.4 mm, 1 foot = 305 mm, 1 pound per square foot = 0.0479 kN/m<sup>2</sup>.

- a. Linear interpolation shall be permitted.
- b. Full-height sheathed wall segments on either side of garage openings that support roofs of light-framed construction only, with roof covering dead loads of 3 psf or less shall be permitted to have a 4:1 height-to-width ratio.
- c. Walls on either or both sides of openings in garages attached to fully sheathed dwellings shall be permitted to be built in accordance with Section R602.10.6.2 and Figure R602.10.6.2 except that a single sill plate shall be permitted and two anchor bolts shall be placed at 1/3 points. In addition, tie-down devices shall not be required and the vertical wall segment shall have a maximum 6:1 height-to-width ratio (with height being measured from top of header to the bottom of the sill plate). This option shall be permitted for the first story of two-story applications in Seismic Design Categories A through C.

**R602.10.6 Alternate braced wall panel construction methods.** Alternate braced wall panels shall be constructed in accordance with Sections R602.10.6.1 and R602.10.6.2.

**R602.10.6.1 Alternate braced wall panels.** Alternate braced wall lines constructed in accordance with one of the following provisions shall be permitted to replace each 4 feet (1219 mm) of braced wall panel as required by Section R602.10.4. The maximum height and minimum width of each panel shall be in accordance with Table R602.10.6.

1. In one-story buildings, each panel shall be sheathed on one face with 3/8-inch-minimum-thickness (9.5 mm) wood structural panel sheathing nailed with 8d common or galvanized box nails in accordance with Table R602.3(1) and blocked at all wood structural panel sheathing edges. Two anchor bolts installed in accordance with Figure R403.1(1) shall be provided in each panel. Anchor bolts shall be placed in from each end of the panel a horizontal distance of one-fourth the panel width. Each panel end stud shall have a tie-down device fastened to the foundation, capable of providing an uplift capacity in accordance with Table R602.10.6. The tie-down device shall be installed in accordance with the manufacturer's recommendations. The panels shall be supported directly on a foundation or on floor framing supported directly on a foundation, which is continuous across the entire length of the braced wall line. This foundation shall be reinforced with not less than one No. 4 bar top and bottom. When the continuous foundation is required to have a depth greater than 12 inches (305 mm), a minimum 12-inch by 12-inch (305 mm by 305 mm) continuous footing or turned down footing is permitted at door openings in the braced wall line. This continuous footing or turned down footing shall be reinforced with not less than one No. 4 bar top and bottom. This reinforcement shall be lapped 15 inches (381 mm) with the reinforcement required in the continuous foundation located directly under the braced wall line.

2. In the first story of two-story buildings, each braced wall panel shall be in accordance with Item 1 above, except that the following:

- 2.1 The wood structural panel sheathing shall be provided on both faces;
- 2.2 Sheathing edge nailing spacing shall not exceed 4 inches on center; and
- 2.3 Anchor bolts shall be placed at the center of the panel width and in from each end of the panel a horizontal distance of one-fifth the panel width (three total).

**R602.10.6.2 Alternate braced wall panel adjacent to a door or window opening.** Alternate braced wall panels constructed in accordance with one of the following provisions are also permitted to replace each 4 feet (1219 mm) of braced wall panel as required by Section R602.10.4 for use adjacent to a window or door opening with a full-length header:

1. In one-story buildings, each panel shall have a length of not less than 16 inches (406 mm) and a height of not more than 10 feet (3048 mm). Each panel shall be sheathed on one face with a single layer of 3/8-inch-minimum-thickness (9.5 mm) wood structural panel sheathing nailed with 8d common or galvanized box nails in accordance with Figure R602.10.6.2. The wood structural panel sheathing shall extend up over the solid sawn or glued-laminated header and shall be nailed in accordance with Figure R602.10.6.2. Use of a built-up header consisting of at least two 2 x 12s and fastened in accordance with Table R602.3(1) shall be permitted. A spacer, if used, shall be placed on the side of the built-up beam opposite the wood structural panel sheathing. The header shall extend between the inside faces of the first full-length outer studs of each panel. The clear span of the header between the inner studs of each panel shall be not less than 6 feet (1829 mm) and not more than 18 feet (5486 mm) in length. A strap with an uplift capacity of not less than 1,000



pounds (4448 N) shall fasten the header to the side of the inner studs opposite the sheathing. One anchor bolt not less than 5/8-inch-diameter (16 mm) and installed in accordance with Section R403.1.6 shall be provided in the center of each sill plate. The studs at each end of the panel shall have a tie-down device fastened to the foundation with an uplift capacity of not less than 4,200 pounds (18 683 N).

Where a panel is located on one side of the opening, the header shall extend between the inside face of the first full-length stud of the panel and the bearing studs at the other end of the opening. A strap with an uplift capacity of not less than 1,000 pounds (4448 N) shall fasten the header to the bearing studs. The bearing studs shall also have a tie-down device fastened to the foundation with an uplift capacity of not less than 1,000 pounds (4448 N).

The tie-down devices shall be an embedded strap type, installed in accordance with the manufacturer's recommendations. The panels shall be supported directly on a foundation, which is continuous across the entire length of the braced wall line. This foundation shall be reinforced with not less than one No. 4 bar top and bottom.

Where the continuous foundation is required to have a depth greater than 12 inches (305 mm), a minimum 12-inch by 12-inch (305 mm by 305 mm) continuous footing or turned down footing is permitted at door openings in the braced wall line. This continuous footing or turned down footing shall be reinforced with not less than one No. 4 bar top and bottom. This reinforcement shall be lapped not less than 15 inches (381 mm) with the reinforcement required in the continuous foundation located directly under the braced wall line.

2. In the first story of two-story buildings, each wall panel shall be braced in accordance with Item 1 above, except that each panel shall have a length of not less than 24 inches (610 mm).

**R602.10.7 Panel joints.** All vertical joints of panel sheathing shall occur over and be fastened to common studs. Horizontal joints in braced wall panels shall occur over and be fastened to common blocking of a minimum 2 inches in nominal thickness.

**EXCEPTION:** Blocking is not required behind horizontal joints in Seismic Design Categories A and B and detached dwellings in Seismic Design Category C when constructed in accordance with Section R602.10.3, braced-wall-panel construction Method 3 and Table R602.10.1, Method 3, or where permitted by the manufacturer's installation requirements for the specific sheathing material.

**R602.10.8 Connections.** Braced wall panel bottom (sole) plates shall be fastened to the floor framing and top plates shall be connected to the framing above in accordance with Table R602.3(1). Sill plates shall be fastened to the footing, foundation or slab in accordance with Sections R403.1.6 and R602.11. Where joists are perpendicular to the braced wall lines above, blocking shall be provided under and in line with the braced wall panels. Where joists are perpendicular to braced wall lines below, blocking shall be provided over and in line with the braced wall panels. Where joists are parallel to braced wall lines above or below, a rim joist or other parallel framing member shall be provided at the wall to permit fastening per Table R602.3(1). For buildings in Seismic

Design Categories D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub>, braced wall panels shall also be fastened in accordance with Section R602.11.2.

**R602.10.9 Interior braced wall support.** This section is not adopted. See Section R403.1.2.

**R602.10.10 Design of structural elements.** Where a building, or portion thereof, does not comply with one or more of the bracing requirements in Sections R602.10 through R602.10.9, those portions shall be designed and constructed in accordance with accepted engineering practice.

**R602.10.11 Bracing in Seismic Design Categories D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub>.** Structures located in Seismic Design Categories D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub> shall have exterior and interior braced wall lines in accordance with Sections R602.10.11.1 through R602.10.11.5.

**R602.10.11.1 Braced wall line spacing.** Spacing between braced wall lines in each story shall not exceed 25 feet (7620 mm) on center in both the longitudinal and transverse directions.

**EXCEPTION:** In one- and two-story buildings two adjacent braced wall lines shall not exceed 35 feet (10,363 mm) on center in order to accommodate an area not exceeding 900 square feet (84 m<sup>2</sup>) in each floor of the dwelling unit. Spacing between all other braced wall lines shall not exceed 25 feet (7620 mm).

**R602.10.11.2 Braced wall panel location.** Exterior braced wall lines shall have a braced wall panel located at each end of the braced wall line.

**EXCEPTION:** For braced wall panel construction Method 3 of Section R602.10.3, the exterior braced wall panel shall be permitted to begin no more than 8 feet (2438 mm) from each end of the braced wall line provided one of the following conditions is met:

1. A minimum 24-inch-wide (610 mm) panel is applied to each side of the building corner and the two 24-inch-wide (610 mm) panels at the corner shall be attached to framing in accordance with Figure R602.10.5.
2. The end of each braced wall panel closest to the corner shall have a tie-down device fastened to the stud at the edge of the braced wall panel closest to the corner and to the foundation or framing below. The tie-down device shall be capable of providing an uplift allowable design value of at least 1,800 pounds (8 kN). The tie-down device shall be installed in accordance with the manufacturer's recommendations.

**R602.10.11.3 Collectors.** A designed collector shall be provided if a braced wall panel is not located at each end of a braced wall line as indicated in Section R602.10.11.2 or, when using the Section R602.10.11.2 Exception, if a braced wall panel is more than 8 feet (2438 mm) from each end of a braced wall line.

**R602.10.11.4 Cripple wall bracing.** In addition to the requirements of Section R602.10.2, where interior braced wall panels occur without a foundation below, the length of parallel exterior cripple wall bracing shall be one and one-half times the length required by Table R602.10.1. Where cripple walls braced using Method 3 of Section R602.10.3 cannot provide this additional length, the capacity of the sheathing shall be increased by reducing the spacing of fas-

teners along the perimeter of each piece of sheathing to 4 inches (102 mm) on center.

**R602.10.11.5 Sheathing attachment.** Adhesive attachment of wall sheathing shall not be permitted in Seismic Design Categories C, D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub>.

**R602.11 Framing and connections for Seismic Design Categories D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub>.** The framing and connection details of buildings located in Seismic Design Categories D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub> shall be in accordance with Sections R602.11.1 through R602.11.3.

**R602.11.1 Wall anchorage.** Braced wall line sill plates shall be anchored to concrete or masonry foundations in accordance with Sections R403.1.6 and R602.11. For all buildings in Seismic Design Categories D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub> and townhouses in Seismic Design Category C, plate washers, a minimum of 0.229 inch by 3 inches by 3 inches (5.8 mm by 76 mm by 76 mm) in size, shall be installed between the foundation sill plate and the nut. The hole in the plate washer is permitted to be diagonally slotted with a width of up to 3/16 inch (5 mm) larger than the bolt diameter and a slot length not to exceed 1-3/4 inches (44 mm), provided a standard cut washer is placed between the plate washer and the nut.

**R602.11.2 Interior braced wall panel connections.** Interior braced wall panels shall be fastened to floor and roof framing in accordance with Table R602.3(1), to required foundations in accordance with Section R602.11.1, and in accordance with the following requirements:

1. Floor joists parallel to the top plate shall be toe-nailed to the top plate with at least 8d nails spaced a maximum of 6 inches (152 mm) on center.
2. Top plate laps shall be face-nailed with at least eight 16d nails on each side of the splice.

**R602.11.3 Stepped foundations.** Where stepped foundations occur, the following requirements apply:

1. Where the height of a required braced wall panel that extends from foundation to floor above varies more than 4 feet (1220 mm), the braced wall panel shall be constructed in accordance with Figure R602.11.3.
2. Where the lowest floor framing rests directly on a sill plate anchored to a foundation not less than 8 feet (2440 mm) in length along a line of bracing, the line shall be considered as braced. The double plate of the cripple wall beyond the segment of footing that extends to the lowest framed floor shall be spliced by extending the upper top plate a minimum of 4 feet (1219 mm) along the foundation. Anchor bolts shall be located a maximum of 1 foot and a minimum of seven bolt diameters (305 and 914 mm) from each end of the plate section at the step in the foundation.
3. Where cripple walls occur between the top of the foundation and the lowest floor framing, the bracing requirements for a story shall apply.
4. Where only the bottom of the foundation is stepped and the lowest floor framing rests directly on a sill plate anchored to the foundations, the requirements of Section R602.11.1 shall apply.

## NEW SECTION

### **WAC 51-51-0613 Section R613—Exterior windows and glass doors.**

**R613.4 Testing and labeling.** Exterior windows and sliding doors shall be tested by an approved independent laboratory, and bear a label identifying manufacturer, performance characteristics and approved inspection agency to indicated compliance with AAMA/WDMA/CSA 101/I.S.2/A440. Exterior side-hinged doors shall be tested and labeled as conforming to AAMA/WDMA/CSA 101/I.S.2/A440 or comply with Section R613.6.

EXCEPTION: 1. Decorative glazed openings.  
2. Custom exterior windows and doors manufactured by a small business shall be exempt from all testing requirements in Section R-613 of the International Residential Code provided they meet the applicable provisions of Chapter 24 of the International Building Code.

## NEW SECTION

### **WAC 51-51-0703 Section R703—Exterior covering.**

**R703.1 General.** Exterior walls shall provide the building with a weather-resistant exterior wall envelope. The exterior wall envelope shall include flashing as described in Section R703.8. The exterior wall envelope shall be designed and constructed in a manner that prevents the accumulation of water within the wall assembly by providing a water-resistant barrier behind the exterior veneer as required by Section R703.2 and a means of draining water that enters the assembly to the exterior. Protection against condensation in the exterior wall assembly shall be provided in accordance with the Washington State Energy Code (chapter 51-11 WAC).

EXCEPTION: 1. A weather-resistant exterior wall envelope shall not be required over concrete or masonry walls designed in accordance with Chapter 6 and flashed according to Section R703.7 or R703.8.  
2. Compliance with the requirements for a means of drainage, and the requirements of Section R703.2 and R703.8, shall not be required for an exterior wall envelope that has been demonstrated to resist wind-driven rain through testing of the exterior wall envelope, including joints, penetrations and intersections with dissimilar materials, in accordance with ASTM E 331 under the following conditions:  
2.1 Exterior wall envelope test assemblies shall include at least one opening, one control joint, one wall/eave interface and one wall sill. All tested openings and penetrations shall be representative of the intended end-use configuration.  
2.2 Exterior wall envelope test assemblies shall be at least 4 feet (1219 mm) by 8 feet (2438 mm) in size.  
2.3 Exterior wall assemblies shall be tested at a minimum differential pressure of 6.24 pounds per square foot (299 Pa).  
2.4 Exterior wall envelope assemblies shall be subjected to a minimum test exposure duration of 2 hours.  
The exterior wall envelope design shall be considered to resist wind-driven rain where the results of testing indicate that water did not penetrate: Control joints in the exterior wall envelope; joints at the perimeter of openings penetration; or intersections of terminations with dissimilar materials.

**R703.2 Water-resistive barrier.** One layer of No. 15 asphalt felt, free from holes and breaks, complying with

ASTM D 226 for Type 1 felt or other approved water-resistive barrier shall be applied over studs or sheathing of all exterior walls. Such felt or material shall be applied horizontally, with the upper layer lapped over the lower layer not less than 2 inches (51 mm). Where joints occur, felt shall be lapped not less than 6 inches (152 mm). The felt or other approved material shall be continuous to the top of walls and terminated at penetrations and building appendages in a manner to meet the requirements of the exterior wall envelope as described in Section R703.1.

EXCEPTION: Omission of the water-resistive barrier is permitted in the following situations:

1. In detached accessory buildings.
2. Under exterior wall finish materials as permitted in Table R703.4.
3. Under paperbacked stucco lath when the paper backing is an approved weather-resistive sheathing paper.

**R703.8 Flashing.** Approved corrosion-resistant flashing shall be applied shingle-fashion in such a manner to prevent entry of water into the wall cavity or penetration of water to the building structural framing components. The flashing shall extend to the surface of the exterior wall finish. Approved corrosion-resistant flashings shall be installed at all of the following locations:

1. Exterior window and door openings. Flashing at exterior window and door openings shall extend to the surface of the exterior wall finish or to the water-resistive barrier for subsequent drainage.
2. At the intersection of chimneys or other masonry construction with frame or stucco walls, with projecting lips on both sides under stucco copings.
3. Under and at the ends of masonry, wood or metal copings or sills.
4. Continuously above all projecting wood trim.
5. Where exterior porches, decks or stairs attach to a wall or floor assembly or wood-frame construction.
6. At wall and roof intersections.
7. At built-in gutters.

#### NEW SECTION

##### **WAC 51-51-0806 Section R806—Roof ventilation.**

**R806.4 Conditioned attic assemblies.** This section is not adopted.

#### NEW SECTION

##### **WAC 51-51-1201 Section M1201—General.**

**M1201.1 Scope.** The provisions of Chapters 12 through 24 shall regulate the design, installation, maintenance, alteration and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions within buildings. These chapters shall also regulate those mechanical systems, system components, equipment and appliances specifically addressed in this code.

EXCEPTION: The standards for liquefied petroleum gas installations shall be the 2004 Edition of NFPA 58 (Liquefied Petroleum Gas Code) and the 2006 Edition of ANSI Z223.1/NFPA 54 (National Fuel Gas Code).

AMENDATORY SECTION (Amending WSR 04-01-109, filed 12/17/03, effective 7/1/04)

#### **WAC 51-51-4300 Chapter 43—Referenced standards.**

##### **Washington State Building Code Standard 31-2 STANDARD TEST METHOD FOR PARTICULATE EMISSIONS FROM FIREPLACES**

~~((Insert following page 524))~~

See Section R1004.1, *International Residential Code Standard* is located in *International Building Code, Chapter 35*

#### NEW SECTION

##### **WAC 51-51-60101 Appendix F radon control methods.**

**AF101.1 General.** This appendix contains requirements for new construction in jurisdictions where radon-resistant construction is required.

Inclusion of this appendix by jurisdictions shall be required in high radon potential counties as determined in Figure AF101 and as listed in Table AF101(1).

Unvented crawl spaces are not permitted in any high radon potential county. In other areas, requirements of this appendix apply to any structure constructed with unvented crawl spaces as specified in R408.3.

[FIGURE AF101 EPA MAP OF RADON ZONES LEGEND]



- ZONE 1 HIGH POTENTIAL (GREATER THAN 4 pCi/L<sup>a</sup>)[Red/Darkest]
- ZONE 2 MODERATE POTENTIAL (FROM 2 TO 4 pCi/L)[Orange/Midrange]
- ZONE 3 LOW POTENTIAL (LESS THAN 2 pCi/L)[Yellow/Lightest]

a. pCi/L standard for picocuries per liter of radon gas. EPA recommends that all homes that measure 4 pCi/L and greater be mitigated.

The United States Environmental Protection Agency and the United States Geological Survey have evaluated the radon potential in the United States and have developed a map of radon zones designed to assist building officials in deciding whether radon-resistant features are applicable in new construction.

The map assigns each of the 3,141 counties in the United States to one of three zones based on radon potential. Each zone designation reflects the average short-term radon measurement that can be expected to be measured in a building without the implementation of radon control methods. The radon zone designation of highest priority is Zone 1. Table 1 of this appendix lists the Zone 1 counties illustrated on the map. More detailed information can be obtained from state-specific booklets (EPA-402-R-93-021 through 070) available through State Radon Offices or from U.S. EPA Regional Offices.

TABLE AF101(1) HIGH RADON POTENTIAL (ZONE 1) COUNTIES<sup>A</sup>

**WASHINGTON:** Clark, Ferry, Okanogan, Pend Oreille, Skamania, Spokane, Stevens.

a. EPA recommends that this county listing be supplemented with other available state and local data to further understand the radon potential of Zone 1 areas.

NEW SECTION

**WAC 51-51-60103 Section AF103—Requirements.**

**AF103.1 General.** The following construction techniques are intended to resist radon entry and prepare the building for post-construction radon mitigation, if necessary (see Figure AF102). These techniques are required in high radon potential counties designated in Table AF101(1).

WAC 51-51-0324	Section R324—Adult family homes.
WAC 51-51-2401	Section G2401 (101)—General.
WAC 51-51-2415	Section G2415 (404)—Piping system installation.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 51-51-0101	Section R101—Title, scope and purpose.
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**WSR 06-16-113  
PROPOSED RULES  
BUILDING CODE COUNCIL**

[Filed August 1, 2006, 11:30 a.m.]

Original Notice.  
Preproposal statement of inquiry was filed as WSR 06-07-126 and 06-07-127.

Title of Rule and Other Identifying Information: Amendment of chapter 51-50 WAC, adoption and amendment of the 2006 Edition of the International Building Code (IBC).

Hearing Location(s): Spokane City Council Chambers, West 808 Spokane Falls Boulevard, Spokane, WA, on September 8, 2006, at 10:00 a.m.; and at the Holiday Inn Select Renton, One Grady Way South, Renton, WA, on October 13, 2006, at 10:00 a.m.

Date of Intended Adoption: November 17, 2006.

Submit Written Comments to: John Neff, Council Chair, P.O. Box 42525, Olympia, WA 98504-2525, e-mail sbcc@cted.wa.gov, fax (360) 586-9383, by October 13, 2006.

Assistance for Persons with Disabilities: Contact Sue Mathers by August 31, 2006, TTY (360) 586-0772 or (360) 725-2966.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rules adopt the most recently published edition of the IBC and make changes to the state amendments to this code. This proposal also adopts amendments to the 2006 International Existing Buildings Code in an appendix available for local adoption.

1. WAC 51-50-003 International Building Code: Adopts by reference the 2006 edition of the International Building Code, including Appendix E.

2. WAC 51-50-007 Exception: References the 2006 International Existing Building Code as Appendix Chapter M.

3. WAC 51-50-008 Implementation: Sets an effective date of July 1, 2007.

4. Section 107 Temporary Structures and Uses: Allows unheated tents and yurts under 500 square feet to be used indefinitely.

5. Section 202 Definitions: Modifies definitions of "story," and "story above grade." Does not adopt definition of "residential care/ assisted living."

6. Section 308 Institutional Group I: Deletes reference to Group R-4 and LC, and replaces with reference to Group R-2.

7. Section 310 Residential Group R: Deletes reference to Group LC; adds boarding homes and residential treatment facilities to Group R-2; does not adopt Group R-4 and definition of "residential care/assisted living."

8. Section 406 Motor vehicle related occupancies: Deletes requirement for a sloped floor in a parking area for automobiles and other vehicles.

9. Section 407 Group I-2: Clarifies intent for the system controlling locks on exit doors to allow appropriate occupants to exit.

10. Section 502 Definitions: Modifies definition of "basement" and "story."

11. Section 503 General height and area limitations: New footnote "e" to Table 503 allows an additional story increase for Group B or Group R, Divisions 1 and 2 Occupancies of Type VA construction, when certain conditions are met.

12. Section 506 Area modifications: Exempts certain basements from being included in the total allowable area for a building.

13. Section 509 Special Provisions: Clarifies the methods used to establish the equivalent of separate and distinct buildings.

14. Section 707 Shaft enclosures: Establishes pressurization method for elevator hoistways for smoke control, as an alternate to enclosed lobbies. New section adopts new provisions in the 2006 IBC, and relocates and revises current state amendment from 909.6.3.

15. Section 903 Automatic sprinkler systems: Subsections amended:

a. 903.2.1.2: Group A-2 threshold for requiring sprinklers, deletes state amendment. Threshold in the 2006 IBC is equivalent.

b. 903.2.2: State law requires sprinklers in Group E educational occupancies. (RCW 19.27.113.) This amendment eliminates most exemptions for Group E occupancies. The change exempts portable classroom clusters up to 5000 square feet and Group E occupancies of less than 50 occupants from sprinkler requirements.

c. 903.2.7 Group R. Exempts from sprinkler requirements certain Group R occupancies that meet the listed criteria.

903.2.10.3 Buildings over 75 feet in height. Deletes the amendment requiring sprinklers in buildings over 75 feet in height. Reverts to 2006 IBC requiring sprinklers in buildings 55 feet or more in height.

16. Section 909—Smoke control systems: Removes elevator shaft pressurization requirements from this section; reverts to 2006 IBC section 707.14.

17. Section 1008.1.2 Door swing: Adds an exception to allow manual sliders in certain low occupancy areas. Removes reference to power operated door, which is covered in amendments to Chapter 11 and ANSI A117.1.

18. Section 1009.12 Stairways and handrails: Exempts limited areas in dwellings from stairway requirements.

19. Section 1014.2.2 Exit Access Group I-2 Suites: Clarifies exit access provisions for suites in Group I-2 occupancies (hospitals, nursing homes). Defines intervening rooms and how travel distance is measured.

20. Section 1015 Exit and exit access doorways: Allows one exit in some dwelling units. Clarifies the number of exit access doorways required from spaces and corrects references for consistency.

21. Section 1017 Corridor construction, air movement and smoke barriers: For Group R-2 boarding homes or residential treatment facilities licensed by the state, allows "rest areas" in corridors and requires a smoke barrier on floors other than the level of exit discharge. Adds exceptions to use of corridors for air movement to correlate with the state mechanical code.

22. Section 1019 Number of exits and continuity: Clarifies the number of exit access doorways required from stories, creates an exception allowing one means of egress for dwelling units with a maximum occupant load of 20, and corrects references for consistency.

23. Section 1101 Accessibility, General: Indicates ANSI A117.1 Accessible and Usable Buildings and Facilities is amended by this rule.

24. Section 1101.2.1 (ICC A117.1 Section 403.7) Walking surface rise and landings: Requires landings for walking surfaces on an accessible route with over 30 inches rise.

25. Section 1101.2.2 (ICC A117.1 Section 403.5) Clear width of accessible route: Requires exterior accessible routes to be 44 inches wide.

26. Section 1101.2.3 (ICC A117.1 Section 404.2.8) Door-opening force: Exterior doors must have an opening force of 10 pounds maximum or be automatic doors. Interior doors must have an opening force of 5 pounds maximum or be automatic doors.

27. Section 1101.2.4 (ICC A117.1 Section 407.4.6.2.2) Arrangement of elevator car buttons: This section of ANSI A117.1 is not adopted, title is amended to indicate section scope.

28. Section 1101.2.5 (ICC A117.1 Section 603.4) and Section 1101.2.6 (ICC A117.1 Section 604.11) Coat hooks and shelves: Amends maximum reach height for shelves in bathrooms and toilet compartments to 42 inches.

29. Section 1101.2.7 (ICC A117.1 Section 606.7) Operable parts: Amends the maximum reach height for operable parts on dispensers and equipment in bathrooms to 40 inches.

30. Section 1101.2.8 (ICC A117.1 Section 604.6) Flush controls: Amends the maximum height for flush controls to 44 inches.

31. Section 1101.2.9 (ICC A117.1 Section 703.6.3.1) International Symbol of Accessibility. Requires all signs depicting the International Symbol of Accessibility be white on a blue background.

32. Section 1101.2.11 (ICC A117.1 Section 404.3.5) Control switches: Amends the height of control switches for automatic doors to 32 inches minimum and 40 inches maximum, and centers clear floor space on the control switch.

33. Section 1106 Parking and passenger loading facilities: Amends the scope of required parking for hospital and rehabilitation facilities. Clarifies the location of the accessible route of travel.

34. Section 1107 Dwelling units and sleeping units: Requires accessible units be dispersed in proportion to the various types of units in a multi-unit building.

35. Section 1107.6.2.1.1 Type A Units: Deletes state amendment to this section requiring at least 5% of Group R-2 units on a site with more than 10 units be Type A units. Reverts to the 2006 IBC, requiring at least 2% of Group R-2 units on a site with more than 20 units be Type A units.

36. Section 1204 Temperature Control: Provides an exception to the space heating requirement for Group R-1 transient hotels, motels and boarding houses not more than 500 square feet in area. Maintains state amendment related to solid fuel burning appliances.

37. Section 1205 Lighting: Requires every space in Group R occupancies to be provided with natural light except kitchens and one additional room not more than 15% of the area of the dwelling unit.

38. Section 1405 Installation of wall coverings: Corrects a reference to the standard for anchored masonry veneer.

39. Section 1602 Definitions and Notations and Section 1607 Live Loads. Definitions of "exterior balcony" and "deck" are not adopted. Amends live load for balconies to be the same as for decks.

40. Section 1702 Definitions: State amendment to definition of "structural observation" is deleted, reverting to the 2006 IBC. A new definition of "small business" is added.

41. Section 1714 Preconstruction Load Tests: For exterior doors and windows, provides an exception to the load testing requirement for small business manufacturers.

42. Section 2106 Seismic Design: Provides an exception for special reinforced masonry shear walls.

43. Chapter 29 Plumbing Systems: Retains state amended chapter regulating the number and location of plumbing fixtures. Adds a requirement for toilet rooms in Group R-2 boarding homes and residential treatment facilities (2902.1.1). Provides an exception allowing a reduction in the number of fixtures in multiplex movie theaters (Table 2902.1 footnote 9).

44. Section 3001 Elevators and Conveying Systems: General requirements from the 2006 IBC are referenced.

45. Section 3004 Hoistway Venting: Requires a damper on elevator hoistway vents.

46. Section 3006 Machine Rooms: Clarifies the requirement for machine room venting and provides an exception.

47. Section 3103 Temporary structures: Allows unheated tents and yurts under 500 square feet to be used indefinitely.

48. Section 3109 Swimming pool enclosures and safety devices: The regulations for public swimming pool barriers are not adopted. Barriers are regulated by the department of health under WAC 246-260-031(4).

49. Section 3409 Accessibility for existing buildings: Reverts to 2006 IBC for alterations, elevators and platform lifts, and notification devices for dwelling and sleeping units. Retains state amendments requiring telephones on an accessible route and allowing the number of toilet facilities to be reduced in order to provide accessibility.

50. Section 480000 Appendix Chapter M: Creates a new appendix containing the 2006 International Existing Building Code with state amendments.

Reasons Supporting Proposal: RCW 19.27A.031 and 19.27A.074.

Statutory Authority for Adoption: RCW 19.27A.031, 19.27A.074.

Statute Being Implemented: Chapters 19.27 and 34.05 RCW.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The council is seeking comments on the issues proposed in the following rules.

Name of Proponent: Washington state building code council, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Tim Nogler, P.O. Box 42525, Olympia, WA 98504-2525, (360) 725-2969; and Enforcement: Local jurisdictions.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule will update the adoption of model codes to stay current with national standards for the benefit of industry and Washington state interests. New state amendments clarify and simplify the code.

Where disproportionate economic impact on small business was identified, proposed amendments mitigate the impact by providing an exemption for small business.

A cost-benefit analysis is not required under RCW 34.05.328. The state building code council is not listed in this section as one of the agencies required to comply with this statute.

August 1, 2006

John P. Neff  
Council Chair

### Chapter 51-50 WAC

#### STATE BUILDING CODE ADOPTION AND AMENDMENT OF THE ((2003)) 2006 EDITION OF THE INTERNATIONAL BUILDING CODE

AMENDATORY SECTION (Amending WSR 05-01-014, filed 12/2/04, effective 7/1/05)

**WAC 51-50-003 International Building Code.** The ((2003)) 2006 edition of the *International Building Code*, including ((H07)) Appendix E, published by the International Code Council is hereby adopted by reference with the exceptions noted in this chapter of the Washington Administrative Code.

AMENDATORY SECTION (Amending WSR 05-01-014, filed 12/2/04, effective 7/1/05)

**WAC 51-50-005 International Building Code requirements for barrier-free accessibility.** Chapter 11 and other International Building Code requirements for barrier-free access, including ICC A117.1-2003 and Appendix E ((H07)), are adopted pursuant to chapters 70.92 and 19.27 RCW.

Pursuant to RCW 19.27.040, Chapter 11 and requirements affecting barrier-free access shall not be amended by local governments.

AMENDATORY SECTION (Amending WSR 04-01-108, filed 12/17/03, effective 7/1/04)

**WAC 51-50-007 Exceptions.** The exceptions and amendments to the International Building Code contained in the provisions of chapter 19.27 RCW shall apply in case of conflict with any of the provisions of these rules.

The provisions of this code do not apply to temporary growing structures used solely for the commercial production of horticultural plants including ornamental plants, flowers, vegetables, and fruits. "Temporary growing structure" means a structure that has the sides and roof covered with polyethylene, polyvinyl, or similar flexible synthetic material and is used to provide plants with either frost protection or increased heat retention. A temporary growing structure is not considered a building for purposes of this code.

The provisions of this code do not apply to the construction, alteration, or repair of temporary worker housing except as provided by rule adopted under chapter 70.114A RCW or chapter 37, Laws of 1998 (SB 6168). "Temporary worker

housing" means a place, area, or piece of land where sleeping places or housing sites are provided by an employer for his or her employees or by another person, including a temporary worker housing operator, who is providing such accommodations for employees, for temporary, seasonal occupancy, and includes "labor camps" under RCW 70.54.110.

Codes referenced which are not adopted through RCW 19.27.031 or chapter 19.27A RCW shall not apply unless specifically adopted by the authority having jurisdiction. The 2006 International Existing Building Code is referenced in this code as Appendix Chapter M and may be adopted by the authority having jurisdiction in accordance with Section 101.2.1.

AMENDATORY SECTION (Amending WSR 04-01-108, filed 12/17/03, effective 7/1/04)

**WAC 51-50-008 Implementation.** The International Building Code adopted under chapter 51-50 WAC shall become effective in all counties and cities of this state on July 1, ((2004)) 2007.

#### NEW SECTION

##### **WAC 51-50-0107 Temporary structures and uses.**

**107.1 General.** The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The building official is authorized to grant extensions for demonstrated cause.

**EXCEPTION:** The building official may authorize unheated tents and yurts under 500 square feet accommodating an R-1 Occupancy for recreational use as a temporary structure and be allowed to be used indefinitely.

AMENDATORY SECTION (Amending WSR 05-24-070, filed 12/5/05, effective 7/1/06)

##### **WAC 51-50-0200 Chapter 2—Definitions.**

#### **SECTION 202—DEFINITIONS.**

**ADULT FAMILY HOME.** See Section 310.2.

**CHILD DAY CARE.** See Section 310.2.

**CHILD DAY CARE HOME, FAMILY.** See Section 310.2.

**NIGHTCLUB.** An establishment, other than a theater with fixed seating, which includes all of the following:

1. Provides live entertainment by paid performing artists or by way of recorded music conducted by a person employed or engaged to do so;

2. Has as its primary source of revenue the sale of beverages of any kind for consumption on the premises and/or cover charges;

3. Has an occupant load of 100 or more as determined by the fire code official; and

4. Includes assembly space without fixed seats considered concentrated or standing space per Table 1004.1.2.

Paid performing artists are those entertainers engaged to perform in a for-profit business establishment.

**PORTABLE SCHOOL CLASSROOM.** See Section 902.1.

**RESIDENTIAL CARE/ASSISTED LIVING FACILITIES.** See Section 310.2. This definition is not adopted.

**STORY.** That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above, including basements (also see "Mezzanine" and Section 502.1). It is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

**STORY ABOVE GRADE PLANE.** Any story having its finished floor surface entirely above grade plane, except that a basement shall be considered as a story above grade plane where the finished surface of the floor or roof next above the basement is:

1. More than 6 feet (1829 mm) above grade plane; or
2. More than 12 feet (3658 mm) above the finished ground level at any point.

**AMENDATORY SECTION** (Amending WSR 04-01-108, filed 12/17/03, effective 7/1/04)

**WAC 51-50-0308 Section 308—Institutional Group I.**

**308.2 Group I-1.** This occupancy shall include buildings, structures or parts thereof housing more than 16 persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment that provides personal care services. The occupants are capable of responding to an emergency situation without physical assistance from staff. This group shall include, but not be limited to, the following:

- Residential board and care facilities
- Assisted living facilities
- Halfway houses
- Group homes
- Congregate care facilities
- Social rehabilitation facilities
- Alcohol and drug centers
- Convalescent facilities

A facility such as the above with five or fewer persons and adult family homes licensed by the Washington state department of social and health services shall be classified as a Group R-3 or shall comply with the *International Residential Code* in accordance with Section 101.2. ~~((A facility such as above, housing at least six and not more than 16 persons, shall be classified as Group R-4.))~~

A facility such as the above providing licensed care to clients in one of the categories listed in Section ~~((313.1))~~ 310.1 regulated by either the Washington department of health or the department of social and health services shall be classified as ~~((Licensed Care Group LC))~~ Group R-2.

**308.3 Group I-2.** This occupancy shall include buildings and structures used for medical, surgical, psychiatric, nursing or custodial care on a 24-hour basis of more than five persons who are not capable of self-preservation. This group shall include, but not be limited to, the following:

- Hospitals

Nursing homes (both intermediate-care facilities and skilled nursing facilities)

Mental hospitals

Detoxification facilities

A facility such as the above with five or fewer persons shall be classified as Group R-3 or shall comply with the *International Residential Code* in accordance with Section 101.2.

A facility such as the above providing licensed care to clients in one of the categories listed in Section ~~((313.1))~~ 310.1 regulated by either the Washington department of health or the department of social and health services shall be classified as ~~((Licensed Care Group LC))~~ Group R-2.

**308.5.2 Child care facility.** A facility that provides supervision and personal care on a less than 24-hour basis for more than five children 2 1/2 years of age or less shall be classified as Group I-4.

- EXCEPTIONS:
1. A child day care facility that provides care for more than five but no more than 100 children 2 1/2 years or less of age, when the rooms where such children are cared for are located on the level of exit discharge and each of these child care rooms has an exit door directly to the exterior, shall be classified as Group E.
  2. Family child day care homes licensed by the Washington state department of social and health services for the care of twelve or fewer children shall be classified as Group R-3.

**AMENDATORY SECTION** (Amending WSR 04-01-108, filed 12/17/03, effective 7/1/04)

**WAC 51-50-0310 Section 310—Residential Group R.**

**310.1 Residential Group R.** Residential Group R includes, among others, the use of a building or structure, or a portion thereof, for sleeping purposes when not classified as an Institutional Group I or ~~((Licensed Care Group LC))~~ when not regulated by the International Residential Code in accordance with Section 101.2. Residential occupancies shall include the following:

**R-1** Residential occupancies where the occupants are primarily transient in nature, including:

- Boarding houses (transient)
- Hotels (transient)
- Motels (transient)

**R-2** Residential occupancies containing sleeping units or more than two dwelling units where the occupants are primarily permanent in nature, including:

- Apartment houses
- Boarding houses (not transient)
- Boarding homes as licensed by department of social and health services under chapter 388-78A WAC
- Convents
- Dormitories
- Fraternities and sororities
- Hotels (nontransient)
- Monasteries
- Motels (nontransient)
- Residential treatment facilities as licensed by department of health under chapter 246-337 WAC
- Vacation timeshare properties



~~((Hotels (nontransient)  
Motels (nontransient)))~~

**R-3 Residential occupancies** where the occupants are primarily permanent in nature and not classified as R-1, R-2, R-4 or I and where buildings do not contain more than two dwelling units as applicable in Section 101.2, including adult family homes and family child day care homes for the care of twelve or fewer children, licensed by the Washington state department of social and health services, or adult and child care facilities that provide accommodations for five or fewer persons of any age for less than 24 hours. Adult family homes and family child day care homes, or adult and child care facilities that are within a single-family home are permitted to comply with the International Residential Code in accordance with Section 101.2.

Foster family care homes licensed by the Washington state department of social and health services shall be permitted, as an accessory use to a dwelling, for six or fewer children including those of the resident family.

~~((R-4 Residential occupancies shall include buildings arranged for occupancy as residential care/assisted living facilities including more than five but not more than 16 occupants, excluding staff.~~

~~EXCEPTIONS: 1. A facility such as the above providing licensed care to clients in one of the categories listed in Section 313.1 regulated by either the Washington department of health or the department of social and health services shall be classified as Licensed Care Group LC.  
2. Adult family homes, family child day care homes and foster family care homes shall be classified as Group R-3.~~

~~Group R-4 Occupancies shall meet the requirements for construction as defined for Group R-3 except as otherwise provided for in this code or shall comply with the International Residential Code in accordance with Section 101.2.)  
R-4 classification is not adopted. Any reference in this code to R-4 does not apply.~~

### 310.2 Definitions.

**ADULT FAMILY HOME** means a dwelling in which a person or persons provide personal care, special care, room and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services.

**CHILD DAY CARE**, shall, for the purposes of these regulations, mean the care of children during any period of a 24-hour day.

**CHILD DAY CARE HOME, FAMILY** is a child day care facility, licensed by the state, located in the dwelling of the person or persons under whose direct care and supervision the child is placed, for the care of twelve or fewer children, including children who reside at the home.

**RESIDENTIAL CARE/ASSISTED LIVING FACILITIES.** A building or part thereof housing persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment which provides personal care services that is not classified as Licensed Care Group LC. The occupants are capable of responding to an emergency situation without physical assistance from staff. This

classification shall include, but not be limited to, the following: Residential board and care facilities, assisted living facilities, halfway houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug abuse centers and convalescent facilities. This definition is not adopted.

### NEW SECTION

**WAC 51-50-0406 Section 406—Motor-vehicle-related occupancies.**

**406.2.6 Floor surface.** Parking surfaces shall be of concrete or similar noncombustible and nonabsorbent materials.

EXCEPTION: Asphalt parking surfaces are permitted at ground level.

AMENDATORY SECTION (Amending WSR 05-01-014, filed 12/2/04, effective 7/1/05)

**WAC 51-50-0407 Section 407—Group I-2.**

**407.8 Locks on exit doors.** Approved, listed locks without delayed egress shall be permitted in nursing homes or portions of nursing homes, provided that:

1. The clinical needs of one or more patients require specialized security measures for their safety.
2. The doors unlock upon actuation of the automatic sprinkler system or automatic fire detection system.
3. The doors unlock upon loss of electrical power controlling the lock or lock mechanism.
4. The lock shall be capable of being deactivated by a signal from a switch located in an approved location.
5. There is a system, such as a keypad and code, in place ~~((to inform))~~ that allows visitors, staff persons and appropriate residents ~~((how they can))~~ to exit. Instructions for exiting shall be posted within six feet of the door.

### NEW SECTION

**WAC 51-50-0502 Section 502—Definitions.**

**502.1 Definitions.** The following words and terms shall, for the purposes of this chapter and as used elsewhere in this code, have the meanings shown herein.

**BASEMENT.** A story that is partly or completely below grade plane (see "Story above grade plane" in Section 202). A basement shall be considered as a story above grade plane where the finished surface of the floor or roof next above the basement is:

1. More than 6 feet (1829 mm) above grade plane; or
2. More than 12 feet (3658 mm) above the finished ground level at any point.

**STORY.** That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above, including basements (also see "Basement" and "Mezzanine").

NEW SECTION

WAC 51-50-0503 Section 503—General height and area limitations.

TABLE 503  
ALLOWABLE HEIGHT AND BUILDING AREAS<sup>a</sup>

Height limitations shown as stories and feet above grade plane. Area limitations as determined by the definition of "Area, building," per story.										
		TYPE OF CONSTRUCTION								
		TYPE I		TYPE II		TYPE III		TYPE IV	TYPE V	
		A	B	A	B	A	B	HT	A	B
Group	Hgt (feet) Hgt (S)	UL	160	65	55	65	55	65	50	40
A-1	S	UL	5	3	2	3	2	3	2	1
	A	UL	UL	15,500	8,500	14,000	8,500	15,000	11,500	5,500
A-2	S	UL	11	3	2	3	2	3	2	1
	A	UL	UL	15,500	9,500	14,000	9,500	15,000	11,500	6,000
A-3	S	UL	11	3	2	3	2	3	2	1
	A	UL	UL	15,500	9,500	14,000	9,500	15,000	11,500	6,000
A-4	S	UL	11	3	2	3	2	3	2	1
	A	UL	UL	15,500	9,500	14,000	9,500	15,000	11,500	6,000
A-5	S	UL	UL	UL	UL	UL	UL	UL	UL	UL
	A	UL	UL	UL	UL	UL	UL	UL	UL	UL
B	S	UL	11	5	4	5	4	5	3 <sup>e</sup>	2
	A	UL	UL	37,500	23,000	28,500	19,000	36,000	18,000	9,000
E	S	UL	5	3	2	3	2	3	1	1
	A	UL	UL	26,500	14,500	23,500	14,500	25,500	18,500	9,500
F-1	S	UL	11	4	2	3	2	4	2	1
	A	UL	UL	25,000	15,500	19,000	12,000	33,500	14,000	8,500
F-2	S	UL	11	5	3	4	3	5	3	2
	A	UL	UL	37,500	23,000	28,500	18,000	50,500	21,000	13,000
H-1	S	1	1	1	1	1	1	1	1	NP
	A	21,000	16,500	11,000	7,000	9,500	7,000	10,500	7,500	NP
H-2 <sup>d</sup>	S	UL	3	2	1	2	1	2	1	1
	A	21,000	16,500	11,000	7,000	9,500	7,000	10,500	7,500	3,000
H-3 <sup>d</sup>	S	UL	6	4	2	4	2	4	2	1
	A	UL	60,000	26,500	14,000	17,500	13,000	25,500	10,000	5,000
H-4	S	UL	7	5	3	5	3	5	3	2
	A	UL	UL	37,500	17,500	28,500	17,500	36,000	18,000	6,500
H-5	S	4	3	4	3	3	3	3	3	2
	A	UL	UL	37,500	23,000	28,500	19,000	36,000	18,000	9,000
I-1	S	UL	9	4	3	4	3	4	3	2
	A	UL	55,000	19,000	10,000	16,500	10,000	18,000	10,500	4,500
I-2	S	UL	4	2	1	1	NP	1	1	NP
	A	UL	UL	15,000	11,000	12,000	NP	12,000	9,500	NP
I-3	S	UL	4	2	1	2	1	2	2	1
	A	UL	UL	15,000	11,000	10,500	7,500	12,000	7,500	5,000
I-4	S	UL	5	3	2	3	2	3	1	1
	A	UL	60,500	26,500	13,000	23,500	13,000	25,500	18,500	9,000

**TABLE 503  
ALLOWABLE HEIGHT AND BUILDING AREAS<sup>a</sup>**

Height limitations shown as stories and feet above grade plane. Area limitations as determined by the definition of "Area, building," per story.										
		TYPE OF CONSTRUCTION								
		TYPE I		TYPE II		TYPE III		TYPE IV	TYPE V	
		A	B	A	B	A	B	HT	A	B
M	S	UL	11	4	4	4	4	4	3	1
	A	UL	UL	21,500	12,500	18,500	12,500	20,500	14,000	9,000
R-1	S	UL	11	4	4	4	4	4	3 <sup>e</sup>	2
	A	UL	UL	24,000	16,000	24,000	16,000	20,500	12,000	7,000
R-2	S	UL	11	4	4	4	4	4	3 <sup>e</sup>	2
	A	UL	UL	24,000	16,000	24,000	16,000	20,500	12,000	7,000
R-3	S	UL	11	4	4	4	4	4	3	2
	A	UL	UL	UL	UL	UL	UL	UL	UL	UL
R-4	S	UL	11	4	4	4	4	4	3	2
	A	UL	UL	24,000	16,000	24,000	16,000	20,500	12,000	7,000
S-1	S	UL	11	4	3	3	3	4	3	1
	A	UL	48,000	26,000	17,500	26,000	17,500	25,500	14,000	9,000
S-2 <sup>b,c</sup>	S	UL	11	5	4	4	4	5	4	2
	A	UL	79,000	39,000	26,000	39,000	26,000	38,500	21,000	13,500
U <sup>c</sup>	S	UL	5	4	2	3	2	4	2	1
	A	UL	35,500	19,000	8,500	14,000	8,500	18,000	9,000	5,500

For SI: 1 foot = 304.8 mm, 1 square foot = 0.0929 m<sup>2</sup>.  
UL = Unlimited, NP = Not permitted.

- a. See the following sections for general exceptions to Table 503:
  1. Section 504.2, Allowable height increase due to automatic sprinkler system installation.
  2. Section 506.2, Allowable area increase due to street frontage.
  3. Section 506.3, Allowable area increase due to automatic sprinkler system installation.
  4. Section 507, Unlimited area buildings.
- b. For open parking structures, see Section 406.3.
- c. For private garages, see Section 406.1.
- d. See Section 415.5 for limitations.
- e. For Group B or Group R, Divisions 1 and 2 Occupancies, the permitted increase of one story allowed by Section 504.2 may be increased to two stories when all of the following conditions are met:
  1. An automatic fire sprinkler system complying with Section 903.3.1.1 is installed throughout with the installation of quick response sprinkler heads in all areas where the use of these heads is allowed.
  2. Vertical exit enclosures are constructed as smokeproof enclosures or pressurized stair enclosures in accordance with Section 909.20.
  3. Standby power is supplied for light, emergency, and any exit enclosure pressurization systems used, as provided in Sections 403.10 and 909.20.6.2, and the adopted edition of the National Electrical Code. Connection ahead of service disconnect means shall be permitted for standby power.
  4. Walls separating dwelling units or sleeping units, and corridor walls in Group R, Divisions 1 and 2 Occupancies shall be constructed as 1 hr. fire partitions as provided in IBC Section 708. Reduction of the fire-resistance rating is not permitted.
  5. All exterior walls, including those with a fire separation distance of more than 5 feet, shall be of not less than 1 hr. fire-resistance rated construction on the interior and the exterior of the wall.
  6. Structural observation is provided during construction in accordance with Sections 1702 and 1709.1.

**NEW SECTION**

**WAC 51-50-0506 Area modifications.**

**506.1.1 Basements.** A single basement that is not a story above grade plane need not be included in the total allowable area provided such basement does not exceed the area permitted for a building with no more than one story above grade plane.

**EXCEPTION:** In buildings of Type I, IIA, IIIA, IV or VA construction, the basements below the first story above grade plane need not be included in the total allowable area provided each such basement does not exceed the area permitted for a building with no more than one story above grade plane.

**NEW SECTION**

**WAC 51-50-0509 Section 509—Special provisions.**

**509.2 Group S-2 enclosed or open parking garage with Group A, B, M, R or S above.** A building shall be considered as two separate and distinct buildings for the purpose of determining area limitations, continuity of fire walls, limitation of number of stories and type of construction, where all of the following conditions are met:

1. The buildings are separated with a horizontal assembly having a minimum 3-hour fire-resistance rating.
2. The building below the horizontal assembly is no more than one story above grade plane.
3. The building below the horizontal assembly is of Type IA construction.

4. Shaft, stairway, ramp and escalator enclosures through the horizontal assembly shall have not less than a 2-hour fire-resistance rating with opening protectives in accordance with Table 715.4.

EXCEPTION: Where the enclosure walls below the horizontal assembly have not less than a 3-hour fire-resistance rating with opening protectives in accordance with Table 715.3, the enclosure walls extending above the horizontal assembly shall be permitted to have a 1-hour fire-resistance rating provided:

1. The building above the horizontal assembly is not required to be of Type I construction,
2. The enclosure connects less than four stories, and
3. The enclosure opening protectives above the horizontal assembly have a minimum 1-hour fire-protection rating.

5. The building above the horizontal assembly shall be permitted to have multiple Group A uses each with an occupant load of less than 300, or Group B, M, R or S uses;

6. The building below the horizontal assembly is a Group S-2 enclosed or open parking garage, used for the parking and storage of private motor vehicles.

EXCEPTIONS: 1. Entry lobbies, mechanical rooms and similar uses incidental to the operation of the building shall be permitted.  
2. Multiple Group A uses, each with an occupant load of less than 300, or Group B or M uses shall be permitted in addition to those uses incidental to the operation of the building (including storage areas), provided that the entire structure below the horizontal assembly is protected throughout by an approved automatic sprinkler system.

7. The maximum building height in feet shall not exceed the limits set forth in Section 503 for the building having the smaller allowable height as measured from grade plane.

**509.3 Group S-2 enclosed parking garage with Group S-2 open parking garage above.** A Group S-2 enclosed parking garage with no more than one story above grade plane and located below a Group S-2 open parking garage shall be classified as a separate and distinct building for the purpose of determining the type of construction where the following conditions are met:

1. The allowable area of the building shall be such that the sum of the ratios of the actual area divided by the allowable area for each separate occupancy shall not exceed 1.0.

2. The Group S-2 enclosed parking garage is of Type I or II construction and is at least equal to the fire-resistance requirements of the Group S-2 open parking garage.

3. The height and number of tiers of the Group S-2 open parking garage shall be limited as specified in Table 406.3.5.

4. The floor assembly separating the Group S-2 enclosed parking garage and Group S-2 open parking garage shall be protected as required for the floor assembly of the Group S-2 enclosed parking garage. Openings between the Group S-2 enclosed parking garage and Group S-2 open parking garage, except exit openings, shall not be required to be protected.

5. The Group S-2 enclosed parking garage is used exclusively for the parking or storage of private motor vehicles, but shall be permitted to contain an office, waiting room and toilet room having a total area of not more than 1,000 square feet (93 m<sup>2</sup>), and mechanical equipment rooms incidental to the operation of the building.

AMENDATORY SECTION (Amending WSR 04-01-108, filed 12/17/03, effective 7/1/04)

**WAC 51-50-0707 Section 707—Shaft enclosures.**

~~((707.14.1 Elevator lobby. Elevators opening into a fire-resistance-rated corridor as required by Section 1016.1 shall be provided with an elevator lobby at each floor containing such a corridor. The lobby shall separate the elevators from the corridor by fire partitions and the required opening protection. Elevator lobbies shall have at least one means of egress complying with Chapter 10 and other provisions within this code.~~

EXCEPTIONS: 1. In office buildings, separations are not required from a street-floor elevator lobby provided the entire street floor is equipped with an automatic sprinkler system in accordance with Section 903.3.1.1.  
2. Elevators not required to be located in a shaft in accordance with Section 707.2.  
3. Where additional doors are provided in accordance with Section 3002.6. Such doors shall be tested in accordance with UL-1784 without an artificial bottom seal.  
4. In other than Group I-3, and buildings more than four stories above the lowest level of fire department vehicle access, lobby separation is not required where the building, including the lobby and corridors leading to the lobby, is protected by an automatic sprinkler system installed throughout in accordance with Section 903.3.1.1 or 903.3.1.2.  
5. In fully sprinklered buildings where elevator and stair shafts are pressurized in accordance with Section 909, elevator lobbies need not be provided. The pressurized stair shafts shall comply with the standards for elevator shaft pressurization in Section 909.6.3.)

**707.14.2 Enclosed elevator lobby pressurization alternative.** Where elevator hoistway pressurization is provided in lieu of required enclosed elevator lobbies, the pressurization system shall comply with this section.

**707.14.2.1 Pressurization requirements.** Elevator hoistways shall be pressurized to maintain a minimum positive pressure of 0.04 inches of water column and a maximum positive pressure of 0.06 inches of water column with respect to adjacent occupied space on all floors, as well as accounting for the stack and wind effect expected on the mean low temperature January day. This pressure shall be measured at the midpoint of each hoistway door, with all hoistway doors open at the designated primary recall level and all other hoistway doors closed. The supply air intake shall be from an outside, uncontaminated source located a minimum distance of 20 feet from any air exhaust system or outlet.

**707.14.2.2 Ducts for system.** Any duct system that is part of the pressurization system shall be protected with the same fire-resistance rating as required for the elevator shaft enclosure.

**707.14.2.3 Fan system.** The fan system provided for the pressurization system shall be as required by this section.

**707.14.2.3.1 Fire resistance.** When located within the building, the fan system that provides the pressurization shall be protected with the same fire-resistance rating required for the elevator shaft enclosure.

**707.14.2.3.2 Smoke detection.** The fan system shall be equipped with a smoke detector that will automatically shut down the fan system when smoke is detected within the system.

**707.14.2.3.3 Separate systems.** A separate fan system shall be used for each bank of elevators.

**707.14.2.3.4 Fan capacity.** The supply fan shall either be adjustable with a capacity of at least 1000-cfm (.4719 m<sup>3</sup>/s) per door, or that specified by a registered design professional to meet the requirements of a designed pressurization system.

**707.14.2.4 Standby power.** The pressurization system shall be provided with standby power from the same source as other required emergency systems for the building.

**707.14.2.5 Activation of pressurization system.** The elevator pressurization system shall be activated upon activation of the building fire alarm system or upon activation of the elevator lobby smoke detectors.

**707.14.2.6 Elevator doors.** Each elevator door shall operate properly when hoistway pressurization is in effect.

**707.14.2.7 Hoistway venting.** Hoistway venting required by Section 3004 need not be provided for pressurized elevator shafts.

**707.14.2.8 Machine rooms.** Elevator machine rooms shall be pressurized in accordance with this section unless separated from the hoistway shaft by construction in accordance with Section 707.

**707.14.2.9 Special inspection.** Special inspection for performance shall be required in accordance with Section 909.18.8. System acceptance shall be in accordance with Section 909.19.

**AMENDATORY SECTION** (Amending WSR 05-24-070, filed 12/5/05, effective 7/1/06)

**WAC 51-50-0903 Section 903—Automatic sprinkler systems.**

~~(903.2.1.2 Group A-2.~~ An automatic sprinkler system shall be provided for Group A-2 Occupancies where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet (464.5 m<sup>2</sup>).
2. The fire area has an occupant load of 100 or more.
3. The fire area is located on a floor other than the level of exit discharge.)

**903.2.1.6 Nightclub.** An automatic sprinkler system shall be provided throughout an occupancy with a nightclub. Existing nightclubs constructed prior to July 1, 2006, shall be provided with automatic sprinklers not later than December 1, 2007. The fire code official, for the application of this rule, may establish an occupant load based on the observed use of the occupancy in accordance with Table 1004.1.2.

**903.2.2 Group E.** An automatic sprinkler system shall be provided for Group E Occupancies ((as follows:

1. Throughout all Group E fire areas greater than 20,000 square feet (1858 m<sup>2</sup>) in area.

~~2. Throughout every portion of educational buildings below the level of exit discharge.~~

**EXCEPTION:** An automatic sprinkler system is not required in any fire area or area below the level of exit discharge where every classroom throughout the building has at least one exterior exit door at ground level.

~~3. Throughout all newly constructed Group E Occupancies having an occupant load of 50 or more for more than 12 hours per week or four hours in any one day. A minimum water supply meeting the requirements of NFPA 13 shall be required. The fire code official may reduce fire flow requirements for buildings protected by an approved automatic sprinkler system.~~

~~For the purpose of this section, additions exceeding 60 percent of the value of such building or structure, or alterations and repairs to any portion of a building or structure within a twelve-month period that exceeds 100 percent of the value of such building or structure shall be considered new construction. In the case of additions, fire walls shall define separate buildings).~~

**EXCEPTIONS:**

1. Portable school classrooms, provided aggregate area of any cluster or portion of a cluster(s) of portable school classrooms does not exceed 5,000 square feet (1465 m<sup>2</sup>); and clusters of portable school classrooms shall be separated as required in Chapter 5 of the building code.
2. Group E ((day-care)) occupancies with an occupant load of 50 or less.

~~((When not required by other provisions of this chapter, a fire extinguishing system installed in accordance with NFPA 13 may be used for increases and substitutions allowed in Section 504.2, 506.3, and Table 601 of the building code.))~~ **903.2.7 Group R.** An automatic fire sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.

**EXCEPTION:** Group R-1 if all of the following conditions apply:

1. The Group R fire area is no more than 500 square feet.
2. The Group R fire area is only one story.
3. The Group R fire area does not include a basement.
4. The Group R fire area is no closer than 30 feet from another structure.
5. Cooking is not allowed within the Group R fire area.
6. The Group R fire area has an occupant load of no more than 8.
7. A hand held (portable) fire extinguisher is in every Group R fire area.

~~(903.2.10.3 Buildings over 75 feet in height.~~ An automatic sprinkler system shall be installed throughout buildings with a floor level having an occupant load of 30 or more that is located 75 feet (22 860 mm) or more above the lowest level of fire department vehicle access.

**EXCEPTIONS:**

1. Airport control towers.
2. Open parking structures.
3. Occupancies in Group F-2.)

**AMENDATORY SECTION** (Amending WSR 05-24-070, filed 12/5/05, effective 7/1/06)

**WAC 51-50-0909 Section 909—Smoke control systems.**

~~(909.6.3 Elevator shaft pressurization.~~ Where elevator shaft pressurization is required to comply with Exception 5 of

Section 707.14.1, the pressurization system shall comply with the following:

~~**909.6.3.1 Standards and testing.** Elevator shafts shall be pressurized to not less than 0.10 inch water column relative to atmospheric pressure. Elevator pressurization shall be measured with the elevator cars at the designated primary recall level with the doors in the open position. The test shall be conducted at the location of the calculated maximum positive stack effect in the elevator shaft. The measured pressure shall be sufficient to provide 0.10 inch of water column as well as accounting for the stack and wind effect expected on the mean low temperature January day.~~

~~**909.6.3.2 Activation.** The elevator shaft pressurization system shall be activated by a fire alarm system which shall include smoke detectors or other approved detectors located near the elevator shaft on each floor as approved by the building official and fire chief. If the building has a fire alarm panel, detectors shall be connected to, with power supplied by, the fire alarm panel.~~

~~**909.6.3.3 Separation.** Elevator shaft pressurization equipment and its ductwork located within the building shall be separated from other portions of the building by construction equal to that required for the elevator shaft.~~

~~**909.6.3.4 Location of intakes.** Elevator shaft pressurization air intakes shall be located in accordance with Section 909.10.3. Such intakes shall be provided with smoke detectors which upon detection of smoke, shall deactivate the pressurization fan supplied by that air intake.~~

~~**909.6.3.5 Power system.** The power source for the fire alarm system and the elevator shaft pressurization system shall be in accordance with Section 909.11.~~

~~**909.6.3.6 Hoistway venting.** Hoistway venting required by Section 3004 need not be provided for pressurized elevator shafts.~~

~~**909.6.3.7 Machine rooms.** Elevator machine rooms required to be pressurized by Section 3006.3 need not be pressurized where separated from the hoistway shaft by construction in accordance with Section 707.~~

~~**909.6.3.8 Special inspection.** Special inspection for performance shall be required in accordance with Section 909.18.8. System acceptance shall be in accordance with Section 909.19.)~~

AMENDATORY SECTION (Amending WSR 05-24-070, filed 12/5/05, effective 7/1/06)

**WAC 51-50-1008 Section 1008—Doors, gates and turnstiles.**

**1008.1.2 Door swing.** Egress doors shall be side-hinged swinging.

EXCEPTIONS: 1. Private garages, office areas, factory and storage areas with an occupant load of 10 or less.  
2. Group I-3 Occupancies used as a place of detention.  
3. Critical or intensive care patient rooms within suites of health care facilities.

~~4. Doors within or serving a single dwelling unit in Groups R-2 and R-3 as applicable in Section 101.2.~~

~~((4-)) 5. In other than Group H Occupancies, revolving doors complying with Section 1008.1.3.1.~~

~~((5-)) 6. In other than Group H Occupancies, horizontal sliding doors complying with Section 1008.1.3.3 are permitted as a means of egress.~~

~~((6-)) 7. Power-operated doors in accordance with Section 1008.1.3.1.~~

~~((7)) 8. Doors serving a bathroom within an individual sleeping unit in Group R-1.~~

~~9. In other than Group H Occupancies, manually operated horizontal sliding doors are permitted in a means of egress from occupied spaces with an occupant load of 10 or less.~~

Doors shall swing in the direction of egress travel where serving an occupant load of 50 or more persons or a Group H Occupancy.

The opening force for interior side-swinging doors without closers shall not exceed a 5-pound force. For other side-swinging, sliding, and folding doors, the door latch shall release when subjected to a 15-pound force. The door shall be set in motion when subjected to a 30-pound force. The door shall swing to a full-open position when subjected to a 15-pound force. Forces shall be applied to the latch side. ~~((Within an accessible route, at exterior doors where environmental conditions require a closing pressure greater than 8.5 pounds, power operated doors shall be used within the accessible route of travel.))~~

AMENDATORY SECTION (Amending WSR 04-01-108, filed 12/17/03, effective 7/1/04)

**WAC 51-50-1009 Section 1009—Stairways and handrails.**

~~((4009.13)) **1009.12 Stairways in individual dwelling units.** Stairs or ladders within an individual dwelling unit used ~~((to gain))~~ for access to areas of 200 square feet (18.6 m<sup>2</sup>) or less, and not containing the primary bathroom or kitchen, are exempt from the requirements of Section 1009.~~

NEW SECTION

**WAC 51-50-1014 Exit access.**

**1014.2.2 Group I-2.** Habitable rooms or suites in Group I-2 occupancies shall have an exit access door leading directly to a corridor.

EXCEPTIONS: 1. Rooms with exit doors opening directly to the outside at ground level.  
2. Patient sleeping rooms are permitted to have one intervening room if the intervening room is not used as an exit access for more than eight patient beds.  
3. Special nursing suites are permitted to have one intervening room where the arrangement allows for direct and constant visual supervision by nursing personnel.  
4. For rooms other than patient sleeping rooms located within a suite, exit access travel from within the suite shall be permitted through one intervening room where the travel distance to the exit access door is not greater than 100 feet (30,480 mm).  
5. For rooms other than patient sleeping rooms located within a suite, exit access travel from within the suite shall be permitted through two intervening rooms where the travel distance to the exit access door is not greater than 50 feet (15,240 mm).

The travel distance between any point in a room normally occupied by patients in a Group I-2 Occupancy and an exit access door in the room shall not exceed 50 feet (15,240 mm).

EXCEPTION: Suites complying with Section 1014.2.2.1.

**1014.2.2.1 Suites.**

**1014.2.2.1.1 Definition.** For the purposes of this section, a suite is defined as a cluster of rooms or spaces sharing common circulation and separated from adjacent areas with smoke partitions. Partitions within a suite are not required to have smoke or fire-resistance-rated construction unless required by another section of this Code.

**1014.2.2.1.2 Size of suites.** Suites of sleeping rooms shall not exceed 5,000 square feet (465 m<sup>2</sup>). Suites of rooms other than patient sleeping rooms shall not exceed 10,000 square feet (929 m<sup>2</sup>).

**1014.2.2.1.3 Number of means of egress.** Any patient sleeping room, or any suite that includes patient sleeping rooms, of more than 1,000 square feet (93 m<sup>2</sup>) shall have at least two exit access doors that comply with Section 1015.2. Any room or suite of rooms, other than patient sleeping rooms, of more than 2,500 square feet (232 m<sup>2</sup>) shall have at least two exit access doors that comply with Section 1015.2.

**1014.2.2.1.4 Intervening rooms.** For the purposes of this section, an intervening room is defined as a room or space through which occupants must pass on the way from a habitable room or space to a corridor or exit. A circulation space within the suite, including adjacent areas open to that circulation space, is considered to be an intervening room. Toilet rooms, control rooms, equipment rooms, and similar accessory spaces within a suite are not considered to be habitable rooms.

**1014.2.2.1.5 Travel distance.** The travel distance between any point in a suite of sleeping rooms and an exit access door of that suite shall not exceed 100 feet (30,480 mm). Where a suite has two required means of egress, one of them may pass through the circulation space of one adjacent suite. Where a means of egress is into an adjoining suite the travel distance within the suite shall be measured to the door of the adjacent suite. The adjacent suite shall not be considered an intervening room. Required egress pathways from areas outside the suite and the adjacent suite shall not pass through the suite.

NEW SECTION

**WAC 51-50-1015 Exit and exit access doorways.**

**1015.1 (IFC 1015.1) Exits or exit access doorways from spaces.** Two exits or exit access doorways from any space shall be provided where one of the following conditions exists:

1. The occupant load of the space exceeds one of the values in Table 1015.1.

EXCEPTION: One means of egress is permitted within and from dwelling units with a maximum occupant load of 20 where the dwelling unit is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1.

2. The common path of egress travel exceeds one of the limitations of Section 1014.3.

3. Where required by Sections 1015.3, 1015.4, 1015.5, 1015.6 or 1015.6.1.

EXCEPTION: Group I-2 occupancies shall comply with Section 1014.2.2.

**TABLE 1015.1 (IFC 1015.1)  
SPACES WITH ONE MEANS OF EGRESS**

OCCUPANCY	MAXIMUM OCCUPANT LOAD
A, B, E <sup>a</sup> , F, M, U	49
H-1, H-2, H-3	3
H-4, H-5, I-1, I-3, I-4, R	10
S	29

a. Day care maximum occupant load is 10.

**1015.1.1 (IFC 1015.1.1) Three or more exits or exit access doorways.** Three exits or exit access doorways shall be provided from any space with an occupant load of 501-1,000. Four exits or exit access doorways shall be provided from any space with an occupant load greater than 1,000.

NEW SECTION

**WAC 51-50-1017 Corridors.**

**1017.1 Construction.** Corridors shall be fire-resistance rated in accordance with Table 1017.1. The corridor walls required to be fire-resistance rated shall comply with Section 708 for fire partitions.

- EXCEPTIONS:
1. A fire-resistance rating is not required for corridors in an occupancy in Group E where each room that is used for instruction has at least one door directly to the exterior and rooms for assembly purposes have at least one-half of the required means of egress doors opening directly to the exterior. Exterior doors specified in this exception are required to be at ground level.
  2. A fire-resistance rating is not required for corridors contained within a dwelling or sleeping unit in an occupancy in Group R.
  3. A fire-resistance rating is not required for corridors in open parking garages.
  4. A fire-resistance rating is not required for corridors in an occupancy in Group B which is a space requiring only a single means of egress complying with Section 1015.1.
  5. In Group R-2 boarding homes and residential treatment facilities licensed by Washington state, rest areas constructed as required for corridors shall be allowed to be open to the corridor provided:
    - 5.1 The area does not exceed 150 square feet, excluding the corridor width;
    - 5.2 The floor is separated into at least two compartments complying with Section 407.4;
    - 5.3 Combustible furnishings located within the rest area shall be in accordance with the International Fire Code section 805;
    - 5.4 Emergency means of egress lighting is provided as required by Section 1006 to illuminate the area.

**1017.4 Air movement in corridors.** Corridors shall not serve as supply, return, exhaust, relief or ventilation air ducts.

EXCEPTIONS: 1. Use of a corridor as a source of makeup air for exhaust systems in rooms that open directly onto such corridors, including toilet rooms, bathrooms, dressing rooms, smoking lounges and janitor closets, shall be permitted provided

that each such corridor is directly supplied with outdoor air at a rate greater than the rate of makeup air taken from the corridor.

2. Where located within a dwelling unit, the use of corridors for conveying return air shall not be prohibited.

3. Where located within tenant spaces of one thousand square feet (93 m<sup>2</sup>) or less in area, utilization of corridors for conveying return air is permitted.

4. Where such air is part of an engineered smoke control system.

5. Corridors serving residential occupancies shall be permitted to be supplied without specific mechanical exhaust subject to the following:

5.1 The supply air is one hundred percent outside air; and

5.2 The units served by the corridor have conforming ventilation independent of the air supplied to the corridor; and

5.3 For other than high-rise buildings, the supply fan will automatically shut off upon activation of corridor smoke detectors which shall be spaced at no more than thirty feet (9,144 mm) on center along the corridor; or

5.4 For high-rise buildings, corridor smoke detector activation will close required smoke/fire dampers at the supply inlet to the corridor at the floor receiving the alarm.

**1017.6 Subdivision of building spaces—Smoke barriers.**

Smoke barriers complying with Section 709 shall be installed on floors other than the level of exit discharge of a Group R-2 boarding home or residential treatment facility licensed by Washington state, where a fire-resistance rated corridor is required by Table 1017.1. The smoke barrier shall subdivide the floor into at least two compartments complying with Section 407.4.

NEW SECTION

**WAC 51-50-1019 Number of exits and continuity.**

**1019.1 (IFC 1019.1) Exits from stories.** All spaces within each story shall have access to the minimum number of exits as specified in Table 1019.1 based on the occupant load of the story, except as modified in Section 1019.2. For the purposes of this chapter, occupied roofs shall be provided with exits as required for stories. The required number of exits from any story, including basements, shall be maintained until arrival at grade or the public way.

**EXCEPTION:** One means of egress is permitted within and from dwelling units with a maximum occupant load of 20 where the dwelling unit is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1.

**TABLE 1019.1 (IFC 1019.1)  
MINIMUM NUMBER OF EXITS FOR OCCUPANT LOAD**

OCCUPANT LOAD (persons per story)	MINIMUM NUMBER OF EXITS (per story)
1-500	2
501-1,000	3
More than 1,000	4

**1019.2 (IFC 1019.2) Buildings with one exit.** Only one exit shall be required in buildings as specified below:

1. Buildings meeting the limitations of Table 1019.2, provided the building has not more than one level below the first story above grade plane.

2. Buildings of Group R-3 Occupancy.

3. Single-level buildings with occupied spaces at the level of exit discharge provided each space complies with Section 1015.1 as a space with one exit or exit access doorway.

**TABLE 1019.2 (IFC 1019.2)  
BUILDINGS WITH ONE EXIT**

OCCUPANCY	MAXIMUM HEIGHT OF BUILDING ABOVE GRADE PLANE	MAXIMUM OCCUPANTS (OR DWELLING UNITS) PER FLOOR AND TRAVEL DISTANCE
A, B <sup>d</sup> , E <sup>c</sup> , F, M, U	1 Story	49 occupants and 75 feet travel distance
H-2, H-3	1 Story	3 occupants and 25 feet travel distance
H-4, H-5, I, R	1 Story	10 occupants and 75 feet travel distance
S <sup>a</sup>	1 Story	29 occupants and 100 feet travel distance
B <sup>b</sup> , F, M, S <sup>a</sup>	2 Stories	30 occupants and 75 feet travel distance
R-2	2 Stories <sup>c</sup>	4 dwelling units and 50 feet travel distance

For SI: 1 foot = 304.8 mm.

a. For the required number of exits for open parking structures, see Section 1019.1.1.

b. For the required number of exits for air traffic control towers, see Section 412.1.

c. Buildings classified as Group R-2 equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2 and provided with emergency escape and rescue openings in accordance with Section 1026 shall have a maximum height of three stories above grade plane.

d. Buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 with an occupancy in Group B shall have a maximum travel distance of 100 feet.

e. Day care maximum occupant load is 10.

AMENDATORY SECTION (Amending WSR 05-24-070, filed 12/5/05, effective 7/1/06)

**WAC 51-50-1101 Section 1101—General.**

**1101.2 Design.** Buildings and facilities shall be designed and constructed to be accessible in accordance with this code and ICC A117.1, except those portions of ICC A117.1 amended by this section.

~~((1101.2.1 (ICC A117.1 Section 403) Landings for walking surfaces. The maximum rise for any run is 30 inches (762 mm). Landings shall be provided at the top and bottom of any run. Landings shall be level and have a minimum dimension measured in the direction of travel of not less than 60 inches (1525 mm).))~~ **1101.2.1 (ICC A117.1 Section 403.7) Walking surface rise and landings.** The rise for any walk-



ing surface shall be 30 inches (762 mm) maximum. Walking surface runs with a running slope steeper than 1:48 shall have landings at the bottom and top of each run. Landings shall have a slope not steeper than 1:48 and shall comply with Section 302. Landings shall have a clear width at least as wide as the widest walking surface leading to the landing. Landings shall have a clear length of 60 inches (1525 mm) minimum. Landings subject to wet conditions shall be designed to prevent the accumulation of water.

**1101.2.2 (ICC A117.1 Section 403.5) Clear width of accessible route.** Clear width of an accessible route shall comply with ICC A117.1 Table 403.5. For exterior routes of travel, the minimum clear width shall be 44 inches (1118 mm).

**1101.2.3 (ICC A117.1 Section ~~(404.2.9)~~ 404.2.8) Door-opening force.** Fire doors shall have the minimum opening force allowable by the appropriate administrative authority. The ~~((maximum))~~ force for pushing ~~((open))~~ or pulling open doors other than fire doors shall be as follows:

1. Interior hinged door: 5.0 pounds (22.2 N) maximum
2. Interior sliding or folding doors: 5.0 pounds (22.2 N) maximum

3. Exterior hinged, sliding or folding door: 10 pounds (44.4 N) maximum.

**EXCEPTION:** Interior or exterior automatic doors complying with Section 404.3 of ICC ANSI A117.1.

~~((At exterior doors where environmental conditions require a closing pressure greater than 8.5 pounds, power operated doors shall be used within the accessible route of travel.))~~

These forces do not apply to the force required to retract latch bolts or disengage other devices that hold the door in a closed position.

**1101.2.4 (ICC A117.1 Section 407.4.6.2.2) Arrangement of elevator car buttons.** This section is not adopted.

~~((1101.2.5 (ICC A117.1 Sections 603.4 and 604.11) Coat hooks, shelves, dispensers, and other fixtures. Coat hooks provided shall accommodate a forward reach or side reach complying with ICC A117.1 Section 308. Where provided, shelves shall be installed so that the top of the shelf is 40 inches (1015 mm) maximum above the floor or ground. Drying equipment, towel or other dispensers, and disposal fixtures shall be located 40 inches (1015 mm) maximum above the floor or ground to any rack, operating controls, receptacle or dispenser.))~~ **1101.2.5 (ICC A117.1 603.4) Coat hooks and shelves.** Coat hooks shall be located within one of the reach ranges specified in Section 308. Shelves shall be installed so the top of the shelf is 40 inches (1015 mm) minimum and 42 inches maximum above the floor.

**1101.2.6 (ICC A117.1 604.11) Coat hooks and shelves.** Coat hooks provided within toilet compartments shall be located within one of the reach ranges specified in Section 308. Shelves shall be installed so the top of the shelf is 40 inches (1015 mm) minimum and 42 inches maximum above the floor.

**1101.2.7 (ICC ANSI A117.1 606.7) Operable parts.** Operable parts on drying equipment, towel or cleansing product

dispensers, and disposal fixtures shall comply with Table 606.7, except the maximum reach height shall be 40 inches (1015 mm) for reach depths less than 6 inches.

~~((1101.2.6))~~ **1101.2.8 (ICC A117.1 Section 604.6) Flush controls.** ~~((Hand operated flush controls for water closets shall be mounted not more than 44 inches (1118 mm) above the floor.))~~ Flush controls shall be hand operated or automatic. Hand operated flush controls shall comply with Section 309, except the maximum height above the floor shall be 44 inches. Flush controls shall be located on the open side of the water closet.

**EXCEPTION:** In ambulatory accessible compartments complying with Section 604.9, flush controls shall be permitted to be located on either side of the water closet.

**1101.2.9 (ICC A117.1 Section 703.6.3.1) International Symbol of Accessibility.** Where the International Symbol of Accessibility is required, it shall be proportioned complying with ICC A117.1 Figure ~~((703.7.2.1))~~ 703.6.3.1. All interior and exterior signs depicting the International Symbol of Accessibility shall be white on a blue background.

**1101.2.11 (ICC A117.1 Section 404.3.5) Control switches.** ~~((Control switches shall be mounted 32 to 40 inches above the floor and not less than 18 inches nor more than 36 inches horizontally from the nearest point of travel of the moving doors.))~~ Manually operated control switches shall comply with Section 309, except they shall be placed 32 inches minimum (815 mm) and 40 inches maximum (1015 mm) above the floor. The clear floor space adjacent to the control switch shall be located beyond the arc of the door swing and centered on the control switch.

**AMENDATORY SECTION** (Amending WSR 04-01-108, filed 12/17/03, effective 7/1/04)

**WAC 51-50-1106 Section 1106—Parking and passenger loading facilities.**

~~1106.3 ((Outpatient medical care facilities. For Group I-1 and I-2 occupancies providing outpatient medical care facilities, 10 percent, but not less than one, of the parking spaces provided accessory to such occupancies shall be accessible.))~~ **Group I-1 and I-2 outpatient facilities.** Ten percent, but not less than one, of patient and visitor parking spaces provided to serve Group I-1 and I-2 outpatient facilities shall be accessible.

~~1106.4 ((Inpatient and outpatient medical care facilities. For Group I-1 and I-2 units and facilities specializing in the treatment of persons with mobility impairments on either an inpatient or outpatient basis, 20 percent, but not less than one, of the parking spaces provided accessory to such units and facilities shall be accessible.))~~ **Rehabilitation facilities and outpatient physical therapy facilities.** Twenty percent, but not less than one, of the portion of patient and visitor parking spaces serving rehabilitation facilities specializing in treating conditions that affect mobility and outpatient physical therapy facilities shall be accessible.

**1106.6 Location.** Accessible parking spaces shall be located on the shortest accessible route of travel from adjacent park-

ing to an accessible building entrance. (~~Accessible parking spaces shall be dispersed among the various types of parking facilities provided.~~) In parking facilities that do not serve a particular building, accessible parking spaces shall be located on the shortest route to an accessible pedestrian entrance to the parking facility. Where buildings have multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located near the accessible entrances. Wherever practical, the accessible route (~~(of travel)~~) shall not cross lanes of vehicular traffic. Where crossing traffic lanes is necessary, the route (~~(of travel)~~) shall be designated and marked as a crosswalk.

EXCEPTION: 1. In multilevel parking structures, van accessible parking spaces are permitted on one level.  
2. Accessible parking spaces shall be permitted to be located in different parking facilities if substantially equivalent or greater accessibility is provided in terms of distance from an accessible entrance or entrances, parking fee and user convenience.

~~((1106.7.4 Sheltered entrance. In Group I-2 Occupancies, at least one accessible entrance that complies with Section 1105 shall be under shelter. Every such entrance shall include a passenger loading zone that complies with Section 1106.7.))~~

AMENDATORY SECTION (Amending WSR 04-01-108, filed 12/17/03, effective 7/1/04)

**WAC 51-50-1107 Section 1107—Dwelling units and sleeping units.**

~~1107.6 Group R. ((Occupancies in Group R shall be provided with accessible features))~~ Accessible units. Type A units and Type B units shall be provided in Group R Occupancies in accordance with Sections 1107.6.1 through 1107.6.4. Accessible and Type A units shall be apportioned among efficiency dwelling units, single bedroom units and multiple bedroom units, in proportion to the numbers of such units in the building. (~~Accessible hotel guest rooms shall be apportioned among the various classes of sleeping accommodations.~~)

~~1107.6.2.1.1 Type A units. In occupancies in Group R-2 containing more than 10 dwelling units or sleeping units, at least 5 percent, but not less than one, of the units shall be a Type A unit. All units on a site shall be considered to determine the total number of units and the required number of Type A units. Type A units shall be dispersed among the various classes of units.~~

EXCEPTIONS: 1. The number of Type A units is permitted to be reduced in accordance with Section 1107.7.  
2. Existing structures on a site shall not contribute to the total number of units on a site.)

1107.6.2.2 Group R-2 other than apartment houses, monasteries and convents. In Group R-2 Occupancies, other than apartment houses, monasteries and convents, accessible units and Type B units shall be provided in accordance with Sections 1107.6.2.2.1 and 1107.6.2.2.2. Accessible units shall be dispersed among the various classes of units.

AMENDATORY SECTION (Amending WSR 04-01-108, filed 12/17/03, effective 7/1/04)

**WAC 51-50-1204 Section 1204—Temperature control.**

1204.1 Equipment and systems. Interior spaces intended for human occupancy shall be provided with active or passive space-heating systems capable of maintaining a minimum indoor temperature of 68°F (20°C) at a point 3 feet (914 mm) above the floor on the design heating day.

EXCEPTION: 1. Interior spaces where the primary purpose is not associated with human comfort.  
2. Group R-1 Occupancies not more than 500 square feet.

**1204.2.1 Definitions.** For the purposes of this section only, the following definitions apply.

**DESIGNATED AREAS** are those areas designated by a county to be an urban growth area in chapter 36.70A RCW and those areas designated by the U.S. Environmental Protection Agency as being in nonattainment for particulate matter.

**SUBSTANTIALLY REMODELED** means any alteration or restoration of a building exceeding 60 percent of the appraised value of such building within a 12-month period. For the purpose of this section, the appraised value is the estimated cost to replace the building and structure in-kind, based on current replacement costs.

**1204.2.2 Primary heating source.** Primary heating sources in all new and substantially remodeled buildings in designated areas shall not be dependent upon wood stoves.

**1204.2.3 Solid fuel burning devices.** No used solid fuel burning device shall be installed in new or existing buildings unless such device is United States Environmental Protection Agency certified or a pellet stove either certified or exempt from certification by the United States Environmental Protection Agency.

EXCEPTION: Antique wood cook stoves and heaters manufactured prior to 1940.

NEW SECTION

**WAC 51-50-1205 Section 1205—Lighting.**

**1205.1 General.** Every space intended for human occupancy shall be provided with natural light by means of exterior glazed openings in accordance with Section 1205.2. In other than Group R Occupancies, such spaces shall be permitted to be provided with artificial light in accordance with Section 1205.3 in lieu of natural light. Exterior glazed openings shall open directly onto a public way or onto a yard or court in accordance with Section 1206.

EXCEPTIONS: 1. Kitchens in Group R Occupancies may be provided with artificial light, in lieu of natural light.  
2. One room, in addition to the kitchen, within a dwelling unit shall be permitted to be provided with artificial light in lieu of natural light in accordance with Section 1205.3, provided that the room is not a sleeping room and occupies no more than 15 percent of the area of the dwelling unit.

AMENDATORY SECTION (Amending WSR 05-01-014, filed 12/2/04, effective 7/1/05)

**WAC 51-50-1405 Section 1405—Installation of wall coverings.**

**1405.5.2 Seismic requirements.** Anchored masonry veneer located in Seismic Design Category C, D, E, or F shall conform to the requirements of Section 6.2.2.10, except Section ((6.2.2.10.2.2)) 6.2.2.10.3.2, of ACI 530/ASCE 5/TMS 402. Anchored masonry veneer located in Seismic Design Category D shall conform to the requirements for Seismic Design Category E or F.

NEW SECTION

**WAC 51-50-1602 Section 1602—Definitions and notations.**

**BALCONY, EXTERIOR.** This definition is not adopted.

**DECK.** This definition is not adopted.

NEW SECTION

**WAC 51-50-1607 Section 1607—Live loads.**

**IBC Table 1607.1 MINIMUM UNIFORMLY DISTRIBUTED LIVE LOADS AND MINIMUM CONCENTRATED LIVE LOADS**

OCCUPANCY OR USE	UNIFORM (psf)	CONCENTRATED (psf)
5. (Reserved)		_____
9. Decks <sup>h</sup> and Balconies	Same as occupancy served	_____
28. Residential		
One- and two-family dwellings		
Uninhabitable attics without storage <sup>i</sup>	10	
Uninhabitable attics with limited storage <sup>i, j, k</sup>	20	
Habitable attics and sleeping areas	30	_____
All other areas	40	
Hotels and multifamily dwellings		
Private rooms and corridors serving them	40	
Public rooms and corridors serving them	100	

AMENDATORY SECTION (Amending WSR 04-01-108, filed 12/17/03, effective 7/1/04)

**WAC 51-50-1702 Section 1702—Definitions.**

**1702.1 General.**

~~((**STRUCTURAL OBSERVATION.** The visual observation of the structural system by a registered design professional for general conformance to the approved construction documents. Structural observation does not include or waive the responsibility for the inspection required by Section 109, 1704, or other sections of this code.))~~ **SMALL BUSINESS.** Any business entity (including a sole proprietorship, corporation,

partnership or other legal entity) which is owned and operated independently from all other businesses, which has the purpose of making a profit, and which has fifty or fewer employees, or which has a million dollars or less per year in gross sales, of window and door products.

NEW SECTION

**WAC 51-50-1714 Section 1714—Preconstruction load tests.**

**1714.5 Exterior window and door assemblies.** The design pressure rating of exterior windows and doors in buildings shall be determined in accordance with Section 1714.5.1 or 1714.5.2.

- EXCEPTION:
1. Structural wind load design pressures for window units smaller than the size tested in accordance with Section 1714.5.1 or 1714.5.2 shall be permitted to be higher than the design value of the tested unit provided such higher pressures are determined by accepted engineering analysis. All components of the small unit shall be the same as the tested unit. Where such calculated design pressures are used, they shall be validated by an additional test of the window unit having the highest allowable design pressure.
  2. Custom exterior windows and doors manufactured by a small business shall be exempt from all testing requirements in Section 1714 of the International Building Code provided they meet the applicable provisions of Chapter 24 of the International Building Code.

NEW SECTION

**WAC 51-50-2106 Section 2106—Seismic design.**

**2106.1.1 Basic seismic-force-resisting system.** Buildings relying on masonry shear walls as part of the basic seismic-force-resisting system shall comply with Section 1.14.2.2 of ACI 530/ASCE 5/TMS 402 or with Section 2106.1.1.1, 2106.1.1.2, or 2106.1.1.3.

EXCEPTION: Special reinforced masonry shear walls are not required to comply with Section 1.14.2.2.5(a) of ACI 530/ASCE 5/TMS 420 (MSJC-05), provided the masonry resists the calculated shear without shear reinforcement.

AMENDATORY SECTION (Amending WSR 05-01-014, filed 12/2/04, effective 7/1/05)

**WAC 51-50-2900 Chapter 29—Plumbing systems.**

**SECTION 2901—PLUMBING CODE.**

Plumbing systems shall comply with the Plumbing Code.

**SECTION 2902—GENERAL.**

**2902.1 Number of fixtures.**

**2902.1.1 Requirements.** Plumbing fixtures shall be provided in the minimum number shown in Table 2902.1 and in this chapter. Where the proposed occupancy is not listed in Table 2902.1, the building official shall determine fixture requirements based on the occupancy which most nearly resembles the intended occupancy.

Plumbing fixtures need not be provided for unoccupied buildings or facilities.

**2902.1.2 Private offices.** Fixtures only accessible to private offices shall not be counted to determine compliance with this section.

**2902.1.3 Occupancy load distribution.** The occupant load shall be divided equally between the sexes, unless data approved by the building official indicates a different distribution of the sexes.

**2902.1.4 Food preparation areas.** In food preparation, serving and related storage areas, additional fixture requirements may be dictated by health codes.

**2902.1.5 Other requirements.** For other requirements for plumbing facilities, see Sections 419.15 and 1210 and Chapter 11.

**2902.2 Access to fixtures.**

**2902.2.1 Location.** Plumbing fixtures shall be located in each building or conveniently in a building adjacent thereto on the same property.

**2902.2.1.1 Toilet rooms.** Toilet rooms shall not open directly into a room used for the preparation of food for service to the public or residents of Group R-2 boarding homes and residential treatment facilities licensed by Washington state.

**2902.2.2 Multiple tenants.** Access to toilets serving multiple tenants shall be through a common use area and not through an area controlled by a tenant.

**2902.2.3 Multistory buildings.** Required fixtures shall not be located more than one vertical story above or below the area served.

**2902.3 Separate facilities.**

**2902.3.1 Requirements.** Separate toilet facilities shall be provided for each sex.

EXCEPTION: In occupancies serving 15 or fewer persons, one toilet facility designed for use by no more than one person at a time shall be permitted for use by both sexes.

**2902.3.2 Food service establishments.** When customers and employees share the same facilities, customers accessing the facilities are excluded from food preparation and storage areas.

**2902.4 Pay facilities.** Required facilities shall be free of charge. Where pay facilities are installed, they shall be in addition to the minimum required facilities.

**2902.5** is not adopted.

**2902.6** is not adopted.

**SECTION 2903—SPECIAL PROVISIONS.**

**2903.1 Dwelling units.** Dwelling units shall be provided with a kitchen sink.

**2903.2 Water closet space requirements.** The water closet stool in all occupancies shall be located in a clear space not less than 30 inches (762 mm) in width, with a clear space in front of the stool of not less than 24 inches (610 mm).

**2903.3 Water.** Each required sink, lavatory, bathtub and shower stall shall be equipped with hot and cold running water necessary for its normal operation.

**2903.4 Drinking fountains.**

**2903.4.1 Number.** Occupant loads over 30 shall have one drinking fountain for the first 150 occupants, then one per each additional 500 occupants.

EXCEPTIONS: 1. Sporting facilities with concessions serving drinks shall have one drinking fountain for each 1000 occupants.  
2. A drinking fountain need not be provided in a drinking or dining establishment.

**2903.4.2 Multistory buildings.** Drinking fountains shall be provided on each floor having more than 30 occupants in schools, dormitories, auditoriums, theaters, offices and public buildings.

**2903.4.3 Penal institutions.** Penal institutions shall have one drinking fountain on each cell block floor and one on each exercise floor.

**2903.4.4 Location.** Drinking fountains shall not be located in toilet rooms.

TABLE 2902.1—MINIMUM PLUMBING FIXTURES<sup>1,2,4,6</sup>

TYPE OF BUILDING OR OCCUPANCY <sup>8</sup>	WATER CLOSETS (fixtures per person)		LAVATORIES <sup>5</sup> (fixtures per person)		BATHTUB OR SHOWER (fixtures per person)
	MALE <sup>3</sup>	FEMALE	MALE	FEMALE	
For the occupancies listed below, use 30 square feet (2.79 m <sup>2</sup> ) per occupant for the minimum number of plumbing fixtures.					
<b>Group A</b> <b>Assembly places—</b> Conference rooms, dining rooms, drinking establishments, exhibit rooms, gymnasiums, lounges, stages and similar uses including restaurants classified as Group B Occupancies	1:1-25 2:26-75 3:76-125 4:126-200 5:201-300 6:301-400 Over 400, add one fixture for each additional 200 males or 150 females	1:1-25 2:26-75 3:76-125 4:126-200 5:201-300 6:301-400	One per 2 water closets		
For the assembly occupancies listed below, use the number of fixed seating or, where no fixed seating is provided, use 15 square feet (1.39 m <sup>2</sup> ) per occupant for the minimum number of plumbing fixtures.					
Assembly places— <sup>9</sup> Theaters, auditoriums, convention halls, dance floors, lodge rooms, casinos, and such places which have limited time for fixture use (intermissions)	1:1-100 2:101-200 3:201-400 Over 400, add one fixture for each additional 250 males or 50 females	One per 25 Up to 400	1:1-200 2:201-400 3:401-750 Over 750, add one fixture for each additional 500 persons	1:1-200 2:201-400 3:401-750	
Assembly places— Stadiums, arena and other sporting facilities where fixture use is not limited to intermissions	1:1-100 2:101-200 3:201-400 Over 400, add one fixture for each additional 300 males or 100 females	One per 50 Up to 400	1:1-200 2:201-400 3:401-750 Over 750, add one fixture for each additional 500 persons	1:1-200 2:201-400 3:401-750	
For the assembly occupancies listed below, use the number of fixed seating or, where no fixed seating is provided, use 30 square feet (2.79 m <sup>2</sup> ) per occupant for the minimum number of plumbing fixtures.					
Worship places Principal assembly area Educational & activity unit	One per 150 One per 125	One per 75 One per 75	One per 2 water closets One per 2 water closets		
For the occupancies listed below, use 200 square feet (18.58 m <sup>2</sup> ) per occupant for the minimum number of plumbing fixtures.					
<b>Group B</b> and other clerical or administrative employee accessory use	1:1-15 2:16-35 3:36-55 Over 55, add one for each additional 50 persons	1:1-15 2:16-35 3:36-55	One per 2 water closets		
For the occupancies listed below, use 100 square feet ( 9.3 m <sup>2</sup> ) per student for the minimum number of plumbing fixtures.					
<b>Group E</b> Schools - for staff use All schools (One staff per 20 students) Schools - for student use Day care	1:1-15 2:16-35 3:36-55 Over 55, add one fixture for each additional 40 persons 1:1-20 2:21-50	1:1-15 2:16-35 3:36-55	One per 2 water closets	1:1-20 2:21-50	

TABLE 2902.1—MINIMUM PLUMBING FIXTURES<sup>1,2,4,6</sup>

TYPE OF BUILDING OR OCCUPANCY <sup>8</sup>	WATER CLOSETS (fixtures per person)		LAVATORIES <sup>5</sup> (fixtures per person)		BATHTUB OR SHOWER (fixtures per person)
	MALE <sup>3</sup>	FEMALE	MALE	FEMALE	
Elementary Secondary	Over 50, add one fixture for each additional 50 persons One per 30 One per 40	One per 25 One per 30	Over 50, add one fixture for each additional 50 persons One per 2 water closets One per 2 water closets		
For the occupancies listed below, use 50 square feet (4.65 m <sup>2</sup> ) per occupant for the minimum number of plumbing fixtures.					
<b>Education facilities other than Group E</b> Others (colleges, universities, adult centers, etc.)	One per 40	One per 25	One per 2 water closets		
For the occupancies listed below, use 2,000 square feet (185.8 m <sup>2</sup> ) per occupant for the minimum number of plumbing fixtures.					
<b>Group F and Group H</b> Workshop, foundries and similar establishments, and hazardous occupancies	1:1-10 2:11-25 3:26-50  4:51-75  5:76-100 Over 100, add one fixture for each additional 30 persons	1:1-10 2:11-25 3:26-50  4:51-75  5:76-100	One per 2 water closets		One shower for each 15 persons exposed to excessive heat or to skin contamination with irritating materials
For the occupancies listed below, use the designated application and 200 square feet (18.58 m <sup>2</sup> ) per occupant of the general use area for the minimum number of plumbing fixtures.					
<b>Group I<sup>7</sup></b> Hospital waiting rooms  Hospital general use areas	One per room (usable by either sex)  1:1-15 2:16-35 3:36-55 Over 55, add one fixture for each additional 40 persons	1:1-15 3:16-35 3:36-55	One per room  One per 2 water closets		
Hospital patient rooms: Single Bed  Isolation  Multibed Long-term	One adjacent to and directly accessible from  One adjacent to and directly accessible from  One per 4 patients One per 4 patients		One per toilet room  One per toilet room  One per 4 patients One per 4 patients		One per toilet room  One per toilet room  One per 8 patients One per 15 patients
Jails and reformatories Cell Exercise room	One per cell One per exercise room		One per cell One per exercise room		
Other institutions (on each occupied floor)	One per 25	One per 25	One per 2 water closets		One per 8
<del>((Group LC</del>	<del>For Group LC Occupancies, the minimum number of plumbing fixtures is specified in Section 419.15-.)</del>				
For the occupancies listed below, use 200 square feet (18.58 m <sup>2</sup> ) per occupant for the minimum number of plumbing fixtures.					
<b>Group M</b>					

TABLE 2902.1—MINIMUM PLUMBING FIXTURES<sup>1,2,4,6</sup>

TYPE OF BUILDING OR OCCUPANCY <sup>8</sup>	WATER CLOSETS (fixtures per person)		LAVATORIES <sup>5</sup> (fixtures per person)		BATHTUB OR SHOWER (fixtures per person)
	MALE <sup>3</sup>	FEMALE	MALE	FEMALE	
Retail or wholesale stores	1:1-50 2:51-100 3:101-400 4:201-300 5:301-400 Over 400, add one fixture for each additional 300 males or 150 females	1:1-50 2:51-100 3:101-200 4:201-300 5:301-400	One per 2 water closets		
For Group R Occupancies containing dwelling units or guest rooms, use the table below. For dormitories, use 200 square feet (18.58 m <sup>2</sup> ) per occupant for the minimum number of plumbing fixtures.					
<b>Group R</b>					
Dwelling units	One per dwelling unit		One per dwelling unit		One per dwelling unit
Hotel, motel, and boarding house guest rooms	One per guest room		One per guest room		One per guest room
Dormitories	One per 10 Over 10, add one fixture for each additional 25 males and over 8, add one for each additional 20 females	One per 8 Over 8, add one for each additional 20 females	One per 12 Over 12, add one fixture for each additional 20 males and one for each additional 15 females	One per 12 Over 12, add one fixture for each additional 20 males and one for each additional 15 females	One per 8 For females, add one additional unit per each additional 30. Over 150 persons, add one additional unit per each additional 20 persons
For the occupancies listed below, use 5,000 square feet (464.5 m <sup>2</sup> ) per occupant for the minimum number of plumbing fixtures.					
<b>Group S</b>					
Warehouses	1:1-10 2:11-25 3:26-50 4:51-75 5:76-100 Over 100, add one for each 30 persons	1:1-10 2:11-25 3:26-50 4:51-75 5:76-100	One per 40 occupants of each sex		One shower for each 15 persons exposed to excessive heat or to skin contamination with poisonous, infectious or irritating materials

<sup>1</sup>The figures shown are based on one fixture being the minimum required for the number of persons indicated or any fraction thereof.

<sup>2</sup>For occupancies not shown, see Section 2902.1.1.

<sup>3</sup>Where urinals are provided, one water closet less than the number specified may be provided for each urinal installed, except the number of water closets in such cases shall not be reduced to less than one quarter (25%) of the minimum specified. For men's facilities serving 26 or more persons, not less than one urinal shall be provided.

<sup>4</sup>For drinking fountains, see Section 2903.4.

<sup>5</sup>Twenty-four inches (610 mm) of wash sink or 18 inches (457 mm) of a circular basin, when provided with water outlets for such space, shall be considered equivalent to one lavatory.

<sup>6</sup>For when a facility may be usable by either sex, see Section 2902.3.1.

<sup>7</sup>See WAC 246-320 for definitions, other fixtures and equipment for hospitals.

<sup>8</sup>When a space is accessory to or included as a part of a different occupancy group per Chapter 3, the area per occupant for the minimum plumbing fixture number is to be determined by its own specific use or purpose, not by that of the building's occupancy group.

<sup>9</sup>In multiplex movie theaters, where shows are scheduled at different times, the number of occupants for toilet fixture use may be based upon one-half (50%) of the total in all the auditoriums, but no less than the number in the largest auditorium.

AMENDATORY SECTION (Amending WSR 04-01-108, filed 12/17/03, effective 7/1/04)

**WAC 51-50-3001 Section 3001—General.**

~~((SECTION 3001—GENERAL, is not adopted.~~

Elevators and conveying systems are regulated by chapter 296-96 WAC.)) **3001.1 Scope.** This chapter governs the design, construction, installation, alteration and repair of elevators and conveying systems and their components.

**3001.2 Referenced standards.** Except as otherwise provided for in this code, the design, construction, installation, alteration, repair and maintenance of elevators and conveying systems and their components shall conform to ASME A17.1, ASME A90.1, ASME B20.1, ALI ALCTV, and ASCE 24 for construction in flood hazard areas established in Section 1612.3.

**3001.3 Accessibility.** Passenger elevators required to be accessible by Chapter 11 shall conform to ICC A117.1.

**3001.4 Change in use.** A change in use of an elevator from freight to passenger, passenger to freight, or from one freight

class to another freight class shall comply with Part XII of ASME A17.1.

AMENDATORY SECTION (Amending WSR 04-01-108, filed 12/17/03, effective 7/1/04)

**WAC 51-50-3004 Section 3004—Hoistway venting.**

**3004.3 Area of vents.** Except as provided for in Section 3004.3.1, the area of the vents shall not be less than 3 1/2 percent of the area of the hoistway (~~not~~) nor less than 3 square feet (0.28 m<sup>2</sup>) for each elevator car, and not less than 3 1/2 percent nor less than 0.5 square feet (0.047 m<sup>3</sup>) for each dumbwaiter car in the hoistway, whichever is greater. (~~Vents shall be capable only of manual operation or controlled by a manual switch mounted in an approved location.~~) The total required vent area shall be equipped with dampers that remain powered closed until activated open by the fire alarm system panel. The dampers shall open upon loss of power.

~~((3004.5 Plumbing and mechanical systems, is not adopted.))~~

AMENDATORY SECTION (Amending WSR 04-01-108, filed 12/17/03, effective 7/1/04)

**WAC 51-50-3006 Section 3006—Machine rooms.**

CFM = BTU output of elevator machine room equipment / [1.08 x (acceptable machine room temp - make up air temp)]

EXCEPTION: For buildings four stories or less, natural or mechanical means may be used in lieu of an independent ventilation or air-conditioning system to keep the equipment space ambient air temperature and humidity in the range specified by the elevator equipment manufacturer.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

**WAC 51-50-3103 Temporary structures.**

**3103.1 General.** The provisions of this section shall apply to structures erected for a period of less than one hundred eighty days. Tents and other membrane structures erected for a period of less than one hundred eighty days shall comply with the *International Fire Code*. Those erected for a longer period of time shall comply with applicable sections of this code.

EXCEPTION: The building official may authorize unheated tents and yurts under five hundred square feet accommodating an R-1 Occupancy for recreational use as a temporary structure and be allowed to be used indefinitely.

NEW SECTION

**WAC 51-50-3109 Section 3109—Swimming pool enclosures and safety devices.**

**3109.3 Public swimming pools.** This section is not adopted. Public swimming pool barriers are regulated by WAC 246-260-031(4).

~~((3006.3 Pressurization, is not adopted.~~

~~3006.5 Shunt trip, is not adopted.~~

~~3006.6 Plumbing systems, is not adopted.))~~ **3006.2 Venting.** Machinery spaces, machine rooms, control spaces, and control rooms that contain solid-state equipment for elevator operation shall be provided with an independent ventilation or air-conditioning system to protect against the overheating of the electrical equipment. Ventilation systems shall use outdoor make up air. The system shall service the equipment space only, and shall be capable of maintaining the temperature and humidity within the range established by the manufacturer's specifications. Where no manufacturer specifications are available, the equipment space temperature shall be maintained at no less than fifty-five degrees Fahrenheit and no more than ninety degrees Fahrenheit.

The cooling load for the equipment shall include the BTU output of the elevator operation equipment as specified by the manufacturer based on one hour of continuous operation. The outdoor design temperature for ventilation shall be from the 0.5% column for summer from the Puget Sound Chapter of ASHRAE publication "Recommended Outdoor Design Temperatures, Washington State." The following formula shall be used to calculate flow rate for ventilation:

AMENDATORY SECTION (Amending WSR 04-01-108, filed 12/17/03, effective 7/1/04)

**WAC 51-50-3409 Section 3409—Accessibility for existing buildings.**

~~((3409.5 Alterations. A building, facility or element that is altered shall comply with the applicable provisions in Chapter 11 and ICC A117.1 unless technically infeasible. Where compliance with the section is technically infeasible, the alteration shall provide access to the maximum extent technically feasible. Where alterations would increase the number of public pay telephones to four, with at least one in the interior, or where the facility has four or more public pay telephones and one or more is altered; at least one interior text telephone shall be provided.~~

- EXCEPTIONS:
1. The altered element or space is not required to be on an accessible route, unless required by Section 3409.6.
  2. Accessible means of egress required by Chapter 10 are not required to be provided in existing buildings and facilities.
  3. In alterations, accessibility to raised or sunken dining areas, or to all parts of outdoor seating areas is not required provided that the same services and amenities are provided in an accessible space usable by the general public and not restricted to use by people with disabilities.))

~~((3409.6))~~ **3409.7 Alterations affecting an area containing a primary function.** Where an alteration affects the accessibility to, or contains an area of primary function, the route to the primary function area shall be accessible. The accessible route to the primary function area shall include toilet facilities, telephones or drinking fountains serving the area of primary function.



EXCEPTIONS: 1. The costs of providing the accessible route are not required to exceed 20 percent of the costs of the alteration affecting the area of primary function.

2. This provision does not apply to alterations limited solely to windows, hardware, operating controls, electrical outlets and signs.

3. This provision does not apply to alterations limited solely to mechanical systems, electrical systems, installation or alteration of fire protection systems and abatement of hazardous materials.

4. This provision does not apply to alterations undertaken for the primary purpose of increasing the accessibility of an existing building, facility or element.

~~(3409.7 Scoping for alterations. The provisions of Sections 3409.7.1 through 3409.7.11 shall apply to alterations to existing buildings and facilities. Where an escalator or new stairway is planned or installed requiring major structural changes, then a means of vertical transportation (e.g., elevator, platform lift) shall be provided in accordance with this chapter.~~

~~3409.7.2 Elevators. Altered elements of existing elevators shall comply with ASME A17.1 and ICC A117.1. Such elements shall also be altered in elevators programmed to respond to the same hall call control as the altered elevator. Elevators shall comply with chapter 296-96 WAC.~~

~~3409.7.3 Platform lifts. Platform (wheelchair) lifts complying with ICC A117.1 and installed in accordance with ASME A18.1 shall be permitted as a component of an accessible route. Platform lifts shall comply with chapter 296-96 WAC.~~

~~3409.7.7 Dwelling or sleeping units. Where I-1, I-2, I-3, R-1, R-2 or R-4 dwelling or sleeping units are being altered or added, the requirements of Section 1107 for Accessible or Type A units and Chapter 9 for accessible alarms apply only to the quantity of spaces being altered or added. At least one sleeping room for each 25 sleeping rooms, or fraction thereof, being added or altered, shall have telephones and visible notification devices complying with Appendix E Section E104.3.4, as well as visible alarms.~~

~~3409.7.9)) 3409.8.9 Toilet rooms. Where it is technically infeasible to alter existing toilet and bathing facilities to be accessible, an accessible unisex toilet or bathing facility is permitted. The unisex facility shall be located on the same floor and in the same area as the existing facility. The number of toilet facilities and water closets required by the State Building Code is permitted to be reduced by one, in order to provide accessible features.~~

#### NEW SECTION

#### **WAC 51-50-480000 Appendix Chapter M.**

#### **INTERNATIONAL EXISTING BUILDING CODE 2006 EDITION**

#### NEW SECTION

#### **WAC 51-50-480101 Section 101—General.**

**101.4 Applicability.** When requested by the permit applicant, this code shall apply to the repair, alteration, change of occupancy and relocation of buildings existing on the date of

adoption of this code, regardless of occupancy, subject to the criteria of Sections 101.4.1 and 101.4.2. When compliance with this code has not been requested, compliance with the International Building, Fire and Mechanical Codes (as applicable) shall be demonstrated.

**101.4.2 Buildings previously occupied.** The legal occupancy of any building existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the International Fire Code, or the International Property Management Code, or as deemed necessary by the code official to mitigate an unsafe building. For the purpose of this section, "unsafe building" is not to be construed as mere lack of compliance with the current code.

**101.5 Compliance methods.** The repair, alteration, change of occupancy, addition or relocation of all existing buildings shall comply with one of the methods listed in Sections 101.5.1 through 101.5.3 as selected by the applicant. Application of a method shall be the sole basis for assessing the compliance of work performed under a single permit unless otherwise approved by the code official. Sections 101.5.1 through 101.5.3 shall not be applied in combination with each other.

EXCEPTION: Subject to the approval of the code official, alterations complying with the laws in existence at the time the building or the affected portion of the building was built shall be considered in compliance with the provisions of this code unless the building is undergoing more than a limited structural alteration as defined in Section 807.5.3. New structural members added as part of the alteration shall comply with the International Building Code. Alterations of existing buildings in flood hazard areas shall comply with Section 601.3.

**101.7 Appendices.** The code official is authorized to require rehabilitation and retrofit of buildings, structures, or individual structural members in accordance with the appendices of this code if such appendices have been individually adopted. Where Appendix A, Guidelines for the Seismic Retrofit of Existing Buildings, is specifically referenced in the text of this code, it becomes part of this code without any specific adoption by the local jurisdiction.

#### NEW SECTION

#### **WAC 51-50-480102 Section 102—Applicability.**

**102.4.1 Fire prevention.** The provisions of the International Fire Code shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation except as specifically provided for in this code.

NEW SECTION

**WAC 51-50-480202 Section 202—General definitions.**

**Work area.** That portion or portions of a building consisting of all reconfigured spaces as indicated on the construction documents. Work area excludes other portions of the building where incidental work entailed by the intended work must be performed and portions of the building where work not initially intended by the owner is specifically required by this code. The boundary of the work area shall include all spaces not physically separated from rooms or spaces where work is being performed.

NEW SECTION

**WAC 51-50-480302 Section 302—Additions, alterations or repairs.**

**302.1 Existing buildings or structures.** Additions or alterations to any building or structure shall comply with the requirements of the *International Building Code* for new construction except as specifically provided in this code. Additions or alterations shall not be made to an existing building or structure that will cause the existing building or structure to be in violation of any provisions of the *International Building Code*. An existing building plus additions shall comply with the height and area provisions of the *International Building Code*. Portions of the structure not altered and not affected by the alteration are not required to comply with the code requirements for a new structure.

NEW SECTION

**WAC 51-50-480305 Section 305—Change of occupancy.**

**[B] 305.1 Conformance.** No change shall be made in the use or occupancy of any building that would place the building in a different division of the same group of occupancy or in a different group of occupancies, unless such building is made to comply with the requirements of the *International Building Code* for such division or group of occupancy. Subject to the approval of the building official, the use or occupancy of existing buildings shall be permitted to be changed and the building is allowed to be occupied for purposes in other groups without conforming to all the requirements of the *International Building Code* for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use. The hazard tables of Chapter 9 may be used to demonstrate the relative fire and life risk of the existing and the new proposed uses.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

**WAC 51-50-480405 Section 405—Alteration—Level 3.**

**405.1 Scope.** Level 3 alterations apply where the work area exceeds 50% of the floor area of the building.

NEW SECTION

**WAC 51-50-480506 Section 506—Structural.**

**506.1.1.2 IBC level seismic forces.** When seismic forces are required to meet the *International Building Code* level, they shall be one of the following:

1. One hundred percent of the values in the *International Building Code*. The *R*-factor used for analysis in accordance with Chapter 16 of the *International Building Code* shall be the *R*-factor specified for structural systems classified as "ordinary" in accordance with Table 12.2-1 of ASCE 7, unless it can be demonstrated that the structural system satisfies the proportioning and detailing requirements for systems classified as "intermediate" or "special."

2. Those associated with the BSE-1 and BSE-2 Earthquake Hazard Levels defined in ASCE 41. Where ASCE 41 is used, the corresponding performance levels shall be those shown in Table 506.1.1.2.

**TABLE 506.1.1.2  
ASCE 41 AND ASCE 31 PERFORMANCE LEVELS**

OCCUPANCY CATEGORY (BASED ON IBC TABLE 1604.5)	PERFORMANCE LEVEL FOR USE WITH ASCE 31 AND WITH ASCE 41 BSE-1 EARTHQUAKE HAZARD LEVEL	PERFORMANCE LEVEL FOR USE WITH ASCE 41 BSE-2 EARTHQUAKE HAZARD LEVEL
I	Life Safety (LS)	Collapse Prevention (CP)
II	Life Safety (LS)	Collapse Prevention (CP)
III	Note a	Note a
IV	Immediate Occupancy (IO)	Life Safety (LS)

a. Performance levels for Occupancy Category III shall be taken as halfway between the performance levels specified for Occupancy Category II and IV. Where seismic forces are permitted to meet reduced *International Building Code* levels, the performance level for Occupancy Category III shall be Life Safety (LS). Where seismic forces are required to meet the *International Building Code* levels, performance levels for Occupancy Category III shall be taken as follows: Acceptance criteria shall be taken as twenty-five percent more restrictive than the acceptance criteria specified for Occupancy Category II performance levels, but need not be more restrictive than the acceptance criteria specified for Occupancy Category IV performance levels.

**506.1.1.3 Reduced IBC level seismic forces.** When seismic forces are permitted to meet reduced *International Building Code* levels, they shall be one of the following:

1. Seventy-five percent of the forces prescribed in the *International Building Code*. The *R*-factor used for analysis in accordance with Chapter 16 of the *International Building Code* shall be the *R*-factor as specified in Section 506.1.1.2 of this code.

2. In accordance with the applicable chapters in Appendix A of this code as specified in Items 2.1 through 2.5 below. Structures or portions of structures that comply with the requirements of the applicable chapter in Appendix A shall be deemed to comply with the requirements for reduced *International Building Code* force levels.

2.1. The seismic evaluation and design of unreinforced masonry bearing wall buildings in Occupancy Category I or

II are permitted to be based on the procedures specified in Appendix Chapter A1.

2.2. Seismic evaluation and design of the wall anchorage system in reinforced concrete and reinforced masonry wall buildings with flexible diaphragms in Occupancy Category I or II are permitted to be based on the procedures specified in Appendix Chapter A2.

2.3. Seismic evaluation and design of cripple walls and sill plate anchorage in residential buildings of light-frame wood construction in Occupancy Category I or II are permitted to be based on the procedures specified in Appendix Chapter A3.

2.4. Seismic evaluation and design of soft, weak or open-front wall conditions in multiunit residential buildings of wood construction in Occupancy Category I or II are permitted to be based on the procedures specified in Appendix Chapter A4.

2.5. Seismic evaluation and design of concrete buildings and concrete with masonry infill buildings in all occupancy categories are permitted to be based on the procedures specified in Appendix Chapter A5.

3. In accordance with ASCE 31 based on the applicable performance level as shown in Table 506.1.1.2.

4. Those associated with the BSE-1 Earthquake Hazard Level defined in ASCE 41 and the performance level as shown in Table 506.1.1.2. Where ASCE 41 is used, the design spectral response acceleration parameters  $S_{XS}$  and  $S_{XI}$  shall not be taken less than seventy-five percent of the respective design spectral response acceleration parameters  $S_{DS}$  and  $S_{DI}$  defined by the *International Building Code* and its reference standards.

#### NEW SECTION

##### **WAC 51-50-480704 Section 704—Fire protection.**

**704.1 Scope.** The requirements of this section shall be limited to work areas in which Level 2 alterations are being performed, and where specified they shall apply throughout the floor on which the work areas are located or otherwise beyond the work area.

**EXCEPTION:** For Level 2 alteration projects in which the value of the fire protection requirements constitutes an excessive burden, the fire protection requirements may be waived by the fire code official.

**704.2 Automatic sprinkler systems.** Automatic sprinkler systems shall be provided in accordance with the requirements of Sections 704.2.1 through 704.2.5. Installation requirements shall be in accordance with the International Fire Code and NFPA 13 or NFPA 13R.

#### NEW SECTION

##### **WAC 51-50-480807 Section 807—Structural.**

**807.5.1 Evaluation and analysis.** An engineering evaluation and analysis that establishes the structural adequacy of the altered structure shall be prepared by a registered design professional and submitted to the code official. For structures assigned to Seismic Design Category D, the registered design professional shall submit to the code official a seismic

evaluation report of the existing building based on one of the procedures specified in Section 506.1.1.3. This seismic evaluation report shall not be required for buildings in compliance with the benchmark building provisions of ASCE 31, Section 3.2.

**807.5.2 Substantial structural alteration.** Any building or structure undergoing substantial improvement shall have an evaluation and analysis to demonstrate that the altered building or structure complies with the *International Building Code* for wind loading and with reduced *International Building Code* level seismic forces as specified in Section 507.1.1.3 for seismic loading. For seismic considerations, the analysis shall be based on one of the procedures specified in Section 507.1.1.1.

**807.5.3 Limited structural alteration.** Where any building or structure undergoes less than substantial improvement, the evaluation and analysis shall demonstrate that the altered building or structure complies with the loads applicable at the time the building was constructed.

#### NEW SECTION

##### **WAC 51-50-480912 Section 912—Change of occupancy classification.**

**912.1.1 Compliance with Chapter 8.** The requirements of Chapter 8 shall be applicable throughout the building for the new occupancy classification based on the separation conditions set forth in Sections 912.1.1.1 and 912.1.1.2. All existing buildings with a change of occupancy classification shall comply with the seismic provisions of Section 907.3.

#### NEW SECTION

##### **WAC 51-50-481101 Chapter 11—Historic buildings—Section 1101—General.**

**1101.1 Scope.** It is the intent of this chapter to provide means for the preservation of historic buildings as defined in Chapter 2. It is the purpose of this chapter to encourage cost-effective preservation of original or restored architectural elements and features and to provide a historic building that will provide a reasonable degree of safety, based on accepted life and fire safety practices, than the existing building. Historical buildings shall comply with the provisions of this chapter relating to their repair, alteration, relocation and change of occupancy.

**1101.2 Report.** A historic building undergoing repair, alteration, or change of occupancy shall be investigated and evaluated. If it is intended that the building meet the requirements of this chapter, a written report shall be prepared and filed with the code official by a registered design professional when such a report is necessary in the opinion of the code official. Such report shall be in accordance with Chapter 1 and shall identify each required safety feature that is in compliance with this chapter and where compliance with other chapters of these provisions would be damaging to the contributing historic features. In Seismic Design Category D, a structural evaluation describing, at minimum, a complete load path and other earthquake-resistant features shall be pre-

pared. In addition, the report shall describe each feature that is not in compliance with these provisions and shall demonstrate how the intent of these provisions is complied with in providing an equivalent level of safety.

NEW SECTION

**WAC 51-50-481102 Section 1102—Repairs.**

**1102.4 Chapter 5 compliance.** Historic buildings undergoing repairs shall comply with all of the applicable requirements of Chapter 5, except as specifically permitted in this chapter.

**1102.5 Replacement.** Replacement of existing or missing features using original materials shall be permitted. Partial replacement for repairs that match the original in configuration, height, and size shall be permitted. Such replacements shall not be required to meet the materials and methods requirements of Section 501.2.

EXCEPTION: Replacement glazing in hazardous locations shall comply with the safety glazing requirements of Chapter 24 of the *International Building Code*.

NEW SECTION

**WAC 51-50-481103 Section 1103—Fire safety.**

**1103.7 One-hour fire-resistant assemblies.** Where one-hour fire-resistance-rated construction is required by these provisions, it need not be provided, regardless of construction or occupancy, where the existing wall and ceiling finish is wood lath or metal lath and plaster.

**1103.9 Stairway railings.** Historically significant stairways shall be accepted without complying with the handrail and guard requirements. Existing handrails and guards at all stairs shall be permitted to remain, provided they are not structurally dangerous.

NEW SECTION

**WAC 51-50-481104 Alterations.**

**1104.1 Accessibility requirements.** The provisions of Section 605 shall apply to buildings and facilities designated as historic structures that undergo alterations, unless technically infeasible. Where compliance with the requirements for accessible routes, ramps, entrances, or toilet facilities would threaten or destroy the historic significance of the building or facility, as determined by the professional responsible for the historical documentation of the project, the alternative requirements of Sections 1104.1.1 through 1104.1.4 for that element shall be permitted.

NEW SECTION

**WAC 51-50-481105 Section 1105—Change of occupancy.**

**1105.10 One-hour fire-resistant assemblies.** Where one-hour fire-resistance-rated construction is required by these provisions, it need not be provided, regardless of construction

or occupancy, where the existing wall and ceiling finish is wood lath or metal lath and plaster.

**1105.14 Natural light.** When it is determined by the professional responsible for the historical documentation of the project that compliance with the natural light requirements of Section 911.1 will lead to loss of historic character or historic materials in the building, the existing level of natural lighting shall be considered acceptable.

NEW SECTION

**WAC 51-50-481106 Section 1106—Structural.**

**1106.1 General.** Historic buildings shall comply with the applicable structural provisions for the work as classified in Chapter 5.

EXCEPTION: The code official shall be authorized to accept existing floors and approve operational controls that limit the live load on any such floor.

NEW SECTION

**WAC 51-50-481301 Chapter 13—Performance compliance methods.**

**Section 1301 General.**

**1301.4.1 Structural analysis.** The owner shall have a structural analysis of the existing building made to determine adequacy of structural systems for the proposed alteration, addition, or change of occupancy. The analysis shall demonstrate that the altered building or structure complies with the requirements of Chapter 16 of the *International Building Code*.

EXCEPTION: The reduced *International Building Code* level seismic forces as specified in Section 506.1.1.3 shall be permitted to be used for this analysis.

NEW SECTION

**WAC 51-50-481500 Chapter 15—Referenced standards.**

<p><b>ASCE</b> Standard Reference Number <b>41-06</b></p>	<p><b>American Society of Civil Engineers</b>    <b>Seismic Rehabilitation of Existing Buildings</b></p>
<p><b>NFPA</b> Standard Reference Number <b>13-02</b></p>	<p><b>National Fire Protection Association</b>    <b>Installation of Sprinkler Systems</b></p>

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 51-50-0302	Section 302—Classification.
WAC 51-50-0313	Section 313—Licensed Care Group LC.
WAC 51-50-0419	Section 419—Group LC.
WAC 51-50-1010	Section 1010—Ramps.
WAC 51-50-1024	Section 1024—Assembly.
WAC 51-50-1103	Section 1103—Scoping requirements.
WAC 51-50-1104	Section 1104—Accessible route.
WAC 51-50-1105	Section 1105—Accessible entrances.
WAC 51-50-1109	Section 1109—Other features and facilities.
WAC 51-50-1605	Section 1605—Load combinations.
WAC 51-50-1709	Section 1709—Structural observations.
WAC 51-50-2107	Section 2107—Working stress design.
WAC 51-50-2406	Section 2406—Safety glazing.
WAC 51-50-3002	Section 3002—Hoistway enclosures.
WAC 51-50-3003	Section 3003—Emergency operations.
WAC 51-50-3005	Section 3005—Conveying systems.

**WSR 06-16-114**  
**PROPOSED RULES**  
**BUILDING CODE COUNCIL**

[Filed August 1, 2006, 11:31 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-07-125.

Title of Rule and Other Identifying Information: Amendment of chapter 51-54 WAC, adoption and amendment of the 2006 Edition of the International Fire Code (IFC).

Hearing Location(s): Spokane City Council Chambers, West 808 Spokane Falls Boulevard, Spokane, WA, on September 8, 2006, at 10:00 a.m.; and at the Holiday Inn Select Renton, One Grady Way South, Renton, WA, on October 13, 2006, at 10:00 a.m.

Date of Intended Adoption: November 17, 2006.

Submit Written Comments to: John Neff, Council Chair, P.O. Box 42525, Olympia, WA 98504-2525, e-mail sbcc@cted.wa.gov, fax (360) 586-9383, by October 13, 2006.

Assistance for Persons with Disabilities: Contact Sue Mathers by August 31, 2006, TTY (360) 586-0772 or (360) 725-2966.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rules adopt the most recently published edition of the IFC and make changes to the state amendments to this code.

1. WAC 51-54-003 International Fire Code: Changes year from 2003 to 2006.

2. WAC 51-54-008 Implementation: Changes year from 2004 to 2007.

3. Section 202: Definitions - Group I-1 Deletes classifying facilities as R-4.

4. Section 202: Definitions - Group I-1 Changes reference to IBC from 313.1 to 310.1.

5. Section 202: Definitions - Group I-1 Deletes Group LC and adds Group R-2.

6. Section 202: Definitions - Group I-2 Changes reference to IBC from 313.1 to 310.1.

7. Section 202: Definitions - Group I-2 Deletes Group LC and adds Group R-2.

8. Section 202: Definitions - Residential Group R Adds licensed boarding homes and Licensed Residential Treatment Facilities to R-2 definition.

9. Section 202: Definitions - Licensed Care Group LC is deleted because they are now classified as R-2.

10. Section 307.4: Number change from 307.3.2 to 307.4.2 for recreational fires.

11. Section 308.3.7: Group A Occupancies: Deletes amendment for candles and reverts to Model Code language.

12. Section 404.2: Where required: Adds Group B buildings and Group R-2 (Colleges and Universities) for requiring Fire Safety and Evacuation Plans. It also deletes Group LC. All items after number 1 are renumbered.

13. Section 408.11.1: Approval: Deletes approval and adds Submittal because the plan needs to be submitted.

14. Section 408.11.1.2: Revisions: The code official just needs to be notified when changes in occupancy or modifications to occupancy occur.

15. Section 504.1: Required access: Access must be maintained to the escape and rescue egress openings.

16. Section 504.4: Emergency Escape and Rescue Egress: A new section requiring a level base for rescue ladders.

17. Section 508.3: Adds an exception for sprinklers in structures under 500 square feet.

18. Section 806.1.1: Deletes LC and adds R-4 to restricted occupancies.

19. Table 806.1.2: A number change from 2003 amendments.

20. Section 806.1.3: Clarifies the testing methods for checking dryness of trees.

21. Section 903.2.1.2: Model code has same language so amendment is deleted.

22. Section 903.2.2: Eliminates most exemptions for Group E occupancies. The change allows portable classroom cluster up to 5000 square feet and Group E occupancies of less than 50 occupants to be exempt.

23. Section 903.2.7: Allows an exemption for Group R occupancies that meet the listed criteria.

24. Section 903.2.10.3: Deletes the amendment that required sprinklers in buildings over 75 feet in height. Reverts to model code that says 55 feet.

25. Section 903.6.3.1: Describes where pressurization needs to be measured.

26. Section 903.6.3.4: Requires air intakes to be at exterior of building.

27. Section 912.5: Will be changed editorially to make reference to UPC when the code refers to IPC.

28. Section 1008.1.2: Adopts same language as IBC for door swing.

29. Section 1009.13: Adopts same language as IBC for access to attics and small spaces in residences.

30. Section 1017.1: Requirements for fire-resistant corridors.

31. Section 1017.6: Location of smoke barriers.

32. Section 1024.11: Changes angle of ramp from 12.5% to 20%.

33. Section 1106.5.1: Clarifies when an aircraft refueler can be parked by an aircraft.

34. Section 1503.2.1.1: Deletes amendment because it is now in IFC.

35. Section 1503.2.2: Deletes amendment because it is now in IFC.

36. Section 1503.2.4: Deletes amendment because it is now in IFC.

37. Section 1503.2.6: Deletes amendment because it is now in IFC.

38. Section 1504.4: Deletes amendment because it is now in IFC.

39. Section 1504.5: Deletes amendment because it is now in IFC.

40. Section 4602.1: Definitions - Adds definition of Covered Boat Moorage.

41. Section 4602.1: Definitions - Adds definition of Draft Curtains.

42. Section 4602.1: Definitions - Adds definition of Gravity Operated Drop-out Vents.

43. Section 4604.2: Standpipes - Amendment ensures that the standpipe will have adequate hook-ups and water supply.

44. Section 4604.2.1: Requires standpipe outlets to be clearly marked.

45. Section 4604.2.1.1: Determines size and location of standpipe connections.

46. Section 4604.3: Requires the proximity of a hydrant with required fire flow.

47. Section 4604.4: Requires a minimum 4A40BC extinguisher at each standpipe outlet.

48. Section 4604.6: Defines when a smoke and heat vent are required.

49. Section 4604.6.1: Describes location and minimum size of vents.

50. Section 4604.6.1: Describes operation of vents.

51. Section 4604.6.2: Describes operation of gravity vents.

52. Section 4604.7: Defines when a draft curtain is required.

53. Section 4604.7.1: Describes the construction of draft curtains.

54. Section 4604.7.2: Describes location and size of draft curtains.

55. Section 4604.8: Describes design and location of equipment staging areas.

Reasons Supporting Proposal: RCW 19.27.031 and 19.27.074.

Statutory Authority for Adoption: RCW 19.27.031 and 19.27.074.

Statute Being Implemented: Chapters 19.27 and 34.05 RCW.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The council is seeking comments on the issues proposed in the following rules.

Name of Proponent: Washington state building code council, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Charles Heath, P.O. Box 42525, Olympia, WA 98504-2525, (360) 725-2970; and Enforcement: Local jurisdictions.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule will update the adoption of model codes to stay current with national standards for the benefit of industry and Washington state interests. New state amendments clarify and simplify the code. No disproportionate economic impact on small business was identified.

A cost-benefit analysis is not required under RCW 34.05.328. The state building code council is not listed in this section as one of the agencies required to comply with this statute.

August 1, 2006

John P. Neff

Council Chair

AMENDATORY SECTION (Amending WSR 04-01-105, filed 12/17/03, effective 7/1/04)

**WAC 51-54-003 International Fire Code.** The ((2003)) 2006 edition of the International Fire Code, published by the International Code Council is hereby adopted by reference with the following additions, deletions, and exceptions.

AMENDATORY SECTION (Amending WSR 04-01-105, filed 12/17/03, effective 7/1/04)

**WAC 51-54-008 Implementation.** The International Fire Code adopted by chapter 51-54 WAC shall become effective in all counties and cities of this state on July 1, ((2004)) 2007.

AMENDATORY SECTION (Amending WSR 05-24-071, filed 12/5/05, effective 7/1/06)

**WAC 51-54-0200 Chapter 2—Definitions.**

**SECTION 202 GENERAL DEFINITIONS.**

**ADULT FAMILY HOME** means a dwelling in which a person or persons provide personal care, special care, room and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services.

**CHILD DAY CARE**, shall, for the purposes of these regulations, mean the care of children during any period of a 24-hour day.

**ELECTRICAL CODE** is the National Electrical Code, promulgated by the National Fire Protection Association, as adopted in chapter 296-46 WAC, or the locally adopted Electrical Code.

**FAMILY CHILD DAY CARE HOME** is a child day care facility, licensed by the state, located in the dwelling of the person or persons under whose direct care and supervision the child is placed, for the care of twelve or fewer children, including children who reside at the home.

**NIGHTCLUB.** An establishment, other than a theater with fixed seating, which includes all of the following:

1. Provides live entertainment by paid performing artists or by way of recorded music conducted by a person employed or engaged to do so;
2. Has as its primary source of revenue the sale of beverages of any kind for consumption on the premises and/or cover charges;
3. Has an occupant load of 100 or more as determined by the fire code official; and
4. Includes assembly space without fixed seats considered concentrated or standing space per Table 1004.1.2.

Paid performing artists are those entertainers engaged to perform in a for-profit business establishment.

**EDUCATIONAL GROUP E.** Educational Group E Occupancy includes, among others, the use of a building or structure, or a portion thereof, by six or more persons at any one time for educational purposes through the 12th grade. Religious educational rooms and religious auditoriums, which are accessory to churches in accordance with Section 302.2 of the IBC and have occupant loads of less than 100, shall be classified as Group A-3 Occupancies.

**Day Care.** The use of a building or structure, or portion thereof, for educational, supervision or personal care services for more than five children older than 2 1/2 years of age, shall be classified as a Group E Occupancy.

**EXCEPTION:** Family child day care homes licensed by the Washington state department of social and health services for the care of twelve or fewer children shall be classified as Group R3.

**INSTITUTIONAL GROUP I.** Institutional Group I Occupancy includes, among others, the use of a building or structure, or a portion thereof, in which people, cared for or living in a supervised environment and having physical limitations because of health or age, are harbored for medical treatment or other care or treatment, or in which people are detained for penal or correctional purposes or in which the liberty of the

occupants is restricted. Institutional occupancies shall be classified as Group I-1, I-2, I-3 or I-4.

**Group I-1.** This occupancy shall include buildings, structures or parts thereof housing more than 16 persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment that provides personal care services. The occupants are capable of responding to an emergency situation without physical assistance from staff. This group shall include, but not be limited to, the following:

- Residential board and care facilities
- Assisted living facilities
- Halfway houses
- Group homes
- Congregate care facilities
- Social rehabilitation facilities
- Alcohol and drug centers
- Convalescent facilities

A facility such as the above with five or fewer persons and adult family homes licensed by the Washington state department of social and health services shall be classified as a Group R-3 or shall comply with the *International Residential Code* in accordance with Section 101.2. ~~((A facility such as above, housing at least six and not more than 16 persons, shall be classified as Group R-4.))~~

A facility such as the above providing licensed care to clients in one of the categories listed in IBC Section ~~((313.1))~~ 310.1 regulated by either the Washington department of health or the department of social and health services shall be classified as ~~((Licensed Care))~~ Group ~~((LC))~~ R-2.

**Group I-2.** This occupancy shall include buildings and structures used for medical, surgical, psychiatric, nursing or custodial care on a 24-hour basis of more than five persons who are not capable of self-preservation. This group shall include, but not be limited to, the following:

- Hospitals
- Nursing homes (both intermediate-care facilities and skilled nursing facilities)
- Mental hospitals
- Detoxification facilities

A facility such as the above with five or fewer persons shall be classified as Group R-3 or shall comply with the *International Residential Code* in accordance with Section 101.2.

A facility such as the above providing licensed care to clients in one of the categories listed in IBC Section ~~((313.1))~~ 310.1 regulated by either the Washington department of health or the department of social and health services shall be classified as ~~((Licensed Care))~~ Group ~~((LC))~~ R-2.

**Group I-3.** (Remains as printed in the IFC.)

**Group I-4. Day care facilities.** This group shall include buildings and structures occupied by persons of any age who receive custodial care for less than 24 hours by individuals other than parents or guardians, relatives by blood marriage, or adoption, and in a place other than the home of the person cared for. A facility such as the above with five or fewer persons shall be classified as Group R-3 or shall comply with the *International Residential Code*. Places of worship during religious functions are not included.

**Adult care facility.** A facility that provides accommodations for less than 24 hours for more than five unrelated adults and provides supervision and personal care services shall be classified as Group I-4.

EXCEPTION: Where the occupants are capable of responding to an emergency situation without physical assistance from the staff, the facility shall be classified as Group A-3.

**Child care facility.** A facility that provides supervision and personal care on a less than 24-hour basis for more than five children 2 1/2 years of age or less shall be classified as Group I-4.

EXCEPTIONS:

1. A child day care facility that provides care for more than five but no more than 100 children 2 1/2 years or less of age, when the rooms where such children are cared for are located on the level of exit discharge and each of these child care rooms has an exit door directly to the exterior, shall be classified as Group E.
2. Family child day care homes licensed by the Washington state department of social and health services for the care of 12 or fewer children shall be classified as Group R3.

**RESIDENTIAL GROUP R.** Residential Group R includes, among others, the use of a building or structure, or a portion thereof, for sleeping purposes when not classified as an Institutional Group I or Licensed Care Group LC. Residential occupancies shall include the following:

**R-1** Residential occupancies where the occupants are primarily transient in nature, including:

- Boarding houses (transient)
- Hotels (transient)
- Motels (transient)

**R-2** Residential occupancies containing sleeping units or more than two dwelling units where the occupants are primarily permanent in nature, including:

- Apartment houses
- Boarding houses (not transient)

Boarding homes as licensed by the department of social and health services under chapter 388-78A WAC

- Convents
- Dormitories
- Fraternities and sororities
- Monasteries

Vacation timeshare properties

Residential treatment facilities as licensed by the department of health under chapter 246-337 WAC

- Hotels (nontransient)
- Motels (nontransient)

**R-3** Residential occupancies where the occupants are primarily permanent in nature and not classified as R-1, R-2, R-4 or I and where buildings do not contain more than two dwelling units as applicable in Section 101.2, including adult family homes and family child day care homes for the care of 12 or fewer children, licensed by the Washington state department of social and health services, or adult and child care facilities that provide accommodations for five or fewer persons of any age for less than 24 hours. Adult family homes and family child day care homes, or adult and child care facilities that are within a single-family home are permitted to comply with the *International Residential Code* in accordance with Section 101.2.

Foster family care homes licensed by the Washington state department of social and health services shall be permitted, as an accessory use to a dwelling, for six or fewer children including those of the resident family.

~~((R-4 Residential occupancies shall include buildings arranged for occupancy as residential care/assisted living facilities including more than five but not more than 16 occupants, excluding staff.~~

EXCEPTION: Adult family homes, family child day care homes and foster family care homes shall be classified as Group R-3.

~~Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3 except as otherwise provided for in this code or shall comply with the International Residential Code in accordance with Section 101.2.)) R-4 classification is not adopted. Any reference in this code to R-4 does not apply.~~

~~((LICENSED CARE GROUP LC. Licensed Care Group LC includes the use of a building, structure, or portion thereof, for the business of providing licensed care to clients in one of the following categories regulated by either the Washington department of health or the department of social and health services:~~

- ~~1. Adult residential rehabilitation facility.~~
- ~~2. Alcoholism intensive inpatient treatment service.~~
- ~~3. Alcoholism detoxification service.~~
- ~~4. Alcoholism long term treatment service.~~
- ~~5. Alcoholism recovery house service.~~
- ~~6. Boarding home.~~
- ~~7. Group care facility.~~
- ~~8. Group care facility for severely and multiple handicapped children.~~
- ~~9. Residential treatment facility for psychiatrically impaired children and youth.~~

EXCEPTION: Where the care provided at an alcoholism detoxification service is acute care similar to that provided in a hospital, the facility shall be classified as a Group I-2 Occupancy.)

AMENDATORY SECTION (Amending WSR 05-01-016, filed 12/2/04, effective 7/1/05)

**WAC 51-54-0300 Chapter 3—General precautions against fire.**

**307.2.1 Authorization.** Where required by state or local law or regulations, open burning shall only be permitted with prior approval from the state or local air and water quality management authority, provided that all conditions specified in the authorization are followed. See also chapter 173-425 WAC.

~~((307.3.2))~~ **307.4.2 Recreational fires.** Recreational fires shall not be conducted within 25 feet of a structure or combustible material. Conditions which could cause a fire to spread within 25 feet of a structure shall be eliminated prior to ignition. See also chapter 173-425 WAC.

**308.3.1 Open-flame cooking devices.** This section is not adopted.



**308.3.1.1 Liquefied-petroleum-gas-fueled cooking devices.** This section is not adopted.

**308.3.4 Aisles and exits.** Candles shall be prohibited in areas where occupants stand, or in an aisle or exit.

EXCEPTION: Candles used in religious ceremonies. See RCW 19.27.031 (3).

**308.3.5 Religious ceremonies.** Participants in religious ceremonies shall not be precluded from carrying hand-held candles.

~~(308.3.7 Group A Occupancies. Open flame devices shall not be used in a Group A Occupancy.~~

EXCEPTIONS: 1. Open flame devices are allowed to be used in the following situations:  
 1.1 Where necessary for ceremonial or religious purposes in accordance with Section 308.5.  
 1.2 On stages and platforms as a necessary part of a performance in accordance with Section 308.6, provided approved precautions are taken to prevent ignition of a combustible material or injury to occupants.  
 1.3 Where candles on tables are securely supported on substantial noncombustible bases and the candle flames are protected provided approved precautions are taken to prevent ignition of a combustible material or injury to occupants.  
 2. Heat-producing equipment complying with Chapter 6 and the International Mechanical Code.  
 3. Gas lights are allowed to be used provided adequate precautions satisfactory to the fire code official are taken to prevent ignition of combustible materials:)

AMENDATORY SECTION (Amending WSR 05-01-016, filed 12/2/04, effective 7/1/05)

**WAC 51-54-0400 Chapter 4—Emergency planning and preparedness.**

**401.2 Approval.** Where required by the fire code official, fire safety plans, emergency procedures, and employee training programs shall be approved.

**404.2 Where required.** A fire safety and evacuation plan shall be prepared and maintained in accordance with this chapter for the following occupancies and buildings when required by the fire code official.

1. Group A having an occupant load of 100 or more.
2. Group B buildings having an occupant load of 500 or more persons or more than 100 persons above or below the lowest level of exit discharge.
3. Group E.
- ~~(3-)~~ 4. Group H.
- ~~(4-)~~ 5. Group I.
- ~~(5-)~~ 6. Group R-1.
- ~~(6-)~~ 7. Group ~~(R-4)~~ R-2 college and university buildings.
- ~~(7- Group LC-)~~
8. High-rise buildings.
9. Group M buildings having an occupant load of 500 or more persons or more than 100 persons above or below the lowest level of exit discharge.
10. Covered malls exceeding 50,000 sf in aggregate floor area.
11. Underground buildings.

12. Buildings with an atrium and having an occupancy in Group A, E, or M.

**404.4 Maintenance.** Fire safety and evacuation plans shall be reviewed by the owner or occupant annually or as necessitated by changes in staff assignments, occupancy, or the physical arrangement of the building.

**408.11.1.1 ((Approval)) Submittal.** The lease plan shall be submitted to the fire code official, and shall be maintained on-site for immediate reference by responding fire service personnel.

**408.11.1.2 Revisions.** The lease plan shall be reviewed ~~((by the owner or occupant))~~ and revised annually or as often as necessary to keep them current. Modifications or changes in occupancies shall not be made without prior approval of the fire code official and building official.

AMENDATORY SECTION (Amending WSR 04-01-105, filed 12/17/03, effective 7/1/04)

**WAC 51-54-0500 Chapter 5—Fire service features.**

**SECTION 503 FIRE APPARATUS ACCESS ROADS.**

**503.1 Where required.** Fire apparatus access roads shall be provided and maintained in accordance with locally adopted street, road, and access standards.

**503.1.1 Buildings and facilities,** is not adopted.

**503.1.2 Additional access,** is not adopted.

**503.1.3 High-piled storage,** is not adopted.

**503.2 Specifications.** This section is not adopted.

**503.3 Marking.** This section is not adopted.

**503.4 Obstruction of fire apparatus access roads.** This section is not adopted.

**504.1 Required access.** Exterior doors and openings required by this code, the International Residential Code, or the International Building Code shall be maintained readily accessible for emergency access by the fire department. An approved access walkway leading from fire apparatus access roads to exterior openings shall be provided when required by the fire code official.

**504.4 Access to emergency escape and rescue openings.** An approved firm level base for ground ladder access shall be provided below emergency escape and rescue openings when required by the fire code official.

EXCEPTION: One- and two-family building equipped throughout with an approved automatic sprinkler system installed in accordance with 903.3.1.3.

**508.3 Fire flow requirements for buildings or portions of buildings and facilities shall be determined by an approved method.**

EXCEPTION: Fire flow is not required for structures under 500 square feet with a B, U or R-1 occupancy where structures are at least 30 feet from any other structure and are used only for recreation.

AMENDATORY SECTION (Amending WSR 05-01-016, filed 12/2/04, effective 7/1/05)

WAC 51-54-0800 Chapter 8—Interior finish, decorative materials and furnishings.

801.1 Scope. The provisions of this chapter shall govern interior finish, interior trim, furniture, furnishings, decorative materials and decorative vegetation in buildings. Sections 803 through 808 of this code shall be applicable to existing buildings. Section 803 of the International Building Code and Sections 804 through 808 of this code shall be applicable to new buildings.

~~(804.1.1)~~ 806.1.1 Restricted occupancies. Natural cut trees shall be prohibited in Group I-1, I-2, I-3, I-4, ~~((E-C and R-4 occupancies))~~ and R-2 occupancies providing licensed care to clients in one of the categories listed in IBC Section 310.1 regulated by either the Washington department of health or the department of social and health services.

~~(804.1.2)~~ 806.1.2 Support devices. The support device that holds the tree in an upright position shall be of a type that is stable and that meets all of the following criteria:

1. The device shall hold the tree securely and be of adequate size to avoid tipping over of the tree.
2. The device shall be capable of containing a minimum supply of water in accordance with Table ~~((804.1.2))~~ 806.1.2.
3. The water level, when full, shall cover the tree stem at least 2 inches (51 mm). The water level shall be maintained above the fresh cut and checked at least once daily.

~~(804.1.3)~~ 806.1.3 Dryness. The tree shall be removed from the building whenever the tree ~~((is determined to be dry by needle pliability, discoloration or other approved means as approved))~~ needles or leaves fall off readily when a tree branch is shaken or if the needles are brittle and break when bent between the thumb and the index finger, or whenever determined necessary by the fire code official. The tree shall be checked daily for dryness.

Table ~~((804.1.2))~~ 806.1.2—Support Stand Water Capacity

Tree Stem Diameter (inches)	Minimum Support Stand Water Capacity (gallons)	Typical Daily Water Transpiration Amount (gallons)
Up to 4	1	1/4 to 1
4 to 6	1 1/2	1 1/4 to 1 1/2
7 to 8	2	1 3/4 to 2
9 to 12	3	2 1/4 to 3
13 and over	4	Over 3

AMENDATORY SECTION (Amending WSR 05-24-071, filed 12/5/05, effective 7/1/06)

WAC 51-54-0900 Chapter 9—Fire protection systems.

902.1 Definitions.

PORTABLE SCHOOL CLASSROOM. A structure, transportable in one or more sections, which requires a chassis to be trans-

ported, and is designed to be used as an educational space with or without a permanent foundation. The structure shall be trailerable and capable of being demounted and relocated to other locations as needs arise.

~~((903.2.1.2 Group A-2. An automatic sprinkler system shall be provided for Group A-2 Occupancies where one of the following conditions exists:~~

1. The fire area exceeds 5,000 square feet (464.5 m<sup>2</sup>).
2. The fire area has an occupant load of 100 or more.
3. The fire area is located on a floor other than the level of exit discharge.)

903.2.1.6 Nightclub. An automatic sprinkler system shall be provided throughout an occupancy with a nightclub. Existing nightclubs constructed prior to July 1, 2006, shall be provided with automatic sprinklers not later than December 1, 2007. The fire code official, for the application of this rule, may establish an occupant load based on the observed use of the occupancy in accordance with Table 1004.1.2.

903.2.2 Group E. An automatic sprinkler system shall be provided for Group E Occupancies ~~((as follows:~~

1. Throughout all Group E fire areas greater than 20,000 square feet (1858 m<sup>2</sup>) in area.
2. Throughout every portion of educational buildings below the level of exit discharge.

EXCEPTION: An automatic sprinkler system is not required in any fire area or area below the level of exit discharge where every classroom throughout the building has at least one exterior exit door at ground level.

3. Throughout all newly constructed Group E Occupancies having an occupant load of 50 or more for more than 12 hours per week or four hours in any one day. A minimum water supply meeting the requirements of NFPA 13 shall be required. The fire code official may reduce fire flow requirements for buildings protected by an approved automatic sprinkler system.

For the purpose of this section, additions exceeding 60 percent of the value of such building or structure, or alterations and repairs to any portion of a building or structure within a twelve-month period that exceeds 100 percent of the value of such building or structure shall be considered new construction. In the case of additions, fire walls shall define separate buildings).

- EXCEPTIONS:
1. Portable school classrooms, provided aggregate area of any cluster or portion of a cluster(s) of portable school classrooms does not exceed 5,000 square feet (465 m<sup>2</sup>); and clusters of portable school classrooms shall be separated as required in Chapter 5 of the building code.
  2. Group E ~~((Day-Care))~~ Occupancies with an occupant load of 50 or less.

~~((When not required by other provisions of this chapter, a fire extinguishing system installed in accordance with NFPA 13 may be used for increases and substitutions allowed in Section 504.2, 506.3, and Table 601 of the building code.~~

903.2.10.3 Buildings over 75 feet in height. An automatic sprinkler system shall be installed throughout buildings with a floor level having an occupant load of 30 or more that is

located 75 feet (22 860 mm) or more above the lowest level of fire department vehicle access.

EXCEPTIONS: 1. Airport control towers.  
2. Open parking structures.  
3. Occupancies in Group F-2.)

**903.2.7 Group R.** An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.

EXCEPTION: Group R-1 if all of the following conditions apply:

1. The Group R fire area is no more than 500 square feet.
2. The Group R fire area is on only one story.
3. The Group R fire area does not include a basement.
4. The Group R fire area is no closer than 30 feet from another structure.
5. Cooking is not allowed within the Group R fire area.
6. The Group R fire area has an occupant load of no more than 8.
7. A hand held (portable) fire extinguisher is in every Group R fire area.

**909.6.3 Elevator shaft pressurization.** Where elevator shaft pressurization is required to comply with Exception 5 of Section 707.14.1, the pressurization system shall comply with the following.

**909.6.3.1 Standards and testing.** Elevator shafts shall be pressurized to not less than 0.10 inch water column relative to ~~((atmospheric pressure))~~ the main occupied floor area. Elevator pressurization shall be measured with the elevator cars at the designated primary recall level with the doors in the open position. The test shall be conducted at the location of the calculated maximum positive stack effect in the elevator shaft. The measured pressure shall be sufficient to provide 0.10 inch of water column as well as accounting for the stack and wind effect expected on the mean low temperature January day.

**909.6.3.2 Activation.** The elevator shaft pressurization system shall be activated by a fire alarm system which shall include smoke detectors or other approved detectors located near the elevator shaft on each floor as approved by the building official and fire chief. If the building has a fire alarm panel, detectors shall be connected to, with power supplied by, the fire alarm panel.

**909.6.3.3 Separation.** Elevator shaft pressurization equipment and its ductwork located within the building shall be separated from other portions of the building by construction equal to that required for the elevator shaft.

**909.6.3.4 Location of intakes.** Elevator shaft pressurization air intakes shall be located in accordance with Section 909.10.3 at the exterior of the building. Such intakes shall be provided with smoke detectors that are part of a fire alarm system which upon detection of smoke, shall deactivate the pressurization fan supplied by that air intake.

**909.6.3.5 Power system.** The power source for the fire alarm system and the elevator shaft pressurization system shall be in accordance with Section 909.11.

**909.6.3.6 Hoistway venting.** Hoistway venting required by IBC Section 3004 need not be provided for pressurized elevator shafts.

**909.6.3.7 Machine rooms.** Elevator machine rooms required to be pressurized by IBC Section 3006.3 need not be pressurized where separated from the hoistway shaft by construction in accordance with IBC Section 707.

**909.6.3.8 Special inspection.** Special inspection for performance shall be required in accordance with Section 909.18.8. System acceptance shall be in accordance with Section 909.19.

AMENDATORY SECTION (Amending WSR 04-01-105, filed 12/17/03, effective 7/1/04)

#### WAC 51-54-1000 Chapter 10—Means of egress.

**1008.1.2 Door swing.** Egress doors shall be side-hinged swinging.

- Exceptions:
1. Private garages, office areas, factory and storage areas with an occupant load of 10 or less.
  2. Group I-3 Occupancies used as a place of detention.
  3. Critical or intensive care patient rooms within suites of health care facilities.
  4. Doors within or serving a single dwelling unit in Groups R-2 and R-3 as applicable in Section 101.2.
  - ~~((4.))~~ 5. In other than Group H Occupancies, revolving doors complying with Section 1008.1.3.1.
  - ~~((5.))~~ 6. In other than Group H Occupancies, horizontal sliding doors complying with Section 1008.1.3.3 are permitted in a means of egress.
  - ~~((6.))~~ 7. Power-operated doors in accordance with Section 1008.1.3.1.
  8. Doors serving a bathroom within an individual sleeping unit in Group R-1.
  9. In other than Group H Occupancies, manually operated horizontal sliding doors are permitted in a means of egress from spaces with an occupant load of 10 or less.

Doors shall swing in the direction of egress travel where serving an occupant load of 50 or more persons or a Group H Occupancy.

The opening force for interior side-swinging doors without closers shall not exceed a 5-pound force. For other side-swinging, sliding, and folding doors, the door latch shall release when subjected to a 15-pound force. The door shall be set in motion when subjected to a 30-pound force. The door shall swing to a full-open position when subjected to a 15-pound force. Forces shall be applied to the latch side. ~~((Within an accessible route, at exterior doors where environmental conditions require a closing pressure greater than 8.5 pounds, power-operated doors shall be used within the accessible route of travel.))~~

**1009.12 Stairways in individual dwelling units.** Stairs or ladders within an individual dwelling unit used for access to areas of 200 square feet (18.6 m<sup>2</sup>) or less, and not containing the primary bathroom or kitchen, are exempt from the requirements of Section 1009.

**1009.13** Stairs or ladders within an individual dwelling unit used to gain access to areas of 200 square feet (18.6 m<sup>2</sup>) or less, and not containing the primary bathroom or kitchen, are exempt from the requirements of Section 1009.

~~((1010.8 Handrails. Ramps with a rise greater than 6 inches (152 mm) shall have handrails on both sides complying with Section 1009.11. At least one handrail shall extend in the~~

direction of ramp run not less than 12 inches (305 mm) horizontally beyond the top and bottom of the ramp runs.

**1024.11 Assembly aisle walking surfaces.** Aisles with a slope not exceeding one unit vertical in eight units horizontal (12.5 percent slope) shall consist of a ramp having a slip-resistant walking surface. Aisles with a slope exceeding one unit vertical in eight units horizontal (12.5 percent slope) shall consist of a series of risers and treads that extends across the full width of aisles and complies with Sections 1024.11.1 through 1024.11.3.

EXCEPTION: When provided with fixed seating, aisles in Group A-1 Occupancies shall be permitted to have a slope not steeper than one unit vertical in five units horizontal (20 percent slope).

**1024.13 Handrails.** Ramped aisles having a slope exceeding one unit vertical in 15 units horizontal (6.7 percent slope) and aisle stairs shall be provided with handrails located either at the side or within the aisle width.

EXCEPTIONS: 1. Handrails are not required for ramped aisles having a gradient no greater than one unit vertical in five units horizontal (20 percent slope) and seating on both sides. 2. Handrails are not required if, at the side of the aisle, there is a guard that complies with the graspability requirements of handrails.)

**1014.2.2 Group I-2.** Habitable rooms or suites in Group I-2 occupancies shall have an exit access door leading directly to a corridor.

EXCEPTIONS: 1. Rooms with exit doors opening directly to the outside at ground level. 2. Patient sleeping rooms are permitted to have one intervening room if the intervening room is not used as an exit access for more than eight patient beds. 3. Special nursing suites are permitted to have one intervening room where the arrangement allows for direct and constant visual supervision by nursing personnel. 4. For rooms other than patient sleeping rooms located within a suite, exit access travel from within the suite shall be permitted through one intervening room where the travel distance to the exit access door is not greater than 100 feet (30,480 mm). 5. For rooms other than patient sleeping rooms located within a suite, exit access travel from within the suite shall be permitted through two intervening rooms where the travel distance to the exit access door is not greater than 50 feet (15,240 mm).

The travel distance between any point in a room normally occupied by patients in a Group I-2 Occupancy and an exit access door in the room shall not exceed 50 feet (15,240 mm).

EXCEPTION: Suites complying with Section 1014.2.2.1.

**1014.2.2.1 Suites.**

**1014.2.2.1.1 Definition.** For the purposes of this section, a suite is defined as a cluster of rooms or spaces sharing common circulation and separated from adjacent areas with smoke partitions. Partitions within a suite are not required to have smoke or fire-resistance-rated construction unless required by another section of this Code.

**1014.2.2.1.2 Size of suites.** Suites of sleeping rooms shall not exceed 5,000 square feet (465 m<sup>2</sup>). Suites of rooms other

than patient sleeping rooms shall not exceed 10,000 square feet (929 m<sup>2</sup>).

**1014.2.2.1.3 Number of means of egress.** Any patient sleeping room, or any suite that includes patient sleeping rooms, of more than 1,000 square feet (93 m<sup>2</sup>) shall have at least two exit access doors that comply with Section 1015.2. Any room or suite of rooms, other than patient sleeping rooms, of more than 2,500 square feet (232 m<sup>2</sup>) shall have at least two access doors that comply with Section 1015.2.

**1014.2.2.1.4 Intervening rooms.** For the purposes of this section, an intervening room is defined as a room or space through which occupants must pass on the way from a habitable room or space to a corridor or exit. A circulation space within the suite, including adjacent areas open to that circulation space, is considered to be an intervening room. Toilet rooms, control rooms, equipment rooms, and similar accessory spaces within a suite are not considered to be habitable rooms.

**1014.2.2.1.5 Travel distance.** The travel distance between any point in a suite of sleeping rooms and an exit access door of that suite shall not exceed 100 feet (30,480 mm). Where a suite has two required means of egress, one of them may pass through the circulation space of one adjacent suite. Where a means of egress is into an adjoining suite the travel distance within the suite shall be measured to the door of the adjacent suite. The adjacent suite shall not be considered an intervening room. Required egress pathways from areas outside the suite and the adjacent suite shall not pass through the suite.

**1015.1 (IFC 1015.1) Exits or exit access doorways from spaces.** Two exits or exit access doorways from any space shall be provided where one of the following conditions exists:

1. The occupant load of the space exceeds one of the values in Table 1015.1.

EXCEPTION: One means of egress is permitted within and from dwelling units with a maximum occupant load of 20 where the dwelling unit is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1.

2. The common path of egress travel exceeds one of the limitations of Section 1014.3.

3. Where required by Sections 1015.3, 1015.4, 1015.5, 1015.6 or 1015.6.1.

EXCEPTION: Group I-2 occupancies shall comply with Section 1014.2.2.

**TABLE 1015.1 (IFC 1015.1)  
SPACES WITH ONE MEANS OF EGRESS**

OCCUPANCY	MAXIMUM OCCUPANT LOAD
A, B, E <sup>a</sup> , F, M, U	49
H-1, H-2, H-3	3
H-4, H-5, I-1, I-3, I-4, R	10
S	29

a. Day care maximum occupant load is 10.

**1015.1.1 (IFC 1015.1.1) Three or more exits or exit access doorways.** Three exits or exit access doorways shall be pro-

vided from any space with an occupant load of 501-1,000. Four exits or exit access doorways shall be provided from any space with an occupant load greater than 1,000.

**1017.1 Construction.** Corridors shall be fire-resistance rated in accordance with Table 1017.1. The corridor walls required to be fire-resistance rated shall comply with Section 708 for fire partitions.

- EXCEPTIONS:
1. A fire-resistance rating is not required for corridors in an occupancy in Group E where each room that is used for instruction has at least one door directly to the exterior and rooms for assembly purposes have at least one-half of the required means of egress doors opening directly to the exterior. Exterior doors specified in this exception are required to be at ground level.
  2. A fire-resistance rating is not required for corridors contained within a dwelling or sleeping unit in an occupancy in Group R.
  3. A fire-resistance rating is not required for corridors in open parking garages.
  4. A fire-resistance rating is not required for corridors in an occupancy in Group B which is a space requiring only a single means of egress complying with Section 1015.1.
  5. In Group R-2 boarding homes and residential treatment facilities licensed by Washington state, rest areas constructed as required for corridors shall be allowed to be open to the corridor provided:
    - 5.1 The area does not exceed 150 square feet, excluding the corridor width;
    - 5.2 The floor is separated into at least two compartments complying with Section 407.4;
    - 5.3 Combustible furnishings located within the rest area shall be in accordance with the International Fire Code, Section 805;
    - 5.4 Emergency means of egress lighting is provided as required by Section 1006 to illuminate the area.

**1017.6 Subdivision of building spaces—Smoke barriers.** Smoke barriers complying with Section 709 shall be installed on floors other than the level of exit discharge of a Group R-2 boarding home or residential treatment facility licensed by Washington state, where a fire-resistance rated corridor is required by Table 1017.1 The smoke barrier shall subdivide the floor into at least two compartments complying with Section 407.4.

**1019.1 (IFC 1019.1) Exits from stories.** All spaces within each story shall have access to the minimum number of exits as specified in Table 1019.1 based on the occupant load of the story, except as modified in Section 1019.2. For the purposes of this chapter, occupied roofs shall be provided with exits as required for stories. The required number of exits from any story, including basements, shall be maintained until arrival at grade or the public way.

EXCEPTION: One means of egress is permitted within and from dwelling units with a maximum occupant load of 20 where the dwelling unit is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1.

**TABLE 1019.1 (IFC 1019.1)  
MINIMUM NUMBER OF EXITS FOR OCCUPANT LOAD**

<b>OCCUPANT LOAD (persons per story)</b>	<b>MINIMUM NUMBER OF EXITS (per story)</b>
1-500	2
501-1,000	3
More than 1,000	4

**1019.2 (IFC 1019.2) Buildings with one exit.** Only one exit shall be required in buildings as specified below:

1. Buildings meeting the limitations of Table 1019.2, provided the building has not more than one level below the first story above grade plane.
2. Buildings of Group R-3 Occupancy.
3. Single-level buildings with occupied spaces at the level of exit discharge provided each space complies with Section 1015.1 as a space with one exit or exit access doorway.

**TABLE 1019.2 (IFC 1019.2)  
BUILDINGS WITH ONE EXIT**

<b>OCCUPANCY</b>	<b>MAXIMUM HEIGHT OF BUILDING ABOVE GRADE PLANE</b>	<b>MAXIMUM OCCUPANTS (OR DWELLING UNITS) PER FLOOR AND TRAVEL DISTANCE</b>
A, B <sup>d</sup> , E <sup>e</sup> , F, M, U	1 Story	49 occupants and 75 feet travel distance
H-2, H-3	1 Story	3 occupants and 25 feet travel distance
H-4, H-5, I, R	1 Story	10 occupants and 75 feet travel distance
S <sup>a</sup>	1 Story	29 occupants and 100 feet travel distance
B <sup>b</sup> , F, M, S <sup>a</sup>	2 Stories	30 occupants and 75 feet travel distance
R-2	2 Stories <sup>c</sup>	4 dwelling units and 50 feet travel distance

For SI: 1 foot = 304.8 mm.

- a. For the required number of exits for open parking structures, see Section 1019.1.1.
- b. For the required number of exits for air traffic control towers, see Section 412.1.
- c. Buildings classified as Group R-2 equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2 and provided with emergency escape and rescue openings in accordance with Section 1026 shall have a maximum height of three stories above grade plane.
- d. Buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 with an occupancy in Group B shall have a maximum travel distance of 100 feet.
- e. Day care maximum occupant load is 10.

**NEW SECTION**

**WAC 51-54-1100 Aircraft-fueling vehicles.**

**1106.5.1 Positioning of aircraft fuel-servicing vehicles.** Aircraft-fueling vehicles shall not be located, parked or permitted to stand in a position where such unity would obstruct egress from an aircraft should a fire occur during fuel-transfer operations. Tank vehicles shall not be located, parked or permitted to stand under any portion of an aircraft except during refueling.

AMENDATORY SECTION (Amending WSR 05-01-016, filed 12/2/04, effective 7/1/05)

**WAC 51-54-4600 Chapter 46—Marinas.**

**SECTION 4601**

**4601.1 Scope.** Marina facilities shall be in accordance with this chapter.

**4601.1.1 Plans and approvals.** Plans for marina fire-protection facilities shall be approved prior to installation. The work shall be subject to final inspection and approval after installation.

**4601.1.2 Permits.** Permits are required to use open-flame devices for maintenance or repair on vessels, floats, piers or wharves.

**SECTION 4602—DEFINITIONS.**

**4602.1 Definitions.** The following words and terms shall, for the purpose of this chapter and as used elsewhere in this code, have the meanings shown herein.

COVERED BOAT MOORAGE is a pier or system of floating or fixed access ways to which vessels on water may be secured and any portion of which are covered by a roof.

DRAFT CURTAIN is a structure arranged to limit the spread of smoke and heat along the underside of the ceiling or roof.

FLOAT is a floating structure normally used as a point of transfer for passengers and goods, or both, for mooring purposes.

GRAVITY-OPERATED DROP OUT VENTS are automatic smoke and heat vents containing heat-sensitive glazing designed to shrink and drop out of the vent opening when exposed to fire.

MARINA is any portion of the ocean or inland water, either naturally or artificially protected, for the mooring, servicing or safety of vessels and shall include artificially protected works, the public or private lands ashore, and structures or facilities provided within the enclosed body of water and ashore for the mooring or servicing of vessels or the servicing of their crews or passengers.

PIER is a structure built over the water, supported by pillars or piles, and used as a landing place, pleasure pavilion or similar purpose.

VESSEL is watercraft of any type, other than seaplanes on the water, used or capable of being used as a means of transportation. Included in this definition are nontransportation vessels such as houseboats and boathouses.

WHARF is a structure or bulkhead constructed of wood, stone, concrete or similar material built at the shore of a harbor, lake or river for vessels to lie alongside of, and piers or floats to be anchored to.

**SECTION 4603—GENERAL PRECAUTIONS.**

**4603.1 Combustible debris.** Combustible debris and rubbish shall not be deposited or accumulated on land beneath marina structures, piers or wharves.

**4603.2 Sources of ignition.** Open-flame devices used for lighting or decoration on the exterior of a vessel, float, pier or wharf shall be approved.

**4603.3 Flammable or combustible liquid spills.** Spills of flammable or combustible liquids at or upon the water shall be reported immediately to the fire department or jurisdictional authorities.

**4603.4 Rubbish containers.** Containers with tight-fitting or self-closing lids shall be provided for the temporary storage of combustible trash or rubbish.

**4603.5 Electrical equipment.** Electrical equipment shall be installed and used in accordance with its listing and Section 605 as required for wet, damp and hazardous locations.

**SECTION 4604—FIRE-PROTECTION EQUIPMENT.**

**4604.1 General.** Marinas, piers, wharves, floats with facilities for mooring or servicing five or more vessels, and marine motor vehicle fuel-dispensing stations shall be equipped with fire-protection equipment in accordance with Section 4604.

**4604.2 Standpipes.** Marinas shall be equipped throughout with Class I manual, dry standpipe systems in accordance with NFPA 303. Systems shall be provided with outlets located such that no point on the marina pier or float system exceeds 150 feet from a standpipe outlet.

**4604.2.1 Identification of standpipe outlets.** Standpipe outlet locations shall be clearly identified by a flag or other approved means designed to be readily visible from the pier accessing the float system.

**4604.3 Access and water supply.** Piers and wharves shall be provided with fire apparatus access roads and water-supply systems with on-site fire hydrants when required and approved by the fire code official. At least one fire hydrant capable of providing the required fire flow shall be provided within an approved distance of standpipe supply connections.

**4604.4 Portable fire extinguishers.** ~~((One fire extinguisher for ordinary (moderate) hazard type, shall be provided at each required hose station.))~~ One 4A40BC fire extinguisher shall be provided at each standpipe outlet. Additional fire extinguishers, suitable for the hazards involved, shall be provided and maintained in accordance with Section 906.

**4604.5 Communications.** A telephone not requiring a coin to operate or other approved, clearly identified means to notify the fire department shall be provided on the site in a location approved by the code official.

**4604.6 Equipment staging areas.** Space shall be provided on all float systems for the staging of emergency equipment. Staging areas shall provide a minimum of 4 feet wide by 10 feet long clear area exclusive of walkways and shall be located at each standpipe outlet. Staging areas shall be provided with barriers having a minimum height of 4" and maximum space between the bottom barrier edge and surface of the staging area of 2" on the outboard sides to prevent loss of equipment overboard. A sign reading "Fire Equipment Staging Area - Keep Clear" shall be provided at each staging area to prevent obstruction.

**4604.7 Smoke and heat vents.** Approved automatic smoke and heat vents shall be provided in covered boat moorage

areas exceeding 2,500 sq. ft. (232 m<sup>2</sup>) in area, excluding roof overhangs.

EXCEPTION: Smoke and heat vents are not required in areas protected by automatic sprinklers.

**4604.7.1 Design and installation.** Where smoke and heat vents are required they shall be installed near the roof peak, evenly distributed and arranged so that at least one vent is over each covered berth. The effective vent area shall be calculated using a ratio of one square foot of vent to every fifteen square feet of covered berth area (1:15). Each vent shall provide a minimum opening size of 4 ft. x 4 ft.

**4604.7.1.1 Smoke and heat vents.** Smoke and heat vents shall operate automatically by actuation of a heat-responsive device rated at between 100°F (56°C) above ambient.

EXCEPTION: Gravity-operated drop out vents.

**4604.7.1.2 Gravity-operated drop out vents.** Gravity-operated drop out vents shall fully open within 5 minutes after the vent cavity is exposed to a simulated fire represented by a time-temperature gradient that reaches an air temperature of 500°F (260°C) within 5 minutes.

**4604.8 Draft curtains.** Draft curtains shall be provided in covered boat moorage areas exceeding 2,500 sq. ft. (232 m<sup>2</sup>) in area, excluding roof overhangs.

EXCEPTION: Draft curtains are not required in areas protected by automatic sprinklers.

**4604.8.1 Draft curtain construction.** Draft curtains shall be constructed of sheet metal, gypsum board or other approved materials that provide equivalent performance to resist the passage of smoke. Joints and connections shall be smoke tight.

**4604.8.2 Draft curtain location and depth.** The maximum area protected by draft curtains shall not exceed 2,000 sq. ft. (186 m<sup>2</sup>) or two slips or berths, whichever is smaller. Draft curtains shall not extend past the piling line. Draft curtains shall have a minimum depth of 4 feet and shall not extend closer than 8 feet (2438 mm) to the walking surface of the pier.

#### SECTION 4605—MARINE MOTOR VEHICLE FUEL-DISPENSING STATIONS.

**4605.1 Fuel dispensing.** Marine motor vehicle fuel-dispensing stations shall be in accordance with Chapter 22.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 51-54-1500	Chapter 15—Flammable finishes.
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**WSR 06-16-116**  
**PROPOSED RULES**  
**DEPARTMENT OF HEALTH**  
(Board of Optometry)  
[Filed August 1, 2006, 12:37 p.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: WAC 246-851-490 Examination and licensure and new section WAC 246-851-540 Optometry inactive status, are being proposed by the board of optometry in response to ESSB 5535, enacted by the 2006 legislature. This law directs that all optometrists licensed in Washington be licensed at the full scope of practice by January 1, 2011. The law also authorizes an inactive status for optometrists.

Hearing Location(s): Department of Health, Center Point Corporate Park, 20435 72nd South, Kent, WA, on September 15, 2006, at 11:00 a.m.

Date of Intended Adoption: September 15, 2006.

Submit Written Comments to: Judy Haenke, Program Manager, P.O. Box 47870, Olympia, WA 98504-7870, (360) 236-4947, judy.haenke@doh.wa.gov, web site <http://www3.doh.wa.gov/policyreview/>, fax (360) 236-4947, by September 12, 2006.

Assistance for Persons with Disabilities: Contact Judy Haenke by September 7, 2006, TTY (800) 833-6388 or 711.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rules will implement ESSB 5535, enacted by the 2006 legislature directing all optometrists to complete required training to authorize full scope of practice by January 1, 2011, which includes topical and oral prescriptive authority, limited controlled substances and administration of epinephrine by injection. The law also provides for an inactive status. The purpose of the law is to provide clarification to the public regarding what level of care optometrists can provide. This proposal amends WAC 246-851-490 Examination and licensure, to include the timetable by which all currently licensed optometrists and applicants must qualify for the full scope of practice. A proposed new section sets forth the process for obtaining and maintaining an inactive license.

Reasons Supporting Proposal: Legislation enacted in 2006, sets a required timeline for all Washington licensed optometrists to reach the highest level of licensure. The highest level of licensure includes authorization for prescribing or administering topical drugs, oral drugs and limited controlled substances and administering epinephrine by injection. The law also provides for an inactive status. The law will clarify for the public what level of care optometrists can provide, simplify processing of insurance claims, and provide clarity for pharmacists who fill prescriptions.

Statutory Authority for Adoption: RCW 18.54.070(2).

Statute Being Implemented: RCW 18.53.010.

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

Name of Proponent: Department of health, board of optometry, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Judy Haenke, Program

Manager, P.O. Box 47870, Olympia, WA 98504-7870, (360) 236-4947.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rule is exempt from a small business economic impact statement under RCW 19.85.025, which does not apply to rules adopted under RCW 34.05.310 (4)(c).

A cost-benefit analysis is not required under RCW 34.05.328. The rule is exempt from the cost-benefit analysis requirements under RCW 34.05.328 (5)(b)(iii).

August 1, 2006  
Jeffrey Sutro, O.D., Chair  
Board of Optometry

AMENDATORY SECTION (Amending WSR 96-20-087, filed 10/1/96, effective 11/1/96)

**WAC 246-851-490 Examination and licensure.** To qualify for licensure in this state a candidate must:

(1) Successfully complete Parts I, II, and III of the National Board of Examiners in Optometry (NBEO) examinations; the Part III having been administered and successfully completed after January 1, 1993(~~;~~).

(2) Applicants who completed the NBEO Part II examination prior to January 1, 1993, must successfully complete the International Association of Examiners in Optometry (IAB) examination in treatment and management of ocular disease(~~;~~~~and~~).

(3) Successfully complete a jurisprudence questionnaire(~~;~~~~and~~).

(4) Be a graduate of a state accredited high school or equivalent(~~;~~~~and~~).

(5) Be a graduate of a school or college of optometry accredited by the Council on Optometric Education of the American Optometric Association and approved by the Washington state board of optometry(~~;~~~~and~~).

(6) Be of good moral character.

(7) Effective January 1, 2007, all applicants who receive their initial (first) license in Washington state must meet all the certification requirements of RCW 18.53.010 (2)(a), (b), (c), and (d).

(8) Effective January 1, 2009, all optometrists licensed in Washington state must be certified under RCW 18.53.010 (2)(a) and (b).

(9) Effective January 1, 2011, all optometrists licensed in Washington state must be certified under RCW 18.53.010 (2)(a), (b), (c), and (d).

#### NEW SECTION

**WAC 246-851-540 Inactive credential.** (1) An optometrist may obtain an inactive credential. Refer to the requirements of chapter 246-12 WAC, Part 4.

(2) To return to active practice from inactive practice, an optometrist must:

(a) Meet the requirements of RCW 18.53.010 (2)(a), (b), (c), and (d);

(b) Provide verification from all jurisdictions in which the applicant holds a license, whether active or inactive, indi-

cating that the applicant is not subject to charges or disciplinary action for unprofessional conduct or impairment; and

(c) Meet the requirements of chapter 246-12 WAC, Part 4.

**WSR 06-16-126**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed August 1, 2006, 3:17 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-12-035.

Title of Rule and Other Identifying Information: WAC 220-20-025 General provisions—Shellfish and 220-56-129 Unclassified freshwater invertebrates and fish.

Hearing Location(s): Natural Resources Building, Room 172, 1111 Washington Street S.E., Olympia, WA, on October 6-7, 2006, begins 8:00 a.m., October 6, 2006.

Date of Intended Adoption: November 3-4, 2006.

Submit Written Comments to: Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, e-mail barkemwb@dfw.wa.gov, fax (360) 902-2944, by October 4, 2006.

Assistance for Persons with Disabilities: Contact Nancy Burkhart by September 22, 2006, TTY (360) 902-2207 or (360) 902-2267.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Allows the possession of certain amounts of relic bivalve shells without the current requirement of a recreational license. This would have no effect on living resources.

Reasons Supporting Proposal: Children and adults commonly pick up shells while walking the shore and this would provide a technical fix that eliminates the requirement for a recreational license for this nonharvest activity.

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: Morris W. Barker, 1111 Washington Street S.E., Olympia, (360) 902-2826; Implementation: Lew Atkins, 1111 Washington Street S.E., Olympia, (360) 902-2651; and Enforcement: Bruce Bjork, 1111 Washington Street S.E., Olympia, (360) 902-2373.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No businesses are affected by this proposal.

A cost-benefit analysis is not required under RCW 34.05.328. These rule proposals do not affect hydraulics.

August 1, 2006  
Morris W. Barker  
Rules Coordinator



AMENDATORY SECTION (Amending Order 02-278, filed 11/6/02, effective 12/7/02)

**WAC 220-20-025 General provisions—Shellfish.** (1)

It is unlawful to drive or operate any motor-propelled vehicle, land any airplane or ride or lead any horse on the razor clam beds of the state of Washington, as defined in WAC 220-16-257. A violation of this subsection shall be punished as an infraction.

(2) It is unlawful to possess soft-shelled crab for any commercial purpose.

(3) It is unlawful to possess in the field any crab from which the back shell has been removed.

(4) It is unlawful to willfully damage crab or other shellfish. Any crab taken incidentally to a net fishery must be immediately returned to the water with the least possible damage to the crab.

(5) "Shellfish" includes all bodily parts but does not include five pounds or less of relic shells of classified shellfish or relic shells of unclassified freshwater and marine invertebrates. A relic (dead) shell is defined as one which apparently died of natural causes and contains no meat or soft parts; it readily exhibits noticeable sediment, vegetation, algal or mineral stains, discolorations, soiling, weathering or other visual evidence on its interior surface which clearly and unambiguously shows the shell has not been cooked-out or freshly cleaned. No license or permit is required to take or possess up to five pounds of relic shells per day. It is unlawful to take or possess more than five pounds of relic shells without first obtaining a scientific collection permit. Notwithstanding the provisions of this section, it is unlawful to remove relic oyster shells from tidelands.

AMENDATORY SECTION (Amending Order 05-15, filed 2/10/05, effective 5/1/05)

**WAC 220-56-129 Unclassified freshwater invertebrates and fish.** (1) Definitions. For purposes of this section, "freshwater clams and mussels" means all freshwater bivalves existing in Washington in a wild state, except prohibited aquatic animal species classified under WAC 232-12-090.

(2) It is unlawful for any person to take or possess freshwater clams and mussels taken for personal use. Freshwater clams and mussels include all bodily parts but does not include five pounds or less of relic shells of freshwater clams and mussels. A relic (dead) shell is defined as one which apparently died of natural causes and contains no meat or soft parts: It readily exhibits noticeable sediment, vegetation, algal or mineral stains, discolorations, soiling, weathering or other visual evidence on its interior surface which clearly and unambiguously shows the shell has not been cooked-out or freshly cleaned. No license or permit is required to take or possess up to five pounds of relic shells per day. It is unlawful to take or possess more than five pounds of relic shells without first obtaining a scientific collection permit.

(3) It is unlawful for any person to take, fish for or possess Pacific lamprey, western brook lamprey, or river lamprey taken for personal use.

(4) Violation of this rule is punishable under RCW 77.15.140.

**WSR 06-16-134**

**PROPOSED RULES**

**DEPARTMENT OF HEALTH**

[Filed August 2, 2006, 9:34 a.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: WAC 246-272A-990 On-site sewage system fees and 246-272B-990 Large on-site sewage system fees.

Hearing Location(s): Department of Health, Town Center 2 Building, Room 158, 111 Israel Road S.E., Tumwater, WA 98501, on September 6, 2006, at 11:00.

Date of Intended Adoption: September 8, 2006.

Submit Written Comments to: Brad Avy, Wastewater Management Program, P.O. Box 47825, Tumwater, WA 98504-7825, web site <http://www3.doh.wa.gov/policyreview/>, fax (360) 236-2250, by September 6, 2006.

Assistance for Persons with Disabilities: Contact Kelly Cooper by August 14, 2006, TTY (800) 833-6388 or 711.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This proposal will increase fees to support the department of health's on-site sewage system program activities. The legislature provided an exemption to exceed fiscal growth factor limits for these fees in chapter 518, Laws of 2005.

Reasons Supporting Proposal: The fees supporting both on-site sewage system product registration and large on-site sewage system plan review have not been updated since 1991. Program costs have increased since that time and the fee increases are necessary to adequately fund program activities that protect the public from public health risks associated with sewage.

Statutory Authority for Adoption: RCW 43.70.110 and 43.70.250.

Statute Being Implemented: RCW 43.70.110 and 43.70.250.

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

Name of Proponent: Department of health, governmental.

Name of Agency Personnel Responsible for Drafting: Kelly Cooper, P.O. Box 47820, (360) 236-3012; Implementation and Enforcement: Brad Avy, P.O. Box 47825, (360) 236-3040.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Under RCW 19.85.025 (3), rules that set or adjust fees pursuant to legislative standards are exempt from the requirements of the Regulatory Fairness Act.

A cost-benefit analysis is not required under RCW 34.05.328. Under RCW 34.05.328 (5)(b)(vi) rules that set or adjust fees pursuant to legislative standards are exempt from the cost-benefit analysis requirements.

August 1, 2006

M. C. Selecky  
Secretary

AMENDATORY SECTION (Amending WSR 05-15-119, filed 7/18/05, effective 9/15/05)

**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.)) (1) Fees for proprietary product registration are as follows:

<u>Category</u>	<u>Base Fee</u>	<u>Hourly Fee</u>
<u>Product registration - treatment or distribution - initial application</u>	<u>\$400.00</u>	<u>\$100.00 per hour if the application requires more than four hours of review time</u>
<u>Transition from list of approved products and systems (both treatment and distribution products)</u>	<u>\$200.00</u>	<u>\$100.00 per hour if the application requires more than two hours of review time</u>
<u>Annual registration renewal</u>	<u>\$100.00</u>	

(2) The base fee is required at the time of application. Any hourly fees for additional review time must be paid in full before the product will be registered.

AMENDATORY SECTION (Amending WSR 03-22-098, filed 11/5/03, effective 12/6/03)

**WAC 246-272B-990 Fees.** ((The minimum fee for required review of larger on-site system's engineering reports and plans and specifications shall be four hundred dollars. If review time exceeds eight hours, fifty dollars for each additional hour or part of an hour shall be added to the minimum fee. The fee for presite inspections for larger on-site systems shall be one hundred dollars per visit. The fee for final inspections of larger on-site systems shall be one hundred dollars per site visit.)) (1) Plan review and inspection. The following fees apply for LOSS application, review and inspection:

<u>Category</u>	<u>Base Fee</u>	<u>Hourly Fee</u>
<u>Project review fee</u>	<u>\$800.00</u>	<u>\$100.00 per hour if the application requires more than eight hours review time</u>
<u>Inspections (presite and final)</u>	<u>\$500.00 per visit</u>	<u>N/A</u>

The base fee is required at the time of application. Any hourly fees for additional review time must be paid in full before final approval is granted.

(2) Operating permits. The following fees apply for annual LOSS operating permits and renewals.

<u>Category</u>	<u>Base Fee</u>	<u>System Volume Fee</u>
<u>Initial operating permit and annual renewal - unconditional systems</u>	<u>\$150.00</u>	<u>\$.01 for each gallon of daily approved design flow</u>
<u>Annual renewal "noncompliant - conditional systems"</u>	<u>\$150.00</u>	<u>\$.02 for each gallon of daily approved design flow</u>

**WSR 06-16-135  
PROPOSED RULES  
UTILITIES AND TRANSPORTATION  
COMMISSION**

[Docket TC-060177—Filed August 2, 2006, 10:08 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-05-114.

Title of Rule and Other Identifying Information: WAC 480-30-306 Tariffs and time schedules, seven calendar day notice to the commission for auto transportation companies.

Hearing Location(s): Commission Hearing Room 206, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, on September 13, 2006, at 1:30 p.m.

Date of Intended Adoption: September 13, 2006.

Submit Written Comments to: Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504, e-mail [Records@wutc.wa.gov](mailto:Records@wutc.wa.gov), fax (360) 586-1150, by September 1, 2006.

Assistance for Persons with Disabilities: Contact Ms. Mary DeYoung by September 11, 2006, TTY 1-800-416-5289 or (360) 664-1133.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The commission proposes to change WAC 480-30-306 to reduce the advance notice for filing rate decreases from seven days notice to one day, which will allow more flexibility for companies and customers.

Reasons Supporting Proposal: See above.

Statutory Authority for Adoption: RCW 80.01.040 and 81.04.160.

Statute Being Implemented: Not applicable.

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

Name of Proponent: Washington utilities and transportation commission, governmental.

Name of Agency Personnel Responsible for Drafting: Ms. Penny Hansen, Washington Utilities and Transportation Commission, 1300 South Evergreen Park Drive, Olympia, WA 98504, (360) 664-1242; Implementation and Enforcement: Carole J. Washburn, Washington Utilities and Transportation Commission, 1300 South Evergreen Park Drive, Olympia, WA 98504, (360) 664-1174.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed change to

the rule will not result in or impose an increase in costs. Because there will not be any increase in costs resulting from the proposed rule change, a small business economic impact statement is not required under RCW 19.85.030(1).

A cost-benefit analysis is not required under RCW 34.05.328. The commission is not an agency that RCW 34.05.328 applies. The proposed rule is not a significant legislative rule as referenced in RCW 34.05.328(5).

August 2, 2006  
Carole J. Washburn  
Executive Secretary

**AMENDATORY SECTION** (Amending General Order No. R-533, Docket No. TC-020497, filed 6/8/06, effective 7/9/06)

**WAC 480-30-306 Tariffs and time schedules, (~~seven~~) one calendar day notice to the commission.** A company must provide at least (~~seven~~) one calendar (~~days~~) day's notice to the commission for filings whose only purpose is to implement decreases in rates.

**WSR 06-16-138**  
**PROPOSED RULES**  
**LIQUOR CONTROL BOARD**

[Filed August 2, 2006, 11:02 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-09-101 and 06-09-103.

Title of Rule and Other Identifying Information: Implementing the direct shipment of wine from Washington and other United States' wineries to Washington consumers and implementing the self-distribution of beer and wine from Washington and other United States' breweries, microbreweries, and wineries directly to licensed Washington retailer of alcoholic beverages: WAC 314-24-231 What is a wine shipper's permit and who may hold the permit?, 314-24-040 Wine labels, chapter 314-19 WAC chapter on beer and wine reporting and tax payments requirements, 314-20-050 Beer distributors, importers, and brewers—Records—Preservation, 314-20-100 Beer supplier and distributor price postings, 314-24-150 Wine records—Preservation, 314-24-190 Wine supplier and distributor price postings, 314-60-105 General guidelines—Exempt records (public disclosure), 314-05-030 Guidelines for special occasion license events, 314-13-010 Who can retail licensees purchase beer, wine, and spirits from, and 314-16-160 Purchase reports.

Hearing Location(s): Liquor Control Board, Board Room, 3000 Pacific Avenue S.E., Olympia, WA, on September 12, 2006, at 10:00 a.m.

Date of Intended Adoption: September 20, 2006.

Submit Written Comments to: Pam Madson, P.O. Box 43080, Olympia, WA 98504-3080, e-mail rules@liq.wa.gov, fax (360) 704-4921, by September 15, 2006.

Assistance for Persons with Disabilities: Contact Pam Madson by September 10, 2006, TTY (800) 855-2880 or (360) 664-1648.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this rule making is to modify current rules to comply with new laws establishing direct shipment of wine to Washington consumers by United States' wineries and allowing United States' beer and wine manufacturers to distribute their beer or wine directly to Washington retailers licensed to sell alcohol.

Reasons Supporting Proposal: A change in the law requires agency rules to be modified.

Statutory Authority for Adoption: RCW 66.08.030, chapter 49, Laws of 2006 (2SSB 6823); and chapter 302, Laws of 2006 (ESB 6537).

Statute Being Implemented: Chapter 49, Laws of 2006 (2SSB 6823) and chapter 302, Laws of 2006 (ESB 6537).

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

Name of Proponent: Washington state liquor control board, governmental.

Name of Agency Personnel Responsible for Drafting: Pam Madson, 3000 Pacific Avenue S.E., Olympia, WA, (360) 664-1648; Implementation and Enforcement: Lorraine Lee, 3000 Pacific Avenue S.E., Olympia, WA, (360) 664-1615.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No small business economic impact statement was prepared. This proposal imposes only minor impact on businesses in the industry.

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

August 2, 2006  
Merritt D. Long  
Chairman

**AMENDATORY SECTION** (Amending WSR 04-22-078, filed 11/2/04, effective 12/3/04)

**WAC 314-05-030 Guidelines for special occasion license events.** (1) The special occasion license must be posted at the event.

(2) Special occasion licensees may get alcohol for the event only from the following sources:

(a) Spirits must be purchased from a Washington state-run or contract liquor store;

(b) Beer and wine must be purchased at retail (~~(or)~~) from a licensed retailer, from a beer or wine distributor, from a domestic brewery, microbrewery, or winery, acting as a distributor of its own product, or from a certificate of approval holder with a direct shipping to Washington retailer endorsement; and

(c) Per RCW 66.28.040, in state breweries and wineries and out-of-state breweries and wineries holding a certificate of approval license may donate beer and wine to special occasion licensees that are 501 (c)(3) charitable organizations.

(3) Special occasion licensees may not advertise or sell alcohol below cost. If donated product is sold by the special occasion licensee, it may not be advertised or sold below the manufacturers' cost.

(4) Per RCW 66.28.010, alcohol manufacturers, importers and distributors may provide advertising, pouring, or dispensing of beer or wine at a beer or wine tasting exhibition or

judging event, but may not provide money, goods, or services to special occasion licensees.

(5) Per RCW 66.28.380, the sale, service, and consumption of alcohol must be confined to a designated location(s).

(6) If a special occasion license function is held at an establishment that has a liquor license:

(a) The special occasion function must be held in an area of the premises separate from areas open to the general public, and the licensed premises' liquor cannot be sold or served in the same area(s) as the special occasion license function.

(b) The liquor licensee cannot charge for the liquor purchased by the special occasion licensee for service at the special occasion event, but can charge for room usage, services, etc. The liquor licensee must sign the special occasion application giving permission for the special occasion licensee to bring their alcohol onto the liquor licensed premises.

(c) Special occasion licensees will not be issued for use at premises whose liquor license will be suspended on the date(s) of the scheduled event.

**AMENDATORY SECTION** (Amending WSR 01-06-015, filed 2/26/01, effective 3/29/01)

**WAC 314-13-010 Who can retail licensees purchase beer, wine, and spirits from?**

	Definition	Who licensees can purchase from
<b>Beer</b>	RCW 66.04.010 (( <del>2</del> )) (3) ((RCW 66.04.010 (21)))	<ul style="list-style-type: none"> <li>• A licensed Washington distributor (including a licensed Washington brewery that distributes its own product)</li> <li>• <u>A licensed certificate of approval holder with a direct shipping to Washington retailer endorsement</u></li> <li>• Washington State Liquor Control Board store or agency</li> </ul>
<b>Wine</b>	RCW 66.04.010(( <del>37</del> )) (39)	<ul style="list-style-type: none"> <li>• A licensed Washington distributor (including a licensed Washington winery that distributes its own product)</li> <li>• <u>A licensed certificate of approval holder with a direct shipping to Washington retailer endorsement</u></li> <li>• Washington State Liquor Control Board state-run or contract liquor store</li> </ul>
<b>Spirits</b>	RCW 66.04.010(( <del>32</del> )) (35)	A Washington State Liquor control board state-run or contract liquor store

**AMENDATORY SECTION** (Amending WSR 01-06-014, filed 2/26/01, effective 3/29/01)

**WAC 314-16-160 Purchases—Reports.** (1) Failure by licensees to keep accurate accounting records which result in the extension of or receipt of credit from a manufacturer,

importer, or distributor through the use of a prior cash deposit which is overextended may result in administrative action being taken against the liquor license.

(2) ~~((A retail licensee shall purchase beer from a beer distributor pursuant to RCW 66.28.070 and shall purchase wine from a state liquor store or agency or from a duly licensed distributor except as provided in chapter 314-70 WAC. All beer purchased must be at the posted price in accordance with WAC 314-20-100 and all wine purchased must conform to the posted price as filed under WAC 314-24-190. No retail licensee may return wine to a wine distributor except in accordance with the provisions of WAC 314-24-210, nor shall any retail licensee return beer to a beer distributor except in accordance with the provisions of WAC 314-20-070.~~

(~~3~~)) Prior to license delivery, a new beer and/or wine licensee or transferee may, with board authorization, be sold beer and/or wine for the purpose of stocking the premises. No retail sale of beer and/or wine shall take place until the applicant premises have been inspected by the board and the liquor license is delivered.

**AMENDATORY SECTION** (Amending WSR 04-24-007, filed 11/19/04, effective 12/20/04)

**WAC 314-19-005 What is the purpose of chapter 314-19 WAC?** The purpose of this chapter is to outline the beer and wine tax reporting and payment requirements for the following liquor licensees and permittees:

Type of liquor license	Laws that outline tax rates and requirements
(a) Washington beer and/or wine distributor	RCW 66.24.210, 66.24.230, 66.24.290, 66.24.305
(b) Washington beer and/or wine importer	RCW 66.24.230
(c) Domestic brewery	RCW 66.24.270, 66.24.290, 66.24.305
(d) Domestic brewery/brand owner	RCW 66.24.270, 66.24.290, 66.24.305
(e) Microbrewery	RCW 66.24.270, 66.24.290, 66.24.305
(f) Domestic winery	RCW 66.24.210, 66.24.215, 66.24.230, 66.24.305
(g) Public house	RCW 66.24.290, 66.24.580
(h) Beer certificate of approval holder	RCW 66.24.270
(i) Wine certificate of approval holder	RCW 66.24.210, 66.24.206
(j) Authorized representative certificate of approval holder—U.S. produced beer	RCW 66.04.010, 66.24.261, 66.24.270
(k) Authorized representative certificate of approval holder—foreign produced beer	RCW 66.04.010, 66.24.261, 66.24.270

Type of liquor license	Laws that outline tax rates and requirements
(l) Authorized representative certificate of approval holder—U.S. produced wine	RCW 66.04.010, 66.24.203, 66.24.206
(m) Authorized representative certificate of approval holder—foreign produced wine	RCW 66.04.010, 66.24.203, 66.24.206
<u>(n) Retailer with an endorsement to receive direct shipments of beer and wine from breweries, microbreweries, or wineries</u>	<u>RCW 66.24.210, 66.24.290, 66.24.270</u>
<u>(o) Wine shipper permit holder</u>	<u>RCW 66.24.210</u>

AMENDATORY SECTION (Amending WSR 00-17-065, filed 8/9/00, effective 9/9/00)

**WAC 314-19-010 Definitions.** The following definitions are to clarify the purpose and intent of the rules and laws governing beer and wine tax reporting and payment requirements. Additional definitions can be found in RCW 66.04.010.

(1) "Late." A monthly tax payment is considered late if it is unpaid on the due date and remains unpaid until the twentieth day of the following month.

~~(2) "Missing." A monthly tax report ((ø)) and tax payment, if taxes are owed, is considered missing if it is more than thirty days past the required filing date. ((Required filing dates are outlined in RCW 66.24.206, 66.24.210, 66.24.270, 66.24.290 and WAC 314-19-015.~~

~~(2))~~ (3) "Samples" are beer and/or wine furnished to retail licensees for the purpose of negotiating a sale, per RCW 66.28.040. See WAC 314-64-080 for sampling procedures.

~~((3))~~ (4) "Tastings" are beer and/or wine products provided to customers at no charge for the purpose of promoting a sale, that are consumed on the premises of a domestic brewery, microbrewery, winery, or additional winery locations as authorized by RCW 66.24.170(4). Tastings are not taxable under this title.

AMENDATORY SECTION (Amending WSR 04-24-007, filed 11/19/04, effective 12/20/04)

**WAC 314-19-015 What are the monthly reporting and tax payment requirements?** (1) The required monthly beer and/or wine tax reports must be:

(a) On a form furnished by the board or in a format approved by the board;

(b) Filed every month, including months with no activity or taxes due;

(c) Submitted, with the tax due, to the board on or before the twentieth day of each month, for the previous month (for example, a report listing transactions for the month of Janu-

ary is due by February 20). When the twentieth day of the month falls on a Saturday, Sunday, or a legal holiday, the filing must be postmarked by the U.S. Postal Service no later than the next postal business day; and

(d) Filed separately for each type of liquor license (~~that the licensee holds~~) or permit held.

Type of Licensee	Tax Payment Requirements
(2) Washington beer and/or wine distributor	<p>(a) Distributors must pay taxes on all beer and/or wine received during the preceding calendar month, including samples received at no charge (see WAC 314-64-080 and 314-64-090 for more information). The total tax due (per barrel for beer and per liter for wine) is to be paid by the first distributor to receive the product and must be included with the monthly report.</p> <p>(b) Distributors do not pay taxes on beer and/or wine received from another in-state licensed distributor who has already paid the Washington state tax on the product.</p> <p>(c) Distributors may claim a tax refund or credit, provided that they have paid the taxes prior to claiming the credit, for the following (see WAC 314-19-030 for information on claiming a tax refund or credit):</p> <p>(i) Shipments exported directly to a point outside the state of Washington, including sales to interstate common carriers;</p> <p>(ii) Sales to any military reservation in Washington state;</p> <p>(iii) Product that is deemed unsalable due to freight damage, product quality, or other causes that occurred prior to receipt by the distributor, subject to the following conditions:</p> <p>(A) The unsalable product must be destroyed within the state of Washington (per RCW 66.24.305);</p> <p>(B) The licensee must notify their local liquor enforcement officer in advance for destruction of more than fifty cases of wine or two hundred cases of beer;</p> <p>(C) The licensee must report the destroyed product on the next required monthly report;</p> <p>(D) The licensee must keep records showing the reason for the destruction and an inventory of products destroyed. These records must be kept on the licensed premises and available for inspection by board employees for a period of two years; and</p> <p>(E) The licensee must provide documentation from the freight company with the report if they are claiming a credit due to freight damage.</p>
(3) Washington beer and/or wine importers	<p>Importers must pay taxes on samples received during the preceding calendar month, as follows:</p> <p>(a) If the samples are used by the importer within the state of Washington, the importer must pay the tax.</p> <p>(b) If samples are provided to a distributor, the distributor must pay the tax.</p>

Type of Licensee	Tax Payment Requirements
(4) Domestic breweries, microbreweries, and domestic wineries	<p>(a) Domestic breweries, microbreweries, and domestic wineries must list production for the current month only. The brewery that the domestic brewery/brand owner contracts with is required to include any products they produce for the brand owner in their production count.</p> <p>(b) Domestic breweries, microbreweries, and domestic wineries must pay taxes on beer and/or wine that is:</p> <p>(i) Sold at retail on the licensed premises (or shipped to additional winery locations as authorized by RCW 66.24.170(4)), including retail sales to out-of-state residents;</p> <p>(ii) Sold to retail licensees;</p> <p>(iii) Furnished as samples to retail licensees as authorized by RCW 66.28.040, WAC 314-64-080, and 314-64-090 (does not include samples provided to distributors);</p> <p>(iv) Provided as donations to qualifying 501 (c)(3) nonprofit organizations per RCW 66.28.040 or to the Washington wine commission per RCW 66.12.180 and 66.24.210(<del>(f)</del>);</p> <p>(v) Received via an interplant transfer if used as outlined in above subsections (i), (ii), (iii), or (iv); or</p> <p><del>((f))</del>(vi) Sold at farmers markets as authorized by RCW 66.24.170(5), 66.24.240(4) and/or 66.24.244(5).</p> <p>(c) Domestic breweries, microbreweries, and domestic wineries do not pay tax on beer and/or wine that is:</p> <p>(i) Sold to distributors;</p> <p>(ii) Shipped out of a particular location for an interplant transfer;</p> <p>(iii) Exported directly to a point outside the state of Washington, including sales to interstate common carriers;</p> <p>(iv) Sold to the Washington state liquor control board;</p> <p>(v) Sold to any military reservation in Washington state; or</p> <p>(vi) Provided as a tasting on the brewery or winery premises or at additional winery locations at no charge, as authorized by RCW 66.24.170(4). See WAC 314-19-010(3) for the definition of "tastings."</p>
(5) Domestic brewery—Brand owners	<p>(a) Domestic brewery-brand owners must file a report showing the quantity of all beer sold or delivered to each licensed beer distributor, or beer exported directly to a point outside the state of Washington, during the preceding month.</p> <p>(b) Domestic brewery-brand owners are not responsible for the tax on beer that is contract produced.</p>
(6) Out-of-state beer and/or wine certificate of approval holders	<p>(a) Certificate of approval holders must file a report showing the quantity of all beer and/or wine sold or delivered to each licensed beer or wine distributor or importer, including samples, during the preceding month.</p> <p>(b) Tax is due from the certificate of approval holder (<del>(only)</del>):</p>

Type of Licensee	Tax Payment Requirements
	<p>(i) <del>On samples shipped to licensed agents(, directly to retailers per WAC 314-64-080 and 314-64-090)), and</del></p> <p>(ii) <del>On donations to the Washington wine commission per RCW 66.12.180 and 66.24.210 or to 501 (c)(3) nonprofit charitable associations within Washington state per RCW 66.28.040.</del></p>
(7) <u>Out-of-state United States beer and/or wine certificate of approval holders with a direct shipping to Washington retailer endorsement</u>	<p>(a) <u>Certificate of approval holders with this endorsement must file an addendum report showing the quantity of beer and/or wine sold or delivered to each licensed retailer, including samples, during the preceding month.</u></p> <p>(b) <u>Tax is due from the certificate of approval holder on beer and/or wine sold or delivered to retail licensees and on sales to nonprofit charitable associations.</u></p>
(8) <u>Out-of-state United States wine certificate of approval holders with a direct shipping to consumers endorsement</u>	<p>(a) <u>A certificate of approval holder with this endorsement must report the total quantity of wine sold to consumers in Washington state during the preceding month.</u></p> <p>(b) <u>Tax is due from the certificate of approval holder on wine sold or delivered to Washington state residents.</u></p>
(9) Authorized representative certificate of approval holders-US and/or foreign produced beer or wine	<p>(a) Authorized representative certificate of approval holders must file a report showing the quantity of all beer and/or wine sold or delivered to each licensed beer or wine distributor or importer, including samples. They must list the brewery and/or winery that they represent and that had shipments into Washington state during the preceding month.</p> <p>(b) Tax is due from the authorized representative beer and/or wine certificate of approval holders only on samples shipped to licensed agents, directly to retailers per WAC 314-64-080 and 314-64-090, donations to the Washington wine commission per RCW 66.12.180 and 66.24.210, or to 501 (c)(3) nonprofit charitable associations within Washington state per RCW 66.28.040.</p>
<del>((f))</del> (10) Public house licensees	Public house licensees must pay taxes on all sales of their own product during the preceding calendar month.
(11) <u>Retailer with an endorsement allowing receipt of direct shipment of beer or wine from a United States brewery, microbrewery, or winery</u>	<u>A retailer who receives shipments directly from a United States brewery, microbrewery, or winery must file a report showing the quantity of beer and wine received by direct shipment from each licensed beer or wine producer, including samples, during the preceding month.</u>
(12) <u>Wine shipper permit holder</u>	<p>(a) <u>An out-of-state winery must file a report showing the total quantity of wine sold or delivered to consumers during the preceding month.</u></p> <p>(b) <u>Pay the tax due for sales of wine to Washington state residents.</u></p>

**AMENDATORY SECTION** (Amending WSR 04-24-007, filed 11/19/04, effective 12/20/04)

**WAC 314-19-020 What if a licensee doesn't report or pay the taxes due, or reports or pays late?** The board may take the following actions against a licensee or permittee in

order to collect any of the reports or taxes due that are outlined in this title.

<p>(1) <b>Suspension or revocation of license</b></p>	<p>(a) Failure to make a report and/or pay the taxes in the manner and dates outlined in this chapter will be sufficient ground for the board to suspend or revoke a liquor license, <u>wine shipper permit</u>, or certificate of approval (per RCW 66.08.150, 66.24.010, 66.24.120, 66.24.206, <del>66.20.370</del>, <del>66.20.380</del>, and 66.24.270).</p> <p>(b) The suspension will remain in effect until all missing reports and/or taxes have been filed with the board (see WAC 314-19-010(1) for the definition of "missing").</p>
<p>(2) <b>Penalties</b></p>	<p>A penalty of two percent per month will be assessed on any tax payments postmarked after the twentieth day of the month following the month of sale (per the reporting requirements outlined in WAC 314-19-015, RCW 66.24.290, and 66.24.210). When the twentieth day of the month falls on a Saturday, Sunday, or a legal holiday, the filing must be postmarked by the U.S. Postal Service no later than the next postal business day.</p>
<p>(3) <b>Surety bond requirements</b></p>	<p>(a) <b>What is a surety bond?</b> A "surety bond" is a type of insurance policy that guarantees beer and/or wine tax payment to the state. The surety bond must be:</p> <ul style="list-style-type: none"> <li>(i) Executed by a surety company authorized to do business in the state of Washington;</li> <li>(ii) On a form and in an amount acceptable to the board;</li> <li>(iii) Payable to the Washington state liquor control board; and</li> <li>(iv) Conditioned that the licensee will pay the taxes and penalties levied by RCW 66.24.210 and/or 66.24.290.</li> <li>(v) As an option to obtaining a surety bond, a licensee may create an assignment of savings account for the board in the same amount as required for a surety bond. Requests for this option must be submitted in writing to the board's financial division.</li> </ul> <p>(b) <b>When will the board require a surety bond?</b> <u>The board may require a surety bond from a Washington beer and/or wine distributor, domestic microbrewery, domestic brewery, public house, domestic winery, wine shipper, or a beer or wine certificate of approval holder that has a direct shipment privilege.</u> If any of the following occur (<del>at one or more licensed locations</del>), the board (<del>will</del>) <u>may</u> require the licensee <u>or permittee</u> to obtain a surety bond or assignment of savings account (<del>for each licensed location</del>), within twenty-one days <u>after an administrative violation notice is issued</u>:</p> <ul style="list-style-type: none"> <li>(i) A report or tax payment is missing, as defined in WAC 314-19-010(<del>(+)</del>), for two or more consecutive months; or</li> <li>(ii) A report or tax payment is missing, as defined in WAC 314-19-010(<del>(+)</del>), two or more times within a two year period.</li> </ul>

	<p>(c) <b>What will happen if the licensee does not acquire the surety bond or savings account?</b> Failure to meet the bonding or savings account requirements outlined in subsections (a) and (b) of this rule may result in immediate suspension of license privileges until all missing reports are filed and late taxes have been paid and the surety bond is acquired or the savings account is established.</p> <p>(d) <b>In what amount and for how long will the board require a surety bond?</b> The amount of a surety bond or savings account required by this chapter must be either \$3,000, or the total of the highest four months' worth of tax liability for the previous twelve month period, whichever is greater.</p> <ul style="list-style-type: none"> <li>(i) The licensee <u>or permittee</u> must maintain the bond for at least two years. After the two year period the licensee <u>or permittee</u> may request an exemption as outlined in subsection (f) of this rule.</li> <li>(ii) Surety bond and savings account amounts (<del>with</del>) <u>may</u> be reviewed annually and compared to the last twelve months' tax liability of the licensee. If the current bond or savings account amount does not meet the requirements outlined in this section, the licensee <u>or permittee</u> will be required to increase the bond amount or amount on deposit within twenty-one days.</li> </ul> <p>(e) <b>What action will the board take when a licensee <u>or permittee</u> holds a surety bond and does not pay taxes due or pays late?</b> If a licensee <u>or permittee</u> holds a surety bond or savings account, the board will immediately start the process to collect overdue taxes from the surety company or assigned account. If the exact amount of taxes due is not known due to missing reports, the board will estimate the taxes due based on previous production, receipts, and/or sales.</p> <p>(f) <b>Can a licensee <u>or permittee</u> request an exemption to the surety bond or savings account requirement?</b> A licensee <u>or permittee</u> may make a written request to the board's financial division for an exemption from the surety bond or assignment of savings account requirements. The board will grant an exemption once the following criteria are met (<del>for each of the requesting licensee's locations</del>):</p> <ul style="list-style-type: none"> <li>(i) The licensee <u>or permittee</u> has filed reports and paid applicable taxes to the board for at least two years immediately prior to the exemption request; and</li> <li>(ii) There have been no late or missing reports or tax payments during the previous two years.</li> <li>(iii) In order to remain exempt from the surety bond or assignment of savings account requirements, the licensee must continue to meet the tax reporting and payment requirements outlined in this title (outlined in WAC 314-19-015, RCW 66.24.206, 66.24.210, 66.24.270, 66.24.290, and 66.24.580).</li> </ul>
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AMENDATORY SECTION (Amending WSR 98-18-097, filed 9/2/98, effective 10/3/98)

**WAC 314-20-050 Beer distributors—Importers—Brewers—Records—Preservation.** (1) Breweries, microbreweries, beer certificate of approval holders, and beer distributors must keep beer accounts separate and independent from other accounts and maintain proper records in a form approved by the board, showing all transactions in beer((-and)).

(2) Breweries, microbreweries, beer distributors, and beer importers must in case of beer exported or beer sold, transferred or shipped to another distributor, preserve all bills of lading or other evidence of shipment for a period of two years after such exportation, and must in the case of sales to retailers preserve all sales slips and keep the same on file in the office of the wholesaler for at least two years after each sale.

(2) Each brewery, beer distributor, and beer importer may maintain microfilm records containing reproductions (including microfiche) of any record, document, or report if first approved by the board. Request for approval shall be directed to the financial division of the Washington state liquor control board and must include the following information:

- (a) Records proposed to be reproduced.
- (b) Reproduction process.
- (c) Manner of preserving the reproduction.
- (d) Facilities provided for examining or viewing such reproduction.

If the request is approved, the licensee shall provide for the examining, viewing, and reproduction of such records the same as if they were the original records.

(3) If the brewery, beer distributor, or beer importer keeps records within an automated data processing (ADP) system, the system must include a method for producing legible records that will provide the same information required of that type of record within this section. The ADP system is acceptable if it complies with the following guidelines:

- (a) Provides an audit trail so that details (invoices and vouchers) underlying the summary accounting data may be identified and made available upon request.
- (b) Provides the opportunity to trace any transaction back to the original source or forward to a final total. If print-outs of transactions are not made when they are processed, the system must have the ability to reconstruct these transactions.

(c) Has available a full description of the ADP portion of the accounting system. This should show the applications being performed, the procedures employed in each application, and the controls used to ensure accurate and reliable processing.

(4) The provisions contained in subsections (2) and (3) of this section do not eliminate the requirement to maintain source documents, but they do allow the source documents to be maintained in some other location.

**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 04-19-155, filed 9/22/04, effective 10/23/04)

**WAC 314-20-100 Beer supplier and distributor price postings.** RCW 66.28.180 requires beer distributors and suppliers to file price postings with the board.

(1) **Definitions**—For the purposes of this chapter:

(a) A "beer price posting" or "price posting" means a declaration of the price of beer sold from a supplier to a distributor or from a distributor to a retailer, in effect as filed with the liquor control board either electronically or hard-copy, under the provisions of RCW 66.28.180 and Title 314 WAC.

(b) A "beer supplier" means a microbrewery, domestic brewery, certificate of approval holder, beer importer, beer distributor acting as the first United States importer, or a distributor selling beer to another distributor.

(c) A "beer distributor" means a distributor selling to a retailer, a domestic brewery acting as a distributor, a microbrewery acting as a distributor, or a certificate of approval holder with a direct shipping to Washington retailer endorsement selling beer of its own production to a retailer.

(2) Filing deadlines.

<b>(a) Beer supplier filing deadlines</b>	<b>(b) Beer distributor filing deadlines</b>
All price postings, distributor appointments, written contracts, and memoranda of oral agreements must be received by the board not later than the twenty-fifth day of the month, and if approved will become effective on the first day of the second calendar month following the date of filing.	All price postings must be received by the board not later than the tenth day of the month, and if approved will become effective on the first day of the calendar month following the date of filing.

(c) The board will allow up to an additional five days for revisions of filings to correct errors and omissions filed during the current price posting period. The board may in individual cases, for good cause shown, extend the filing date.

(d) When a price posting has been deposited in the United States mail addressed to the board, it will be considered filed or received on the date shown by the United States post office cancellation mark on the envelope, or on the date it was mailed if it is established to the satisfaction of the board that the actual mailing occurred on an earlier date.

(3) **Filing date exceptions**—Whenever a filing deadline falls on Saturday, Sunday, or a legal holiday, a price posting may be filed not later than midnight the next business day.

(4) **No changes from previous month**—If a beer supplier or distributor makes no changes in any items or prices listed in the last filed and approved price posting, the prices will remain in effect for each succeeding posting period until a revised price posting is filed and approved.

(5) **Temporary price reductions**—If a beer supplier or distributor files price postings that list selected items on which prices are temporarily reduced for one posting period only, these price postings must clearly reflect all items, the



selling price, and the posting period for which the price reductions will be in effect. At the expiration of the posting period during which the reductions were in effect, the special price posting will become void and the last regularly filed and effective price posting will again become effective.

**(6) Distributor changes—**

(a) The following guidelines apply when a beer supplier makes a distributor change outside of the regular distributor appointment timelines outlined in subsection (2) of this rule:

(i) The supplier must notify the board in writing that he/she wishes to change his/her current distributor and appoint a new distributor to be effective immediately.

(ii) The new distributor must agree to take the currently posted prices of the old distributor until the new distributor is able to post his/her own prices during the next regular posting period.

(iii) If a beer supplier has a territory or brand agreement with a distributor and wants to change a distributor appointed to a certain brand(s) or territory(ies), the board may allow the new distributor to assume the prior distributor's price postings for the brand and/or territory in order to avoid disruption of the market.

(b) A beer supplier must notify the board if any of the contracts or agreements listed in this rule are revised or terminated by either party. The board may immediately authorize a price posting if a beer distributor assumes the wholesale price postings from the previously appointed distributor.

(c) Prices and other conditions of price postings in effect at the time of the distributor change may not be changed until subsequent filings are submitted to the board and become effective.

**(7) Price postings for new distributors—**When the board issues a new beer distributor license, the licensee may file an initial price posting and request that the price posting be placed into effect immediately. The board may grant this immediate approval if the price posting is in compliance with this rule and with all other applicable laws and rules.

**(8) Accommodation sales—**The provisions of this rule do not apply, and filings are not required, when a beer distributor makes an accommodation sale to another beer distributor and this sale is made at a selling price that does not exceed the laid-in cost of the beer being sold. Accommodation sales may only be made when the distributor purchasing the beer is an appointed distributor of the supplier, when the distributor is an authorized purchaser of the brand and product being sold, and when the supplying distributor is appointed by the supplier.

AMENDATORY SECTION (Amending WSR 04-24-097, filed 12/1/04, effective 1/1/05)

**WAC 314-24-040 Wine labels—Certificate of label approval required—Labels to be submitted.** No wine shall be imported or sold within the state of Washington until the certificate of approval holder, or domestic winery, or United States importer of foreign wine, shall have obtained from the board a certificate of label approval for such wine.

(1) A request for certificate of label approval must be submitted to the board on forms prescribed by the board, together with the following:

(a) One label of the brand and type for which approval is requested for wines under seven percent alcohol by volume; and

(b) One copy of the federal certificate of label approval for such wine which has been issued by the Bureau of Alcohol, Tobacco, and Firearms, U.S. Treasury Department.

(2) Any change in label or product which requires reissuance of federal approval under the provisions of 27 CFR Part 4, must also be submitted to the board in accordance with the foregoing provisions of this regulation.

(3) Every producer, importer, bottler, distributor, or wine certificate of approval holder shall, upon request of the board or its authorized representative, furnish without cost to the board, samples of any brand of wine upon its premises for the purpose of analysis in order to determine whether the wine conforms to the quality standards set by the board in WAC 314-24-060 and conforms with commercial standards.

(4) No label shall be used that is misleading.

(5) No label will be approved which is designed to be especially appealing to children or other persons under legal age to consume. Persons who appear to be under legal age to consume may be depicted on a label when, in the discretion of the board, the depiction is dignified and does not promote illegal consumption of liquor.

(6) Wineries are not required to obtain a certificate of label approval from the board for wine sold directly to Washington consumers under a direct shipper's permit. Wine labels may not be misleading and may not be designed to appeal especially to persons under the age of twenty-one.

AMENDATORY SECTION (Amending WSR 98-18-097, filed 9/2/98, effective 10/3/98)

**WAC 314-24-150 Wine records—Preservation.** (1) Every domestic winery, wine distributor, wine certificate of approval holder, wine shipper permit holder, and wine importer shall keep wine accounts separate from other accounts, and maintain proper records in a form approved by the board showing all transactions in wine.

(2) Every domestic winery, wine distributor, and wine importer, shall, in the case of sales of wine within the state, keep and preserve all invoices, bills of lading, sales slips, and other evidence of sale, in the office of the domestic winery, wine distributor or wine importer for at least two years after each sale.

(3) Every domestic winery, wine distributor, and wine importer, shall, in the case of wine exported from the state, keep and preserve all bills of lading and other evidence of shipment in the office of the domestic winery, wine distributor, or wine importer for at least two years after each shipment.

~~(4) ((In the case of sales, transfers or shipments of wine between a domestic winery and a wine distributor, or between two domestic wineries, or between two wine distributors, or between a wine importer and a wine distributor,))~~ Both the shipping and receiving licensees and permittees, as the case may be, shall keep and preserve all invoices, bills of lading, sales slips, and other evidence of sale, transfer or shipment in their respective offices for at least two years after each sale, transfer or shipment.

(5) (~~Each winery, wine distributor, and wine importer~~) Licensees and permittees may maintain microfilm records containing reproductions (including microfiche) of any record, document, or report if first approved by the board. Request for approval shall be directed to the financial division of the Washington state liquor control board and must include the following information:

- (a) Records proposed to be reproduced.
- (b) Reproduction process.
- (c) Manner of preserving the reproduction.
- (d) Facilities provided for examining or viewing such reproduction.

If the request is approved, the licensee or permittee shall provide for the examining, viewing, and reproduction of such records the same as if they were the original records.

(6) If the (~~winery, wine distributor, or wine importer~~) licensee or permittee keeps records within an automated data processing (ADP) system, the system must include a method for producing legible records that will provide the same information required of that type of record within this section. The ADP system is acceptable if it complies with the following guidelines:

- (a) Provides an audit trail so that details (invoices and vouchers) underlying the summary accounting data may be identified and made available upon request.
- (b) Provides the opportunity to trace any transaction back to the original source or forward to a final total. If print-outs of transactions are not made when they are processed, the system must have the ability to reconstruct these transactions.
- (c) Has available a full description of the ADP portion of the accounting system. This should show the applications being performed, the procedures employed in each application, and the controls used to ensure accurate and reliable processing.

(7) The provisions contained in subsections (5) and (6) of this section do not eliminate the requirement to maintain source documents, but they do allow the source documents to be maintained in some other location.

AMENDATORY SECTION (Amending WSR 04-19-155, filed 9/22/04, effective 10/23/04)

**WAC 314-24-190 Wine supplier and distributor price postings.** RCW 66.28.180 requires wine distributors and suppliers to file price postings with the board.

(1) **Definitions**—For the purposes of this chapter:

(a) A "wine price posting" or "price posting" means a declaration of the price of wine sold from a supplier to a distributor or from a distributor to a retailer, in effect as filed with the liquor control board either electronically or hard copy, under the provisions of RCW 66.28.180 and Title 314 WAC.

(b) A "wine supplier" means a domestic winery, certificate of approval holder, wine importer, wine distributor acting as the first United States importer, or a distributor selling wine to another distributor.

(c) A "wine distributor" means a distributor selling to a retailer, a domestic winery acting as a distributor, or a certificate of approval holder with a direct shipping to Washington

retailer endorsement selling wine of its own production to a retailer.

(2) Filing deadlines.

(a) Wine supplier filing deadlines	(b) Wine distributor filing deadlines
All price postings, distributor appointments, written contracts, and memoranda of oral agreements must be received by the board not later than the twenty-fifth day of the month, and if approved will become effective on the first day of the second calendar month following the date of filing.	All price postings must be received by the board not later than the tenth day of the month, and if approved will become effective on the first day of the calendar month following the date of filing.

(c) The board will allow up to an additional five days for revisions of filings to correct errors and omissions filed during the current posting period. The board may in individual cases, for good cause shown, extend the filing date.

(d) When a price posting has been deposited in the United States mail addressed to the board, it will be considered filed or received on the date shown by the United States post office cancellation mark on the envelope, or on the date it was mailed if it is established to the satisfaction of the board that the actual mailing occurred on an earlier date.

(3) **Filing date exception**—Whenever a filing deadline falls on Saturday, Sunday, or a legal holiday, a price posting may be filed not later than the close of business the next business day.

(4) **No changes from previous month**—If a wine supplier or distributor makes no changes in any items or prices listed in the last filed and approved price posting, the prices will remain in effect for each succeeding posting period until a revised price posting is filed and approved.

(5) **Temporary price reductions**—If a wine supplier or distributor files price postings that list selected items on which prices are temporarily reduced for one posting period only, these price postings must clearly reflect all items, the selling price, and the posting period for which the price reductions will be in effect. At the expiration of the posting period during which the reductions were in effect, the special price posting will become void and the last regularly filed and effective price posting will again become effective.

(6) **Distributor changes**—

(a) The following guidelines apply when a wine supplier makes a distributor change outside of the regular distributor appointment timelines outlined in subsection (2) of this rule:

(i) The supplier must notify the board in writing that he/she wishes to change his/her current distributor and appoint a new distributor to be effective immediately.

(ii) The new distributor must agree to take the currently posted prices of the old distributor until the new distributor is able to post his/her own prices during the next regular posting period.

(iii) If a wine supplier has a territory or brand agreement with a distributor and wants to change a distributor appointed to a certain brand(s) or territory(ies), the board may allow the

new distributor to assume the prior distributor's price postings for the brand and/or territory in order to avoid disruption of the market.

(b) A wine supplier must notify the board if any of the contracts or agreements listed in this rule are revised or terminated by either party. The board may immediately authorize a price posting if a wine distributor assumes the wholesale price postings from the previously appointed distributor.

(c) Prices and other conditions of price postings in effect at the time of the distributor change may not be changed until subsequent filings are submitted to the board and become effective.

(7) **Price postings for new distributors**—When the board issues a new wine distributor license, the licensee may file an initial price posting and request that the price posting be placed into effect immediately. The board may grant this immediate approval if the price posting is in compliance with this rule and with all other applicable laws and rules.

(8) **Accommodation sales**—The provisions of this rule do not apply, and filings are not required, when a wine distributor makes an accommodation sale to another wine distributor and this sale is made at a selling price that does not exceed the laid-in cost of the wine being sold. Accommodation sales may only be made when the distributor purchasing the wine is an appointed distributor of the supplier, when the distributor is an authorized purchaser of the brand and product being sold, and when the supplying distributor is appointed by the supplier.

#### NEW SECTION

**WAC 314-24-231 What is a wine shipper's permit and who may hold this permit?** (1) A wine shipper's permit may be issued to a winery located in another state and licensed by that state to manufacture wine.

(2) A wine shipper's permit authorizes the permittee to ship wine of its own production to Washington residents who are over the age of twenty-one years.

AMENDATORY SECTION (Amending WSR 94-03-060, filed 1/14/94, effective 2/14/94)

**WAC 314-60-105 General guidelines—Exempt records.** The following general guidelines relate to the board's records, or portions thereof, that are, or may be, considered as exempt from public disclosure under the provisions of the Public Disclosure Law, chapter ~~((42-17))~~ 42.56 RCW.

A general rule in connection with the application of any of the exemptions set forth below is that such exemptions shall be inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interest, can be deleted from the specific records sought. No exemption will be construed to permit the non-disclosure of statistical information which is not descriptive of any readily identifiable person or persons.

The list of records and material generally considered exempt from disclosure by the board includes, but is not limited to, the following:

(1) Personal information of the board members and its entire staff as may be contained in the personnel records of

each member or employee, including all applications for public employment, resumes, and other materials submitted relating to the applicant, and residential addresses of members, employees or volunteers, with the exception that the employee's name, job title, and rate of pay for said job title, will be furnished. (See RCW ~~((42-17-310 (1)(b), (t) and (u)))~~ 42.56.230(2), and 42.56.250 (2) and (3).)

(2) Audits of, and investigation reports concerning, individual licensees, except when cited by the board as the basis for disciplinary action taken against the licensee. (See RCW ~~((42-17-310 (1)(d)))~~ 42.56.240(1).)

(3) Intelligence information and investigative data and reports pertaining to the enforcement of the liquor laws and the board's regulations, the nondisclosure of which is essential to law enforcement or to the protection of any person's right to privacy. (See RCW ~~((42-17-310 (1)(d)))~~ 42.56.240 (1).)

(4) Special order requests and records of purchases by any person or persons, including ~~((class H))~~ spirits, beer, and wine restaurant licensees. (See RCW 66.16.090.)

(5) The board's records during the process of lease negotiations, when it would be both unfair and inequitable to disclose to contending parties what another party may have bid or offered. (See RCW ~~((42-17-310 (1)(g)))~~ 42.56.260.)

(6) The names of complainants in connection with alleged liquor violations, if disclosure would endanger any person's life, physical safety, or property except when the complainant authorizes the release of his or her name at the time the complaint is submitted. (See RCW ~~((42-17-310 (1)(e)))~~ 42.56.240(2).)

(7) Computer program and research data of the board within five years of the request for disclosure when disclosure would produce private gain and public loss. (See RCW ~~((42-17-310 (1)(h)))~~ 42.56.270(1).)

(8) Preliminary drafts, notes, recommendations, and intraagency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by the board in connection with board action. (See RCW ~~((42-17-310 (1)(i)))~~ 42.56.280.)

(9) Financial or proprietary information supplied to the board by a domestic winery, brewery, or microbrewery, acting as its own distributor, or certificate of approval holder with a direct shipping to Washington retailer endorsement, containing the identity and amount of beer or wine sold directly to licensed Washington retailers. (See RCW 66.24.-206 (1)(a), 66.24.270 (2)(a), and 42.56.270.)

(10) Financial or proprietary information supplied to the board by a licensed Washington liquor retailer containing the identity and amount of beer or wine purchased directly from a domestic winery, brewery, microbrewery, or a certificate of approval holder with a direct shipping to Washington retailer endorsement. (See RCW 66.24.210, 66.24.290, and 42.56.-270.)

**WSR 06-16-140**  
**PROPOSED RULES**  
**PROFESSIONAL EDUCATOR**  
**STANDARDS BOARD**

[Filed August 2, 2006, 11:34 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-05-063.

Title of Rule and Other Identifying Information: New WAC 181-82A-207 Specialty endorsements and 181-82A-208 Specialty endorsement requirements.

Hearing Location(s): Heathman Lodge, 7801 N.E. Greenwood Drive, Vancouver, WA 98662, on September 20, 2006, at 8:30 a.m.

Date of Intended Adoption: September 20, 2006.

Submit Written Comments to: Nasue Nishida, P.O. Box 47236, Olympia, WA 98504-7236, e-mail nnishida@ospi.wednet.edu, fax (360) 586-4548, by September 8, 2006.

Assistance for Persons with Disabilities: Contact Nasue Nishida by September 8, 2006, TTY (360) 664-3631 or (360) 725-6238.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To comply with RCW 28A.410.225 to create a deaf education endorsement. This proposal will add new sections WAC 181-82A-207 and 181-82A-208, creating a deaf education specialty endorsement.

Reasons Supporting Proposal: Comply with RCW 28A.410.225.

Statutory Authority for Adoption: RCW 28A.410.210.

Statute Being Implemented: RCW 28A.410.225.

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

Name of Proponent: Professional educator standards board, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Nasue Nishida, 600 South Washington Street, Olympia, WA 98504, (360) 725-6238.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule making does not have impact on small business.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Nasue Nishida, P.O. Box 47236, Olympia, WA 98504, phone (360) 725-6238, fax (360) 586-4548, e-mail nnishida@ospi.wednet.edu.

August 1, 2006

Nasue Nishida

Policy and Research Analyst

NEW SECTION

**WAC 181-82A-207 Specialty endorsements.** The following specialty endorsements may be added to an existing endorsed continuing residency or professional teaching certificate: Deaf education.

NEW SECTION

**WAC 181-28A-208 Specialty endorsement requirements.** (1) Candidates completing specialty endorsements shall complete the following:

(a) A college/university teacher specialty endorsement program approved by the professional educator standards board pursuant to chapter 181-78A WAC, which includes methodology (see WAC 181-78A-264(5)) and field experience/internship (see WAC 181-78A-264(6)) and pursuant to endorsement program approval requirements in this chapter; and

(b) Pass the subject knowledge test for the specialty endorsement approved by the professional educator standards board.

(2) Candidates from out-of-state shall be required to present verification that they completed a state-approved program (equivalent to a major) in a Washington state specialty endorsement area.

(3) Course work used to meet specialty endorsement requirements must be completed through a regionally accredited college/university.

(4) Only course work in which an individual received a grade of C (2.0) or higher or a grade of pass on a pass-fail system of grading shall be counted toward the course work required for the approved specialty endorsement program.

(5) Nothing within this chapter precludes a college or university from adopting additional requirements as conditions for recommendation, by such college or university, to the superintendent of public instruction for a particular specialty endorsement area.

**Reviser's note:** The section above appears as filed by the agency pursuant to RCW 34.08.040; however, the reference to WAC 181-28A-208 is probably intended to be WAC 181-82A-208.

**WSR 06-16-141**  
**PROPOSED RULES**  
**DEPARTMENT OF REVENUE**

[Filed August 2, 2006, 11:55 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-11-181.

Title of Rule and Other Identifying Information: Amending sections WAC 458-12-005 Definition—Property—Personal and 458-16-115 Personal property exemptions for household goods, furnishings, and personal effects, and for the head of a family; and new sections WAC 458-50-150 Intangible personal property exemption—Introduction, 458-50-160 Exempt intangible property distinguished from other intangibles, 458-50-170 Valuation principles, 458-50-180 Appraisal practices relating to valuing intangible personal property, and 458-50-190 Valuation of particular assets.

Hearing Location(s): Capital Plaza Building, 4th Floor Executive Large Conference Room, 1025 Union Avenue S.E., Olympia, WA, on September 6, 2006, at 9:30 a.m.

Date of Intended Adoption: November 10, 2006.

Submit Written Comments to: James A. Winterstein, P.O. Box 47471, Olympia, WA 98504-7471, fax (360) 586-7602, e-mail JimWi@dor.wa.gov, by September 6, 2006.

Assistance for Persons with Disabilities: Contact Sandy Davis at (360) 725-7499 no later than ten days before the hearing date. Deaf and hard of hearing individuals may call 1-800-451-7985 (TTY users).

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department proposes five new rules proposed to be added to chapter 458-50 WAC, Intercounty utilities and transportation, dealing with valuation of state-assessed utility companies. The purpose of the rules is to clarify the statute (RCW 84.36.070) and assist taxpayers, the department, and assessors in consistently applying the exemption for intangible personal property. The department also proposes to revise one rule in chapter 458-12 WAC, Rules for assessors, and another in chapter 458-16 WAC, Exemptions, to reference these new rules. **Note:** The department anticipates conducting a 2nd CR-102 public hearing after taking and considering comments regarding this proposed rule.

Reasons Supporting Proposal: The statute exempting intangible personal property, RCW 84.36.070, was substantially amended in 1997 and no rules have been adopted since then to clarify what the exemption entails. These rules are intended to provide all interested parties with guidelines used by assessing officials relative to the exemption of intangible personal property.

Statutory Authority for Adoption: RCW 84.08.010, 84.08.070, and 84.36.865.

Statute Being Implemented: RCW 84.36.070.

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 #200, Olympia, WA, (360) 570-5880; Implementation and Enforcement: Brad Flaherty, 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 rules do 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 rules are not significant legislative rules as defined by RCW 34.05.328.

August 2, 2006

Alan R. Lynn  
Rules Coordinator

#### NEW SECTION

**WAC 458-50-150 Intangible personal property exemption—Introduction.** (1) **Goal of these rules relative to exemption of intangible personal property.** Although the Washington Constitution allows for property taxation of all property subject to ownership, "whether tangible or intangible," the legislature has exempted some intangible property

from property taxation for many years. In 1997, the legislature expanded the exemption for intangible personal property and provided examples of exempt property. The following rules are intended to provide additional clarification of the statute and provide guidelines to be used by assessing officials in determining the taxable value of property. The goal is to ensure, in as fair and equitable a manner as possible, that all taxable value is assessed and all nontaxable value is not assessed.

(2) **Application of these rules.** These rules primarily implement RCW 84.36.070, which establishes a property tax exemption for intangible personal property, but also apply to chapters 84.12 and 84.16 RCW, the statutory chapters dealing with the assessment of public utility, and private car company property, respectively, by the state, and to chapter 84.40 RCW, which deals with assessment of property by the county assessor.

#### NEW SECTION

**WAC 458-50-160 Exempt intangible property distinguished from other intangibles.** (1) **Distinction between property, and characteristics or attributes of property.** The statute (RCW 84.36.070) draws a distinction between intangible personal property and the characteristics or attributes of property, both real and personal. Intangible personal property is exempt from property taxation. However, some characteristics or attributes of property, even though intangible, may be considered in establishing the taxable value of tangible property.

(2) **What intangible personal property is exempt?** The listings of examples of intangible personal property contained in RCW 84.36.070(2) must be consulted, but those listings can be summarized as follows:

(a) Financial intangible property, such as moneys, credits, and publicly issued bonds and warrants, and the bonds, stocks, or shares of private corporations;

(b) Private personal service contracts and athletic or sports franchises, or sports agreements that do not pertain to the use or possession or any interest in tangible personal or real property; and

(c) Miscellaneous types of intangible personal property, such as trademarks, trade names, brand names, patents, copyrights, trade secrets, core deposits of financial institutions, noncompete agreements, customer lists, patient lists, favorable contracts, favorable financing agreements, reputation, exceptional management, prestige, good name, integrity of a business, and other similar types of intangible personal property. Franchise agreements, licenses, and permits that are wholly between private parties are exempt intangible personal property. (Licenses, permits and franchises granted by a government agency are referred to in subsection (5)(b) of this section.)

(3) **Is "goodwill" exempt intangible personal property?** "Goodwill" is an accounting classification that recognizes the excess of the cost of an acquired entity over the net of the amounts assigned to assets acquired and liabilities assumed, but "goodwill" does not identify specific property to which this classification refers. Therefore, "goodwill" as an unidentified, or otherwise unspecified, residual account is

itself not exempt intangible personal property. However, to the extent that components or elements of the "goodwill" residual account can be separately identified and valued by a traded market, they are exempt.

(4) **Identifying exempt intangible personal property.** Intangible property is only exempt if it is personal property capable of being individually owned, used, transferred, or held separately from other property. The market value of separate items of intangible personal property should not be identified or characterized solely using residual accounting methods, or other indirect techniques, such as isolating "excess earnings," from a total business valuation. Market value of exempt intangible personal property should be verifiable in an openly traded market where the value of comparable intangible properties can be observed and considered.

(5) **What intangible characteristics, attributes or other factors affect value and may be considered?** Non-property intangible characteristics or attributes are elements or components of value associated with a real or tangible asset. These characteristics or attributes are "intangible" but they are not "property" and therefore are not tax exempt intangible personal property. They are contingent and dependent upon other property and cannot be owned, used, transferred, or held separately from other property. To the extent that these characteristics, attributes, or other factors contribute to, or affect, the value of property, they must be appropriately considered when determining taxable value. They include the following types:

(a) Zoning, location, view, geographic features, easements, covenants, proximity to raw materials, condition of surrounding property, proximity to markets, or the availability of a skilled work force;

(b) Grants of licenses, permits, and franchises by a government agency that affect the use of the property being valued; and

(c) Other characteristics of property, such as scarcity, uniqueness, adaptability, or utility as an integrated unit or going concern.

#### NEW SECTION

**WAC 458-50-170 Valuation principles.** (1) **What is meant by "true and fair value"?** One hundred percent of true and fair value is the standard used by assessing officials for valuing both taxable property and exempt property. True and fair value is the same as market value or fair market value. It is the amount of money a buyer of property willing but not obligated to buy would pay a seller of property willing but not obligated to sell, taking into consideration all uses to which the property is adapted and might in reason be applied. This term incorporates all the rights and benefits, present and future, associated with the ownership of property.

(2) **Approaches to value.** All three traditional and generally accepted approaches to value may be used by assessing officials. These approaches are cost, including the actual cost new or historical cost less depreciation, the cost of reproduction new less any depreciation and plus any appreciation; income, including the past, present, and prospective gross and net earnings of the whole system as a unit; and market, including the par value, actual value and market value of the

company's outstanding stocks and bonds during one or more preceding years.

(3) **Generally accepted appraisal practices.** "Generally accepted appraisal practices" are the appropriate application in the valuation of real, and tangible and intangible personal property, of accepted standards of professional appraisal practice as described in the Uniform Standards of Professional Appraisal Practice issued by the Appraisal Standards Board of the Appraisal Foundation or the accepted standards of other nationally recognized professional appraisal organizations.

#### NEW SECTION

**WAC 458-50-180 Appraisal practices relating to valuing intangible personal property.** (1) **Unit valuation.** Unit valuation is a method of determining the market value of a company, business, or property as a whole without reference to individual parts or components. For example, a railroad company may have many miles of track, or a pipeline company may have many miles of pipe, but if the track or the pipe is not connected in a useful and interdependent way to the rest of the company's system as a whole, the track or the pipe have considerably less value. However, when all the interdependent assets of a company are working together and functioning synergistically as a unit, the value of the company as a whole is independent of the value of the component parts. Similarly, the roof or the walls of a house may have value independently of the structure as a whole, but the market value of the house, for purposes of taxation, is determined as a unit. Market value is the value of the unit as a whole, not a summation of fractional appraisals of the component parts. The unit value may have enhanced taxable value above what the sum of the value of the component parts may indicate. The department is specifically authorized to take into consideration "the value of the whole system as a unit," when valuing companies with operating property in more than one county or more than one state. (RCW 84.12.300; *see also* RCW 84.16.050.)

(2) **Situs, allocation, and apportionment.** Property taxes may only be levied upon property having situs in this state, in other words, upon property located in this state. The process of dividing up the unit value of a company among the states where it has a presence is called allocation. The process of dividing up the allocated state value among the taxing jurisdictions within a state is called apportionment. Once the taxable value, meaning the total value of a company's operating property in this state less the exempt value, has been determined, the taxable value is apportioned as required by law.

(3) **Valuation of exempt intangible personal property.** Assessing officials may use one of two methods, as appropriate, to determine the value of intangible personal property that is exempted from a company's unit value. The first method is the method by which the true and fair value of the exempt intangible personal property is deducted from the true and fair value of the operating property at the system level to arrive at taxable value at the system or entity level. The second method is the method by which the true and fair value of exempt intangible personal property is excluded from the

value of the operating property at the system level by using a valuation model that approximates the value of the nonexempt assets only. These two methods are explained in more detail as follows.

(a) The first method is a two step-process that involves valuing the entire company operation, the unit, as the first step, using any or a combination of the three traditional approaches to value. Then the exempt property is separately identified, valued, and deducted from the unit value. In valuing the exempt property, assessing officials use generally accepted appraisal practices, including sales of similar intangible personal property, capitalization rates obtained through those sales, or by identifying cash flows attributable to each intangible personal property asset. When using this method, the value resulting from deducting the exempt value of intangible personal property from the entire company value, is the taxable value at the system or entity level. From that value, the proper value must then be allocated to this state and apportioned to the local taxing jurisdictions by law.

(b) The second method involves an appraisal process using an appraisal model that intrinsically approximates the exclusion of exempt intangible value. This process assumes the existence of intangible personal property in the overall value of the company being valued, but does not specifically identify or value individual intangible personal property assets. Although the model may not actually exclude the value of exempt intangible personal property, it simulates the effect of exempting intangible personal property by producing a lower assessed value equivalent to the exclusion of exempt intangible property. When an assessing official uses this method, he or she must also make a reasonable effort to compare the valuation result reached with the valuation result reached by the method described in (a) of this subsection and place the most consideration and reliance on the value indicator which, in his or her professional judgment, best approximates the taxable value of the company. A showing of a reasonable effort means, at a minimum, documentation of the comparison of the results of both methods.

(4) **Unit value at the county level.** When a business operates in more than one location within a county, but is physically, economically, and functionally integrated, it may also be valued by the assessor as a unit. However, properties that share a name, for example, but are independently operated, such as bank branches, retail outlets, or hotels or motels that are part of a chain, they should generally be valued as stand-alone enterprises, and not as physically, economically, and functionally integrated units. An assessor should consider the unit being assessed to be the same unit a typical purchaser would consider in an openly traded market. If the property being assessed would typically be purchased as a stand-alone and independent operation without reference to a larger entity, then that is how it should be assessed. If the property being assessed would typically be included in the purchase of a larger entity, then the assessor should consider the influence on value that being included within the larger unit would have on the property being assessed.

#### NEW SECTION

##### **WAC 458-50-190 Valuation of particular assets.**

**Computer software.** (1) Computer software is generally exempt from property taxation. The exemption is specifically dealt with in RCW 84.36.600 (exemption), RCW 84.04.150 (definitions), and WAC 458-12-251. Computer software and embedded software is valued in accordance with RCW 84.40.037. RCW 84.36.070 and these rules (WAC 458-50-150 through 458-50-190) do not apply to computer software, and nothing in that statute or these rules may be construed to amend or modify that existing statute and the rule dealing with the property tax treatment of computer software.

(2) In valuing low income or other housing which qualifies for federal income tax credits, those tax credits are exempt from property taxation when they exist separate from the ownership right in the housing and when they are not inextricably linked to the real property.

#### AMENDATORY SECTION (Amending Order PT 68-6, filed 4/29/68)

##### **WAC 458-12-005 Definition—Property—Personal.**

The terms "personal property" and "real property" are defined in RCW 84.04.080 and 84.04.090, respectively. These definitions should routinely be consulted in any case where it is at all doubtful whether a given piece of property is real or personal.

Personal property, as defined in RCW 84.04.080, falls into two categories; namely, *tangible* personal property, that is to say, things which have a physical existence, and *intangible* personal property which consists of rights and privileges having a legal but not a physical existence. The category of tangible personal property includes but is not limited to the following:

- (1) Goods and chattels. RCW 84.04.080. This category includes most tangible movables, such as
  - (a) Inventories, AGO 57-58, No. 206 (1958);
  - (b) Farm machinery, AGO 1909-1910, p. 51;
  - (c) Livestock and poultry, RCW 84.44.060;
  - (d) Logs and lumber, RCW 84.44.030;
  - (e) Motor vehicles, RCW 84.44.050;
  - (f) Books, *Booth & Henford Abstract Company v. Phelps*, 8 Wash. 549 (1894);
  - (g) Coin collections and coin inventories of coin dealers, AGO 63-64, No. 116 (1964);
  - (h) Tools.
- (2) All standing timber held or owned separately from the ownership of the land on which it stands, RCW 84.04.080; *Leuthold v. Davis*, 56 Wn.2d 710 (1960).
- (3) All fish traps, pound net, reef net, set net and drag seine fishing locations, RCW 84.04.080.
- (4) All privately-owned improvements, including buildings and the like, upon publicly owned lands which have *not* become part of the realty, RCW 84.04.080; *Pier 67, Inc. v. King County*, 71 W.D.2d 89 (1967); AGO 1935-1936, p. 167; AGO 3-25-52; TCR 6-17-1947.
- (5) All gas and water mains and pipes laid in roads, streets or alleys, RCW 84.04.080.

(6) Water craft of all descriptions, RCW 84.04.080, *Black v. State*, 67 Wn.2d 97 (1965), provided they have acquired an actual situs in the taxing county pursuant to RCW 84.44.050.

(7) Foxes, mink, marten, fish, oysters and all other animals held or raised in captivity for business or commercial purposes, including livestock. RCW 16.72.050; AGO 4-16-1900; AGO 1927-1928, p. 88; TCR 1-6-36.

(8) The roads and bridges of plank roads, gravel roads, turnpike or bridge companies. RCW 84.44.040.

(9) Trade fixtures. This concept, which is peculiar to the landlord-tenant relationship, refers to the machinery or equipment of any commercial or industrial business which operates on leased land or in rented quarters. Such machinery or equipment is a trade fixture; i.e., the tenant's personal property, no matter how firmly it may be attached to the landlord's realty, unless it could not be removed without virtually destroying the building housing it, or otherwise seriously damaging the landlord's realty. Brown on *Personal Property* (2d Edition 1955), Sec. 144.

(10) All engines and machinery of every description used or designed to be used in any process of refining or manufacturing, unless such engines and machinery shall have been included as part of any parcel of real property as defined in WAC 458-12-010(3).

(11) All buildings and other permanent improvements constructed or placed upon the easements of public service corporations other than railroads.

(12) All surface leases, whether of public or privately-owned land, except leases for the life of the lessee. RCW 84.04.080; AGO 49-51, No. 476 (1951); TCR 8-8-41: *In Re Barclay's Estate*, 1 Wn.2d 82 (1939). This category includes practically all leases to corporations because the legal life of a corporation is almost always longer than the term of any lease to it. *Pier 67, Inc., v. King County*, 71 W.D.2d 89 (1967).

*Intangible* personal property includes but is not necessarily limited to the following:

(1) Contract rights to cut timber on either public or privately-owned land under which title to the timber has not yet passed. AGO 53-55, No. 29 (1953); PTB 222 (1-13-53). A contract right to cut timber is a mere license, and all contractual licenses to use someone else's realty are personal property. See WAC 458-12-005 (5-Intangibles).

(2) All mining claims, whether patented or unpatented, which are located on public land. TCR 10-3-35; TCR 4-4-1950; AGO 55-57, No. 327 (1956); *American Smelting and Refining Company v. Whatcom County*, 13 Wn.2d 295 (1942).

(3) All mining or prospecting *leases*, whether on public or privately-owned land, except leases for the life of the lessee. RCW 84.04.080; TCR 4-22-36; *Walla Walla Oil, Gas & Pipe Line Company v. Vallentine*, 103 Wash. 359 (1918).

(4) All contractual licenses to use public or someone else's land for specified purposes, or to take something from public or someone else's land, which have a specified minimum term. Examples: Timber contracts, AGO 53-55, No. 29, (1953); oil and gas prospecting permits, *Walla Walla Oil, Gas & Pipe Line Company v. Vallentine*, 103 Wash. 359 (1918); grazing permits; permits to take gravel or other min-

erals, TCR 4-22-1936. However, a license or permit which is revocable at the will of the landowner is not property at all because it gives the licensee no legally-protected right or interest whatsoever.

(5) All possessory rights in realty which are divorced from the title to the realty. TCR 10-3-35; AGO 1937-1938, p. 353. Such possessory rights are analogous to leases; hence they are personal property unless they are coextensive with the life of their holder. This category includes the possessory interest which an installment contract for the sale of public or privately-owned land creates in the vendee. See RCW 84.40.230.

(6) Public utility franchises owned by public service corporations. A public utility franchise is the right to use publicly owned real estate for power lines, gas or water lines, sewers or some other public utility facility. *Commercial Electric Light and Power Company v. Judson*, 21 Wash. 49 (1899); *Chehalis Broom Company v. Chehalis County*, 24 Wash. 135 (1901). Such public utility franchises are very similar to public utility easements, which are personal property under Paragraph 8 thereof. However, a Washington corporation's primary franchise to exist and do business in corporate form is not taxable property. *Bank of Fairfield v. Spokane County*, 173 Wash. 145 (1933).

(7) Public utility easements owned by public service corporations other than railroads. RCW 84.20.010.

(8) [See WAC 458-50-150 through 458-50-190 for rules relating to exemption of intangible personal property under RCW 84.36.070.](#)

[AMENDATORY SECTION](#) (Amending WSR 02-19-004, filed 9/4/02, effective 10/5/02)

**WAC 458-16-115 Personal property exemptions for household goods, furnishings, and personal effects, and for the head of a family.** (1) **Introduction.** This rule explains the personal property tax exemption for household goods, furnishings, and personal effects. It also explains the exemption available to the head of a family for otherwise taxable personal property up to a value of three thousand dollars. These exemptions are provided by RCW 84.36.110. [\(For rules dealing with exemptions of intangible personal property under RCW 84.36.070, see WAC 458-50-150 through 458-50-190.\)](#)

(2) **Exemption for household goods, furnishings, and personal effects.** All household goods and furnishings actually being used to equip and outfit the owner's residence or place of abode and all personal effects held by any person for his or her exclusive use and benefit are exempt from property taxation. Any household goods and furnishings or personal effects held for sale or commercial use do not qualify for this exemption. RCW 84.36.110(1).

(a) **What are household goods and furnishings?** "Household goods and furnishings" are all items of tangible personal property normally located in or about a residence and used or held to enhance the value or enjoyment of the residence, including its premises. The phrase includes, but is not limited to, movable items of necessity, convenience, or decoration, such as furniture, appliances, food, pictures, and tools and equipment used to maintain the residence. Personal prop-



erty qualifying for this exemption retains its exempt status while temporarily in storage or while being used temporarily at locations other than the owner's residence.

"Household goods and furnishings" do not include items of personal property constructed primarily for use independent of and separate from a residence such as boats, motor vehicles, campers, and travel trailers. However, certain motor vehicles, campers, and travel trailers may be entitled to an exemption from property taxation under RCW 84.36.595. Also, some boats may be wholly or partially exempt from property taxation under RCW 84.36.080 and 84.36.090.

(b) **What are personal effects?** "Personal effects" are items of tangible property of a personal or intimate nature that usually and ordinarily accompany a person such as wearing apparel, jewelry, and articles of a similar nature. RCW 84.36.120.

(c) **When are household goods, furnishings, and personal effects not exempt?** Personal property held for sale or used for any business or commercial purpose does not qualify for the household goods exemption. Thus, property used to equip and outfit a motel, hotel, apartment, sorority, fraternity, boarding house, rented home, duplex, or any other premises not used by the owner for his or her own personal residence or place of abode does not qualify for this exemption. Likewise, a hairdresser who uses any portion of his or her home as a beauty salon cannot claim a household goods exemption for personal property held for sale or otherwise used in the business. Business inventories, however, are exempt from property taxation under RCW 84.36.477.

Following is a nonexclusive list of items that are exempt as household goods or furnishings if they are used in a residence or place of abode but are fully taxable if they are used for business or commercial purposes.

(i) Desks are exempt as household goods if they are used in a residence but are taxable if they are used in a business office, including an office located in the owner's residence.

(ii) Silverware and china are exempt if they are used in a residence but are taxable if they are used in a restaurant.

(iii) Art or other collections are exempt if they are located in a residence but are taxable if they are located in a public display or used for commercial purposes.

(iv) Power equipment such as lawnmowers used exclusively to enhance the value or enjoyment of a residence, including its premises, are exempt, but they are taxable when used to maintain a golf course or for any other business or commercial purpose.

(3) **Exemption for the head of a family.** Each head of a family is entitled to an exemption from his or her taxable personal property in an amount up to three thousand dollars of actual value. RCW 84.36.110(2). For purposes of this exemption, "actual value" has the same meaning as "true and fair value" as defined in WAC 458-07-030. The taxpayer must qualify for the head of a family exemption on January 1st of the assessment year (the assessment date) or the exemption is lost for taxes payable the following year. As noted above, household goods, furnishings, and personal effects not used for business or commercial purposes are exempt from property taxation; therefore, the exemption for the head of a family does not apply to such property.

(a) **Who qualifies as the head of a family?** The exemption for the head of a family applies only to individuals (i.e., natural persons); it does not apply to artificial entities such as corporations, limited liability companies, or partnerships. The "head of a family" includes the following residents of the state of Washington:

(i) Any person receiving an old age pension under the laws of this state;

(ii) Any citizen of the United States, over the age of sixty-five years, who has resided in the state of Washington continuously for ten years;

(iii) The husband or wife, when the claimant is a married person, or a surviving spouse not remarried; and

(iv) Any person who resides with, and has under his or her care and maintenance, any of the following:

(A) His or her minor child or grandchild, or the minor child or grandchild of his or her deceased spouse;

(B) His or her minor brother or sister or the minor child of a deceased brother or sister;

(C) His or her father, mother, grandmother, or grandfather, or the father, mother, grandmother, or grandfather of a deceased spouse; or

(D) Any of the other relatives mentioned in this subsection who have attained the age of majority and are unable to take care of or support themselves.

(b) **What property is not exempt?** The personal property exemption for the head of a family does not apply to the following:

(i) Private motor vehicles. A "private motor vehicle" is any motor vehicle used for the convenience or pleasure of the owner, which carries a licensing classification other than motor vehicle for hire, auto stage, auto stage trailer, motor truck, motor truck trailer, or dealer's license. RCW 84.36.-120;

(ii) Mobile homes. A "mobile home" is a trailer designed for human habitation, which is capable of being moved upon the public streets and highways and is either more than thirty-five feet in length or more than eight feet in width. RCW 84.36.120;

(iii) Floating homes. A "floating home" is a building on a float, used in whole or in part for human habitation as a single-family dwelling and is on the property tax rolls of the county in which it is located. A floating home is not designed for self-propulsion by mechanical means or by means of wind. RCW 82.45.032; or

(iv) Houses, cabins, boathouses, boat docks, or other similar improvements that are located on publicly owned land.

(c) **Examples.** The following examples identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The status of each situation must be determined after a review of all of the facts and circumstances.

(i) A husband and wife operate a catering business as a limited liability company (LLC). The wife also operates a consulting business as a sole proprietor out of the family home. Husband and wife are not entitled to the head of family exemption for property held by the LLC. However, the wife is entitled to the head of family exemption for the taxable personal property used in her consulting business.

(ii) Jane Doe is a citizen of the United States, over the age of sixty-five, and has resided in the state of Washington continuously for over ten years. Jane owns a farm. She has transferred title to the farm property, both real and personal, into a trust. An attorney is the trustee, and Jane is the sole beneficiary. Since Jane Doe has beneficial ownership of the trust property and she qualifies as the head of a family, Jane may claim the head of a family exemption for the taxable personal property held in the trust.

**(4) How do the exemptions included in this rule affect listing?** If the county assessor is satisfied that all of the personal property of any person is exempt from taxation, no listing is required by the owner or taxpayer. If the value of taxable personal property exceeds three thousand dollars, then the taxpayer must make a complete listing, and the assessor will deduct three thousand dollars from the total amount of the assessment and assess the remainder. RCW 84.36.110(2).