

**WSR 06-17-052**  
**PROPOSED RULES**  
**SOUTHWEST CLEAN**  
**AIR AGENCY**

[Filed August 9, 2006, 11:50 a.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: SWCAA 400-030 Definitions. This is an existing section that contains the definitions of words and phrases used throughout SWCAA 400. Most definitions are identical to associated federal definitions.

SWCAA 400-045 Permit Application for Nonroad Engines. This is an existing section identifying requirements for permit applications for nonroad engine projects.

SWCAA 400-046 Application Review Process for Nonroad Engines. This is an existing section identifying requirements for the processing and approval of permit applications for nonroad engine projects.

SWCAA 400-075 Emission Standards for Sources Emitting Hazardous Air Pollutants. This is an existing section that adopts the federal standards for sources emitting hazardous air pollutants contained in 40 C.F.R., Parts 61, 63 and 65 by reference (NESHAPS/MACT) as requirements for sources in SWCAA jurisdiction for local implementation and enforcement.

SWCAA 400-101 Emission Units Exempt from Registration Requirements. This is an existing section identifying those sources that are exempt from the registration and new source review requirements of SWCAA 400-100 and 400-110.

SWCAA 400-111 Requirements for New Sources in a Maintenance Plan Area. This is an existing section identifying the requirements for new or modified sources in a maintenance plan area. Because of the maintenance plan status of an area, emission standards to maintain air quality in a maintenance plan area are more demanding than those in less populated or industrialized areas.

SWCAA 400-113 Requirements for New Sources in Attainment or Nonclassifiable Areas. This is an existing section identifying the new source review requirements for new or modified sources in attainment areas.

SWCAA 400-115 Standards of Performance for New Sources. This is an existing section that adopts by reference the new source performance standards (NSPS) contained in 40 C.F.R., Part 60 for identified sources categories.

SWCAA 400-141 Prevention of Significant Deterioration (PSD). This is an existing section describing the requirements for those sources that would be subject to the federal PSD permitting requirements and provides reference to the appropriate federal regulations.

SWCAA 400-171 Public Involvement. This is an existing section identifying the requirements for public notice of agency actions, and the process by which public involvement is to be administered. This section also identifies those documents that are subject to a formal public notice and those that are not subject to a formal public notice.

SWCAA 400-200 Vertical Dispersion Requirement, Creditable Stack Height and Dispersion Techniques. This is

an existing section identifying presumptive requirements for new exhaust stack installations, and describes the procedure by which the maximum allowable stack height is to be determined. This section also prohibits selected exhaust gas dispersion practices.

Hearing Location(s): Office of SWCAA, 11815 N.E. 99th Street, Suite 1294, Vancouver, WA 98682, on November 2, 2006, at 3:00 p.m.

Date of Intended Adoption: November 2, 2006.

Submit Written Comments to: Wess Safford, 11815 N.E. 99th Street, Suite 1294, Vancouver, WA 98682-2454, e-mail wess@swcleanair.org, fax (360) 576-0925, by October 24, 2005.

Assistance for Persons with Disabilities: Contact Mary Allen by October 25, 2006, TTY (360) 574-3058.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: SWCAA 400-030 Definitions. The proposed revision expands the definition of "new source" to specifically include the installation or construction of an "emission unit." This change is intended to clarify and codify existing agency policy.

SWCAA 400-045 Permit Application for Nonroad Engines. The proposed revision corrects an inaccurate cross sectional rule reference.

SWCAA 400-046 Application Review Process for Nonroad Engines. The proposed revision corrects an inaccurate cross sectional rule reference.

SWCAA 400-075 Emission Standards for Sources Emitting Hazardous Air Pollutants. The proposed changes update adoption reference dates and incorporate new federal regulations contained in 40 C.F.R., Parts 61, 63 and 65.

SWCAA 400-101 Emission Units Exempt from Registration Requirements. The proposed changes clarify the applicability language of the exemption section.

SWCAA 400-111 Requirements for New Sources in a Maintenance Plan Area. The proposed revision significantly reformats this section to incorporate updated requirements consistent with the forthcoming ozone maintenance plan for the Portland/Vancouver area. This action is needed to support adoption of the ozone maintenance plan.

SWCAA 400-113 Requirements for New Sources in Attainment or Nonclassifiable Areas. The proposed revision incorporates updated language regarding requirements for sources that impact a maintenance area. The changes are intended to support the forthcoming ozone maintenance plan for the Portland/Vancouver area. This action is needed to support adoption of the ozone maintenance plan.

SWCAA 400-115 Standards of Performance for New Sources. The proposed changes update adoption reference dates and incorporate new federal regulations contained in 40 C.F.R., Part 60.

SWCAA 400-141 Prevention of Significant Deterioration (PSD). The proposed revisions update the adoption by reference rule citations to match the current format of the equivalent sections located in chapter 173-400 WAC.

SWCAA 400-171 Public Involvement. The proposed revision removes minor permit modifications from the list of agency actions that require a mandatory public comment period. This action is intended to streamline public involvement requirements for minor modifications.

SWCAA 400-200 Vertical Dispersion Requirement, Creditable Stack Height and Dispersion Techniques. The proposed revision establishes a presumptive requirement for vertical exhaust stack orientation. This action codifies elements of the agency's existing permitting policy.

Reasons Supporting Proposal: See Purpose above.

Statutory Authority for Adoption: RCW 70.94.141.

Statute Being Implemented: RCW 70.94.141.

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

Name of Proponent: Southwest Clean Air Agency (SWCAA), governmental.

Name of Agency Personnel Responsible for Drafting: Wess Safford, 11815 N.E. 99th Street, Suite 1294, Vancouver, WA 98682, (360) 574-3058; Implementation: Paul Mairose, 11815 N.E. 99th Street, Suite 1294, Vancouver, WA 98682, (360) 574-3058; and Enforcement: Robert Elliott, 11815 N.E. 99th Street, Suite 1294, Vancouver, WA 98682, (360) 574-3058.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Changes proposed by SWCAA are consistent with federal or state rules already in effort. This agency is not subject to the small business economic impact provision of chapter 19.85 RCW. A fiscal analysis has been performed to establish the basis for any proposed fee increases. Copies of this analysis are available from SWCAA.

A cost-benefit analysis is not required under RCW 34.05.328. Pursuant to RCW 70.94.141(1), section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. SWCAA is not voluntarily invoking section 201, chapter 403, Laws of 1995, for this action.

August 9, 2006  
Robert D. Elliott  
Executive Director

AMENDATORY SECTION (Amending WSR 03-21-045, filed 10/9/03, effective 11/9/03)

#### SWCAA 400-030 Definitions

[Statutory Authority: Chapter 70.94.030 RCW, and 70.94.141 RCW. Original adoption by Board 12/17/68 (Regulation 1); Amended by Board 10/29/69 (Regulation 2); Amended by Board 3/20/84; Amended by Board 12/16/86; 93-21-003 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 99-07-027 filed 3/10/99, effective 4/11/99; 01-05-055 filed 2/15/01, effective 3/18/01; 03-21-045 filed 10/9/03, effective 11/9/03]

Except as provided elsewhere in this regulation the following definitions apply throughout the regulation:

(1) **"Actual emissions"** means the actual rate of emissions of a pollutant from an emission unit, as determined in accordance with (a) through (c) of this subsection.

(a) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the emission unit actually emitted the pollutant during a two-year period which precedes the particular date and which is representative of normal "source" operation. The Agency shall allow the use of a different time period upon a determination that it is more representative of normal "source" operation. Actual emissions shall be calculated using the emission unit's actual operating hours, production rates, and types of materi-

als processed, stored, or combusted during the selected time period.

(b) The Agency may presume that "source" specific allowable emissions for the unit are equivalent to the actual emissions of the emission unit.

(c) For any emission unit that has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the emission unit on that date.

(2) **"Adverse impact on visibility"** means visibility impairment that interferes with the management, protection, preservation, or enjoyment of the visitor's visual experience of a Federal Class I area. This determination must be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency, and time of visibility impairment, and how these factors correlate with (a) times of visitor use of the Federal Class I area and (b) the frequency and timing of natural conditions that reduce visibility.

(3) **"Agency"** means the Southwest Clean Air Agency (SWCAA).

(4) **"Air contaminant"** or **"air pollutant"** means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof. This includes any substance regulated as an air pollutant under Chapter 173-460 WAC, Sections 111 and 112 of the Federal Clean Air Act, ozone depleting substances (Title VI of the Federal Clean Air Act), any substance for which a primary or secondary National Ambient Air Quality Standard has been established, and volatile organic compounds.

(5) **"Air discharge permit"** means the same as "Order of Approval." This term does not apply to any permitting action conducted pursuant to 40 CFR Part 70 or Chapter 173-401 WAC.

(6) **"Air discharge permit application"** means the same as "Notice of Construction application." This term does not apply to any permitting action conducted pursuant to 40 CFR Part 70 or Chapter 173-401 WAC.

(7) **"Air pollution"** means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities, and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with enjoyment of life and property. For the purposes of this regulation, air pollution shall not include air contaminants emitted in compliance with Chapter 17.21 RCW, the Washington Pesticide Application Act, which regulates the application and control of various pesticides.

(8) **"Allowable emissions"** means the emission rate of a "stationary source" calculated using the maximum rated capacity of the "stationary source" (unless the "stationary source" is subject to federally enforceable limits which restrict the operating rate, or hours of operation, or both) and the most stringent of the following:

(a) The applicable standards in 40 CFR Parts 60, 61, or 63;

(b) Any applicable State Implementation Plan (SIP) emission limitation including those with a future compliance date;

(c) The emission rate specified as a federally enforceable permit condition, including those with a future compliance date; or

(d) The emission rate specified by a federally enforceable regulatory order.

(9) "**Alteration**" means the act of altering, which means to change or make different. Alteration includes, but is not limited to, any enlargement, replacement, or change in the design, operation, capacity, or arrangement of a process; any increase in the connected loading of process or control equipment; and any change in fuels, method of operation or hours of operation not previously approved by the Agency.

(10) "**Ambient air**" means the surrounding outside air.

(11) "**Ambient air quality standard**" (AAQS) means an established concentration, exposure time, and frequency of occurrence of an air contaminant or multiple air contaminants in the ambient air that shall not be exceeded.

(12) "**Attainment area**" means a geographic area designated by EPA at 40 CFR Part 81 as having attained the National Ambient Air Quality Standard for a given criteria pollutant.

(13) "**Authority**" means any air pollution control agency whose jurisdictional boundaries are coextensive with the boundaries of one or more counties.

(14) "**Begin actual construction**" means, in general, initiation of physical on-site construction activities on an emission unit, which are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying underground pipe work and construction of permanent storage structures. With respect to a change in method of operations, this term refers to those on-site activities other than preparatory activities that mark the initiation of the change.

(15) "**Best available control technology**" (BACT) means an emission limitation (including a visible emission standard) based on the maximum degree of reduction for each air pollutant subject to regulation under Chapter 70.94 RCW which would be emitted from or which results from any new or modified "stationary source," which the Agency, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such "stationary source" or modification through application of production processes and available methods, systems, and techniques, including fuel cleaning or treatment, clean fuels, or innovative fuel combustion techniques for control of each such pollutant. In no event shall application of "best available control technology" result in emissions of any air pollutants which will exceed the emissions allowed by any applicable standard under 40 CFR Part 60, Part 61, and Part 63. Emissions from any "stationary source" utilizing clean fuels, or any other means, to comply with this paragraph shall not be allowed to increase above levels that would have been required under the definition of BACT in the Federal Clean Air Act as it existed prior to enactment of the Clean Air Act Amendments of 1990.

(16) "**Best available retrofit technology**" (BART) means an emission limitation based on the degree of reduction achievable through the application of the best system of continuous emission reduction for each pollutant that is emitted by an existing stationary facility. The emission limitation must be established, on a case-by-case basis, taking into consideration the technology available, the costs of compliance, the energy and non-air quality environmental impacts of

compliance, any pollution control equipment in use or in existence at the "stationary source," the remaining useful life of the "stationary source," and the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology.

(17) "**Board**" means the Board of Directors of the Southwest Clean Air Agency.

(18) "**Bubble**" means a set of emission limits which allows an increase in emissions from a given emission unit in exchange for a decrease in emissions from another emission unit, pursuant to RCW 70.94.155 and SWCAA 400-120.

(19) "**Capacity factor**" means the ratio of the average load on a machine or piece of equipment to the manufacturer's capacity rating of the machine or equipment for the period of time considered.

(20) "**Class I area**" means any area designated pursuant to Sections 162 or 164 of the Federal Clean Air Act as a Class I area. The following areas are the Class I areas located within Washington state:

- (a) Alpine Lakes Wilderness;
- (b) Glacier Peak Wilderness;
- (c) Goat Rocks Wilderness;
- (d) Mount Adams Wilderness;
- (e) Mount Rainier National Park;
- (f) North Cascades National Park;
- (g) Olympic National Park;
- (h) Pasayten Wilderness; and
- (i) Spokane Indian Reservation.

(21) "**Climate change**" means a reported meteorological phenomenon, according to which the average temperature on earth is gradually increasing over its level in recent history. This rise in temperature is attributed to the increased concentration in the atmosphere of gases such as carbon dioxide that trap heat radiating upward and reradiate it toward earth.

(22) "**Combustion and incineration units**" means emission units using combustion for waste disposal, steam production, chemical recovery or other process requirements, but excludes open or outdoor burning.

(23) "**Commenced**" as applied to construction, means that an owner or operator has all the necessary preconstruction approvals or permits and either has:

(a) Begun, or caused to begin, a continuous program of actual on-site construction of the "stationary source," to be completed within a reasonable time; or

(b) Entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the "stationary source" to be completed within a reasonable time.

(c) For the purposes of this definition, "necessary preconstruction approvals" means those permits or orders of approval required under federal air quality control laws and regulations, including state, local, and federal regulations and orders contained in the Washington SIP.

(24) "**Composting**" means the biological degradation and transformation of organic solid waste under controlled conditions designed to promote aerobic decomposition. Natural decay of organic solid waste under uncontrolled conditions is not composting.

(25) "**Concealment**" means any action taken to reduce the observed or measured concentrations of a pollutant in a gaseous effluent while, in fact, not reducing the total amount of pollutant discharged.

(26) "**Construction**" means any physical change or change in method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit) which would result in a change in actual emissions. (ref. 40 CFR 52.21)

(27) "**Criteria pollutant**" or "**criteria air pollutant**" means an air pollutant for which a criteria document has been prepared by EPA and has a primary or secondary ambient air quality standard. These pollutants are identified in 40 CFR Part 50 and include sulfur oxides (measured as sulfur dioxide), particulate matter, carbon monoxide, ozone, oxides of nitrogen (measured as nitrogen dioxide), and lead. Although volatile organic compounds are no longer identified as a criteria pollutant category, they are regulated together with oxides of nitrogen as a precursor to ozone.

(28) "**Control Officer**" means the Executive Director of the Southwest Clean Air Agency.

(29) "**Deviation from approval conditions**" means an instance when any approval condition is not met, including, but not limited to, conditions that establish emission limitations, emission standards, control equipment requirements, work practices, parameter ranges, and those designed to assure compliance with such requirements, such as monitoring, recordkeeping, and reporting. A deviation does not necessarily constitute a violation.

(30) "**Director**" means the director of the Washington State Department of Ecology or duly authorized representative.

(31) "**Dispersion technique**" means a method that attempts to affect the concentration of a pollutant in the ambient air other than by the use of pollution abatement equipment or integral process pollution controls.

(32) "**Distillate oil**" means fuel oil that complies with the specifications for fuel oil numbers 1 or 2, as defined by the American Society for Testing and Materials in ASTM D396-01 "Standard Specification for Fuel Oils."

(33) "**Ecology**" means the Washington State Department of Ecology.

(34) "**Emission**" means a release of air contaminants into the ambient air.

(35) "**Emission control technology**" means emission control equipment integral or in addition to the emission unit or other technology, device, component or control parameter that is integral to the basic design of an emission unit; i.e., low NOx burner for a boiler or turbine.

(36) "**Emission reduction credit**" (ERC) means a credit granted pursuant to SWCAA 400-131. This is a voluntary reduction in emissions beyond required levels of control. ERCs may be sold, leased, banked for future use or traded in accordance with applicable regulations. Emission reduction credits shall provide an incentive for reducing emissions below the required levels and establish a framework to promote a market based approach to air pollution control.

(37) "**Emission standard**" and "**emission limitation**" mean a requirement established under the Federal Clean Air Act, Chapter 70.94 RCW or a local regulation that limits the

quantity, rate, or concentration of air contaminant emissions on a continuous basis, including any requirement relating to the operation or maintenance of a "stationary source" to assure continuous emission reduction and any design, equipment, work practice, or operational standard adopted under the Federal Clean Air Act or Chapter 70.94 RCW.

(38) "**Emission unit**" means any part of a "stationary source" that emits or would have the potential to emit any air pollutant subject to regulation under the Federal Clean Air Act, Chapter 70.94 RCW, or Chapter 70.98 RCW.

(39) "**Excess emissions**" means emissions of an air pollutant in excess of any applicable emission standard or emission limit.

(40) "**Excess stack height**" means that portion of a stack which exceeds the greater of sixty-five meters (213.25 feet) or the calculated stack height described in SWCAA 400-200(2).

(41) "**Executive Director**" means the Control Officer of the Southwest Clean Air Agency.

(42) "**Existing stationary facility**" means a "stationary source" that meets all of the following conditions:

(a) The "stationary source" was not in operation prior to August 7, 1962, and was in existence on August 7, 1977;

(b) The "stationary source" is one of the following:

(i) Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input,

(ii) Coal cleaning plants (thermal dryers),

(iii) Kraft pulp mills,

(iv) Portland cement plants,

(v) Primary zinc smelters,

(vi) Iron and steel mills,

(vii) Primary aluminum ore reduction plants,

(viii) Primary copper smelters,

(ix) Municipal incinerators capable of charging more than 250 tons of refuse per day,

(x) Hydrofluoric, sulfuric, or nitric acid plants,

(xi) Petroleum refineries,

(xii) Lime plants,

(xiii) Phosphate rock processing plants,

(xiv) Coke oven batteries,

(xv) Sulfur recovery plants,

(xvi) Carbon black plants (furnace process),

(xvii) Primary lead smelters,

(xviii) Fuel conversion plants,

(xix) Sintering plants,

(xx) Secondary metal production plants,

(xxi) Chemical process plants,

(xxii) Fossil-fuel boilers of more than 250 million British thermal units per hour heat input,

(xxiii) Petroleum storage and transfer units with a total capacity exceeding 300,000 barrels,

(xxiv) Taconite ore processing plants,

(xxv) Glass fiber processing plants,

(xxvi) Charcoal production plants; and

(c) The "stationary source" has the potential to emit 250 tons per year or more of any air contaminant. Fugitive emissions, to the extent quantifiable, must be counted in determining the potential to emit.

(d) For purposes of determining whether a stationary source is an existing stationary facility the term "building,

structure, facility, or installation" means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant emitting activities shall be considered as part of the same major group (i.e., which have the same two digit code) as described in the *Standard Industrial Classification Manual (1972)*, as amended by the 1977 supplement.

(43) "**Federal Clean Air Act**" (FCAA) means the Federal Clean Air Act, also known as Public Law 88-206, 77 Stat. 392, December 17, 1963, 42 U.S.C. 7401 et seq., as last amended by the Clean Air Act Amendments of 1990, P.L. 101-549, November 15, 1990.

(44) "**Federal Class I area**" means any federal land that is classified or reclassified as Class I. The Federal Class I areas in Washington State are as follows:

- (a) Alpine Lakes Wilderness;
- (b) Glacier Peak Wilderness;
- (c) Goat Rocks Wilderness;
- (d) Mount Adams Wilderness;
- (e) Mount Rainier National Park;
- (f) North Cascades National Park;
- (g) Olympic National Park; and
- (h) Pasayten Wilderness.

(45) "**Federal land manager**" means the secretary of the department with authority over federal lands in the United States. This includes, but is not limited to, the U.S. Department of the Interior—National Park Service, the U.S. Department of Agriculture—Forest Service, and/or the U.S. Department of the Interior—Bureau of Land Management.

(46) "**Federally enforceable**" means all limitations and conditions which are enforceable by the EPA, including those requirements developed under 40 CFR Parts 60, 61 and 63, requirements within the Washington SIP, requirements within any permit established under 40 CFR 52.21 or any order of approval established under a SIP approved new source review regulation, or any voluntary limits on emissions pursuant to WAC 173-400-091 or SWCAA 400-091.

(47) "**Fossil fuel-fired steam generator**" means a device, furnace, or boiler used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer.

(48) "**Fugitive dust**" means a type of particulate emission made airborne by forces of wind, human activity, or both. Unpaved roads, construction sites, and tilled land are examples of areas that originate fugitive dust. Fugitive dust is a type of fugitive emission.

(49) "**Fugitive emissions**" means emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

(50) "**General process unit**" means an emission unit using a procedure or a combination of procedures for the purpose of causing a change in material by either chemical or physical means, excluding combustion.

(51) "**Good agricultural practices**" means economically feasible practices that are customary among or appropriate to farms and ranches of a similar nature in the local area.

(52) "**Good engineering practice**" (GEP) refers to a calculated stack height based on the equation specified in SWCAA 400-200 (2)(a)(ii).

(53) "**Greenhouse gas**" means a gas that has the ability to contribute to a greenhouse effect in the ambient atmosphere. Greenhouse gases include carbon dioxide, methane, nitrous oxide, sulfur hexafluoride, hydrofluorocarbons (HFCs), and perfluorocarbons (PFCs).

(54) "**Incinerator**" means a furnace used primarily for the thermal destruction of waste.

(55) "**In operation**" means engaged in activity related to the primary design function of a "stationary source."

(56) "**Installation**" means the act of installing, which means placing, assembling or constructing process equipment or control equipment at the premises where the equipment will be used. Installation includes all preparatory work at such premises.

(57) "**Lowest achievable emission rate**" (LAER) means for any "stationary source" that rate of emissions which reflects the more stringent of:

(a) The most stringent emission limitation which is contained in the implementation plan of any state for such class or category of "stationary source," unless the owner or operator of the proposed new or modified "stationary source" demonstrates that such limitations are not achievable; or

(b) The most stringent emission limitation which is achieved in practice by such class or category of "stationary source."

In no event shall the application of this term permit a proposed new or modified "stationary source" to emit any pollutant in excess of the amount allowable under applicable new source performance standards.

(58) "**Maintenance Area**" or "**Maintenance Plan Area**" means a geographical area within the jurisdiction of SWCAA which was formerly designated as a nonattainment area and which has been redesignated as an attainment area as provided under Section 107(d) of the Clean Air Act. The maintenance area designation shall be in effect as long as there is a federal or state requirement to have a maintenance plan in effect.

(59) "**Maintenance pollutant**" means a pollutant for which a maintenance plan area was formerly designated as a nonattainment area.

(60)(a) "**Major modification**," as it applies to "stationary sources" subject to requirements for "new sources" in maintenance plan or nonattainment areas (SWCAA 400-111 and -112), means any physical change in, or change in the method of operation of, a "major stationary source" that would result in a significant net emissions increase of any pollutant subject to regulation under the Federal Clean Air Act.

(i) Any net emissions increase that is considered significant for volatile organic compounds or nitrogen oxides shall be considered significant for ozone.

(ii) A physical change or change in the method of operation shall not include:

(A) Routine maintenance, repair, and replacement;

(B) Use of an alternative fuel or raw material by reason of an order under Section 2 (a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any super-

seding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;

(C) Use of an alternative fuel by reason of an order or rule under Section 125 of the Federal Clean Air Act;

(D) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;

(E) Use of an alternative fuel or raw material by a "stationary source" which:

(I) The "stationary source" was capable of accommodating before December 21, 1976, unless such change would be prohibited under any federally enforceable permit or approval order condition which was established after December 12, 1976, pursuant to 40 CFR 52.21 or a SIP approved new source review regulation; or

(II) The "stationary source" is approved to use under any permit or approval order issued under SWCAA 400-112 or WAC 173-400-112;

(F) An increase in the hours of operation or in the production rate, unless such change is prohibited under any federally enforceable permit or approval order condition which was established after December 21, 1976, pursuant to 40 CFR 52.21 or a SIP approved new source review regulation;

(G) Any change in ownership at a "stationary source;"

(H) The addition, replacement, or use of a pollution control project (as defined in 40 CFR 51.165 (a)(1)(xxv), in effect on July 1, 2002) at an existing electric utility steam generating unit, unless the permitting agency determines that such addition, replacement, or use renders the unit less environmentally beneficial, or except:

(I) When the permitting agency has reason to believe that the pollution control project would result in a significant net emissions increase in representative actual annual emissions of any criteria pollutant over levels used for that "stationary source" in the most recent air quality impact analysis in the area conducted for the purpose of Title I of the Federal Clean Air Act, if any; and

(II) The permitting agency determines that the increase will cause or contribute to a violation of any National Ambient Air Quality Standard or PSD increment, or visibility limitation; or

(I) The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, provided that the project complies with the Washington SIP; and other requirements necessary to attain and maintain the National Ambient Air Quality Standard during the project and after it is terminated.

(b) **"Major modification,"** as it applies to "stationary sources" subject to requirements for "new sources" in attainment or unclassified areas (SWCAA 400-113), means any physical change in, or change in the method of operation of, a "major stationary source" that would result in a significant net emissions increase of any pollutant subject to regulation under the Federal Clean Air Act.

(i) Any net emissions increase that is considered significant for volatile organic compounds or nitrogen oxides shall be considered significant for ozone.

(ii) A physical change or change in the method of operation shall not include:

(A) Routine maintenance, repair and replacement;

(B) Use of an alternative fuel or raw material by reason of an order under Section 2 (a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;

(C) Use of an alternative fuel by reason of an order or rule under Section 125 of the Federal Clean Air Act;

(D) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;

(E) Use of an alternative fuel or raw material by a "stationary source" which:

(I) The "stationary source" was capable of accommodating before January 6, 1975, unless such change would be prohibited under any federally enforceable permit condition or Order of Approval which was established after January 6, 1975, pursuant to 40 CFR 52.21 or a SIP approved new source review regulation, or

(II) The "stationary source" is approved to use under any PSD permit;

(F) An increase in the hours of operation or in the production rate, unless such change is prohibited under any federally enforceable permit condition or an approval order which was established after January 6, 1975, pursuant to 40 CFR 52.21 or a SIP approved new source review regulation;

(G) Any change in ownership at a "stationary source;"

(H) The addition, replacement, or use of a pollution control project at an existing electric utility steam generating unit, unless the permitting agency determines that such addition, replacement, or use renders the unit less environmentally beneficial, or except:

(I) When the permitting agency has reason to believe that the pollution control project (as defined in 40 CFR 51.166, in effect on July 1, 2002) would result in a significant net emissions increase in representative actual annual emissions of any criteria pollutant over levels used for that "stationary source" in the most recent air quality impact analysis in the area conducted for the purpose of Title I of the Federal Clean Air Act, if any, and

(II) The permitting agency determines that the increase will cause or contribute to a violation of any National Ambient Air Quality Standard or PSD increment, or visibility limitation; or

(I) The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, provided that the project complies with the Washington SIP, and other requirements necessary to attain and maintain the National Ambient Air Quality Standard during the project and after it is terminated.

(61)(a) **"Major stationary source,"** as it applies to "stationary sources" subject to requirements for "new sources" in maintenance plan or nonattainment areas (SWCAA 400-111 and -112), means:

(i) Any "stationary source" of air pollutants which emits, or has the potential to emit, 100 tons per year or more of any pollutant subject to regulation under the Federal Clean Air Act, except that lower emissions thresholds shall apply as follows:

(A) 70 tons per year of PM<sub>10</sub> in any "serious" nonattainment area for PM<sub>10</sub>.

(B) 50 tons per year of carbon monoxide (CO) in any "serious" nonattainment area for CO where "stationary sources" contribute significantly to CO levels in the area.

(ii) Any physical change that would occur at a "stationary source" not qualifying under (a)(i) of this subsection as a "major stationary source," if the change would constitute a "major stationary source" by itself.

(iii) A "major stationary source" that is major for volatile organic compounds or NO<sub>x</sub> shall be considered major for ozone.

(iv) The fugitive emissions of a "stationary source" shall not be included in determining whether it is a "major stationary source," unless the "stationary source" belongs to one of the following categories of "stationary sources" or the "stationary source" is major due to (a)(i)(A) or (a)(i)(B) of this subsection:

- (A) Coal cleaning plants (with thermal dryers);
- (B) Kraft pulp mills;
- (C) Portland cement plants;
- (D) Primary zinc smelters;
- (E) Iron and steel mills;
- (F) Primary aluminum ore reduction plants;
- (G) Primary copper smelters;
- (H) Municipal incinerators capable of charging more than 50 tons of refuse per day;
- (I) Hydrofluoric, sulfuric, or nitric acid plants;
- (J) Petroleum refineries;
- (K) Lime plants;
- (L) Phosphate rock processing plants;
- (M) Coke oven batteries;
- (N) Sulfur recovery plants;
- (O) Carbon black plants (furnace process);
- (P) Primary lead smelters;
- (Q) Fuel conversion plants;
- (R) Sintering plants;
- (S) Secondary metal production plants;
- (T) Chemical process plants;
- (U) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;
- (V) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
- (W) Taconite ore processing plants;
- (X) Glass fiber processing plants;
- (Y) Charcoal production plants;
- (Z) Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input; and
- (AA) Any other "stationary source" category, which, as of August 7, 1980, is being regulated under Section 111 or 112 of the Federal Clean Air Act.

(v) For purposes of determining whether a "stationary source" is a "major stationary source," the term "building, structure, facility, or installation" means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same major group (i.e., which have the same two-digit code) as described in the *Standard Industrial*

*Classification Manual (1972)*, as amended by the 1977 supplement.

(b) "**Major stationary source**," as it applies to "stationary sources" subject to requirements for "new sources" in attainment or unclassified areas (SWCAA 400-113), means:

(i) Any of the following "stationary sources" of air pollutants which emits, or has the potential to emit, 100 tons per year or more of any pollutant subject to regulation under the Federal Clean Air Act:

- (A) Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input;
- (B) Coal cleaning plants (with thermal dryers);
- (C) Kraft pulp mills;
- (D) Portland cement plants;
- (E) Primary zinc smelters;
- (F) Iron and steel mill plants;
- (G) Primary aluminum ore reduction plants;
- (H) Primary copper smelters;
- (I) Municipal incinerators capable of charging more than 50 tons of refuse per day;
- (J) Hydrofluoric, sulfuric, and nitric acid plants;
- (K) Petroleum refineries;
- (L) Lime plants;
- (M) Phosphate rock processing plants;
- (N) Coke oven batteries;
- (O) Sulfur recovery plants;
- (P) Carbon black plants (furnace process);
- (Q) Primary lead smelters;
- (R) Fuel conversion plants;
- (S) Sintering plants;
- (T) Secondary metal production plants;
- (U) Chemical process plants;
- (V) Fossil fuel boilers (or combinations thereof) totaling more than 250 million British thermal units per hour heat input;
- (W) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
- (X) Taconite ore processing plants;
- (Y) Glass fiber processing plants; and
- (Z) Charcoal production plants.

(ii) Regardless of the "stationary source" size specified in (b)(i) of this subsection, any "stationary source" which emits, or has the potential to emit, 250 tons per year or more of any air pollutant subject to regulation under the Federal Clean Air Act; or

(iii) Any physical change that would occur at a "stationary source" not otherwise qualifying under (b)(i) or (ii) of this subsection, as a "major stationary source" if the change would constitute a "major stationary source" by itself.

(iv) A "major stationary source" that is major for volatile organic compounds or NO<sub>x</sub> shall be considered major for ozone.

(v) The fugitive emissions of a "stationary source" shall not be included in determining whether it is a "major stationary source," unless the "stationary source" belongs to one of the following categories:

- (A) Coal cleaning plants (with thermal dryers);
- (B) Kraft pulp mills;
- (C) Portland cement plants;
- (D) Primary zinc smelters;

- (E) Iron and steel mills;
  - (F) Primary aluminum ore reduction plants;
  - (G) Primary copper smelters;
  - (H) Municipal incinerators capable of charging more than 50 tons of refuse per day;
  - (I) Hydrofluoric, sulfuric, or nitric acid plants;
  - (J) Petroleum refineries;
  - (K) Lime plants;
  - (L) Phosphate rock processing plants;
  - (M) Coke oven batteries;
  - (N) Sulfur recovery plants;
  - (O) Carbon black plants (furnace process);
  - (P) Primary lead smelters;
  - (Q) Fuel conversion plants;
  - (R) Sintering plants;
  - (S) Secondary metal production plants;
  - (T) Chemical process plants;
  - (U) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;
  - (V) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
  - (W) Taconite ore processing plants;
  - (X) Glass fiber processing plants;
  - (Y) Charcoal production plants;
  - (Z) Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input;
  - (AA) Any other "stationary source" category that is being regulated under Section 111 or 112 of the Federal Clean Air Act as of August 7, 1980.
- (vi) For purposes of determining whether a "stationary source" is a "major stationary source," the term "building, structure, facility, or installation" means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same major group (i.e., which have the same two digit code) as described in the *Standard Industrial Classification Manual (1972)*, as amended by the 1977 supplement.

(62) "**Mandatory Class I federal area**" means any area defined in Section 162(a) of the Federal Clean Air Act. The mandatory Class I federal areas potentially affected by emissions from "sources" within SWCAA jurisdiction include the following:

- (a) Alpine Lakes Wilderness;
- (b) Glacier Peak Wilderness;
- (c) Goat Rocks Wilderness;
- (d) Mount Adams Wilderness;
- (e) Mount Rainier National Park;
- (f) Mt. Hood Wilderness Area;
- (g) Mt. Jefferson Wilderness Area;
- (h) North Cascades National Park;
- (i) Olympic National Park; and
- (j) Pasayten Wilderness.

(63) "**Masking**" means the mixing of a chemically non-reactive control agent with a malodorous gaseous effluent to change the perceived odor.

(64) "**Materials handling**" means the handling, transporting, loading, unloading, storage, and transfer of materials with no significant alteration of the chemical or physical properties of the material.

(65) "**Modification**" means any physical change in, or change in the method of operation of, a "stationary source" that increases the amount of any air contaminant emitted by such "stationary source" or that results in the emissions of any air contaminant not previously emitted. The term modification shall be construed consistent with the definitions of modification in Section 7411, Title 42, United States Code, and with rules implementing that section.

(66) "**Motor vehicle**" means any self propelled vehicle required to be licensed pursuant to Chapter 46.16 RCW.

(67) "**National Ambient Air Quality Standard**" (NAAQS) means an ambient air quality standard set forth in 40 CFR Part 50, which includes standards for carbon monoxide (CO), particulate matter (PM<sub>10</sub>, PM<sub>2.5</sub>), ozone (O<sub>3</sub>), sulfur dioxide (SO<sub>2</sub>), lead (Pb), and nitrogen dioxide (NO<sub>2</sub>).

(68) "**National Emission Standards for Hazardous Air Pollutants**" (NESHAPS) means the federal rules in 40 CFR Part 61.

(69) "**National Emission Standards for Hazardous Air Pollutants for Source Categories**" means the federal rules in 40 CFR Part 63. These rules are commonly referred to as Maximum Available Control Technology (MACT) standards.

(70) "**Natural conditions**" means naturally occurring phenomena that reduce visibility as measured in terms of light extinction, visual range, contrast, or coloration.

(71)(a) "**Net emissions increase**," as it applies to "stationary sources" subject to requirements for "new sources" in maintenance plan or nonattainment areas (SWCAA 400-111 and -112), means:

(i) The amount by which the sum of the following exceeds zero:

(A) Any increase in actual emissions from a particular physical change or change in method of operation at a "stationary source"; and

(B) Any other increases and decreases in actual emissions at the "stationary source" that are contemporaneous with the particular change and are otherwise creditable.

(ii) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs before the date that the increase from the particular change occurs.

(iii) An increase or decrease in actual emissions is creditable only if:

(A) It occurred no more than one year prior to the date of submittal of a complete air discharge permit application for the particular change, or it has been documented by an emission reduction credit (ERC). Any emissions increases occurring between the date of issuance of the ERC and the date when a particular change becomes operational shall be counted against the ERC.

(B) The permitting agency has not relied on it in issuing any permit or order of approval for the "stationary source" under this section or a previous SIP approved nonattainment area new source review regulation, which order or permit is



in effect when the increase in actual emissions from the particular change occurs.

(iv) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

(v) A decrease in actual emissions is creditable only to the extent that:

(A) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

(B) It is federally enforceable at and after the time that actual construction on the particular change begins;

(C) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change; and

(D) The permitting agency has not relied on it in issuing any permit or order of approval under this section or a SIP approved nonattainment area new source review regulation; or the permitting agency has not relied on it in demonstrating attainment or reasonable further progress.

(vi) An increase that results from a physical change at a "stationary source" occurs when the emission unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed one hundred eighty days.

(b) **"Net emissions increase,"** as it applies to "stationary sources" subject to requirements for "new sources" in attainment or unclassified areas (SWCAA 400-113), means:

(i) The amount by which the sum of the following exceeds zero:

(A) Any increase in actual emissions from a particular physical change or change in the method of operation at a "stationary source"; and

(B) Any other increases and decreases in actual emissions at the "stationary source" that are contemporaneous with the particular change and are otherwise creditable.

(ii) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs within five years before the date that the increase from the particular change occurs.

(iii) An increase or decrease in actual emissions is creditable only if the permitting agency or EPA has not relied on it in issuing a PSD permit for the "stationary source," which permit is in effect when the increase in actual emissions from the particular change occurs.

(iv) An increase or decrease in actual emissions of sulfur dioxide, particulate matter, or nitrogen oxides, which occurs before the applicable minor source baseline date is creditable only if it is required to be considered in calculating the amount of maximum allowable increases remaining available. With respect to particulate matter, only PM<sub>10</sub> emissions can be used to evaluate the net emissions increase for PM<sub>10</sub>.

(v) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

(vi) A decrease in actual emissions is creditable only to the extent that:

(A) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

(B) It is federally enforceable at and after the time that actual construction on the particular change begins; and

(C) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.

(vii) An increase that results from a physical change at a "stationary source" occurs when the emission unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed one hundred eighty days.

(72) **"New source"** means one or more of the following:

(a) The construction or modification of a "stationary source" that increases the amount of any air contaminant emitted by such "stationary source" or that results in the emission of any air contaminant not previously emitted;

(b) Any other project that constitutes a "new source" under the Federal Clean Air Act;

(c) Restart of a "stationary source" after permanent shutdown;

(d) The installation or construction of a new "emission unit"; or

~~((+))~~ (e) Relocation of a "stationary source" to a new location, except in the case of portable sources operating under a valid permit as provided in SWCAA 400-110(6).

(73) **"New Source Performance Standards"** (NSPS) means the federal rules in 40 CFR Part 60.

(74) **"Nonattainment area"** means a geographic area designated by EPA in 40 CFR Part 81 as exceeding a National Ambient Air Quality Standard (NAAQS) for a given criteria air pollutant. An area is nonattainment only for the pollutants for which the area has been designated nonattainment.

(75) **"Nonroad engine"**

(a) Except as discussed in (b) of this subsection, a nonroad engine is any internal combustion engine:

(i) In or on a piece of equipment that is self-propelled or serves a dual purpose by both propelling itself and performing another function (such as garden tractors, off-highway mobile cranes and bulldozers); or

(ii) In or on a piece of equipment that is intended to be propelled while performing its function (such as lawnmowers and string trimmers); or

(iii) That, by itself or in or on a piece of equipment, is portable or transportable, meaning designed to be and capable of being carried or moved from one location to another. Indications of transportability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform.

(b) An internal combustion engine is not a nonroad engine if:

(i) The engine is used to propel a motor vehicle or a vehicle used solely for competition, or is subject to standards promulgated under Section 202 of the Federal Clean Air Act; or

(ii) The engine is regulated by a New Source Performance Standard promulgated under Section 111 of the Federal Clean Air Act; or

(iii) The engine otherwise included in (a)(iii) of this subsection remains or will remain at a location for more than twelve consecutive months or a shorter period of time for an engine located at a seasonal source. A location is any single site at a building, structure, facility, or installation. Any engine(s) that replace(s) an engine at a location and that is intended to perform the same or similar function as the engine(s) replaced will be included in calculating the consecutive time period. An engine located at a seasonal source is an engine that remains at a seasonal source during the full annual operating period of the seasonal source. A seasonal source is a "stationary source" that remains in a single location on a permanent basis (i.e., two seasons or more) and that operates at that single location approximately three months (or more) each year. This paragraph does not apply to an engine after the engine is removed from the location. (ref. 40 CFR 89.2)

(76) **"Nonroad engine permit"** means a regulatory order issued by the Agency to approve the installation, replacement or alteration of a nonroad engine. This term does not apply to any permitting action conducted pursuant to SWCAA 400-110 or Chapter 173-401 WAC.

(77) **"Nonroad engine permit application"** means a written application for installation, replacement or alteration of a nonroad engine. This term does not apply to any permitting action conducted pursuant to SWCAA 400-110 or Chapter 173-401 WAC.

(78) **"Notice of Construction application"** (NOC) means a written application requesting approval for installation, replacement, modification, or other alteration of an emission unit at an air contaminant source or replacement or substantial alteration of control technology at an existing "stationary source." Affected activities include, but are not limited to, equipment modifications or alterations, changes to process or control equipment, establishment of emission limits, installation of "new sources," control technology determinations, PSD determinations, and other items specified by the Agency. "Notice of Construction application" means the same as "air discharge permit application." (For more information refer to SWCAA 400-109.)

(79) **"Opacity"** means the degree to which an object seen through a plume is obscured, stated as a percentage.

(80) **"Open or outdoor burning"** means the combustion of material in an open fire or in an outdoor container, without providing for the control of combustion or the control of the emissions from the combustion. Open burning includes all forms of outdoor burning except those listed as exempt in SWCAA 425-020. Wood waste disposal in wig-wam burners is not considered open or outdoor burning.

(81) **"Operating permit"** means a permit issued pursuant to 40 CFR Part 70 or Chapter 173-401 WAC.

(82) **"Operating permit application"** means the same as "application" as defined in WAC 173-401-500 and -510.

(83) **"Order"** means any regulatory order issued by Ecology or the Agency pursuant to Chapter 70.94 RCW, including, but not limited to RCW 70.94.332, 70.94.152, 70.94.153 and 70.94.141(3), and includes, where used in the generic sense, the terms order, corrective action order, order of approval, air discharge permit, nonroad engine permit, compliance schedule order, consent order, order of denial,

order of violation, order of prevention, order of discontinuance, administrative order, and regulatory order.

(84) **"Order of Approval"** means a regulatory order issued by Ecology or the Agency to approve a Notice of Construction or air discharge permit application. "Order of Approval" means the same as "air discharge permit." Note: For more information refer to SWCAA 400-230.

(85) **"Ozone depleting substance"** means any substance listed in Appendices A and B to Subpart A of 40 CFR Part 82.

(86) **"Particulate matter"** (PM) means any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers.

(87) **"Particulate matter emissions"** means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by applicable reference methods, or an equivalent or alternative method specified in Title 40, Chapter I of the Code of Federal Regulations or by a test method specified in the Washington SIP.

(88) **"Parts per million by volume"** (ppmv) means parts of a contaminant per million parts of gas or carrier medium, by volume. When calculating or measuring the ppmv of a given gas or carrier stream, such measurement or calculation shall be exclusive of water and particulate matter.

(89) **"Permanent Shutdown"** means permanently stopping or terminating all processes at a "stationary source" or "emission unit." Except as provided in subsections (a), (b) and (c), whether a shutdown is permanent depends on the intention of the owner or operator at the time of the shutdown as determined from all facts and circumstances, including the cause of the shutdown and the payment status of registration fees. Failure to pay registration fees for greater than one year is presumed to constitute a permanent shutdown. A shutdown lasting two or more years is presumed to be permanent, except that this presumption does not apply in the case of portable equipment operating under a valid permit pursuant to SWCAA 400-110(6).

(a) A shutdown is permanent if the owner or operator files a report of shutdown, as provided in SWCAA 400-100(5). Failure to file such a report does not mean that a shutdown was not permanent.

(b) Failure to pay registration fees for greater than two years shall constitute a permanent shutdown.

(c) Any shutdown lasting five or more years is considered to be permanent.

(90) **"Permitting agency"** means Ecology or the local air pollution control agency with jurisdiction over a "source."

(91) **"Person"** means an individual, firm, public or private corporation, owner, owner's agent, operator, contractor, association, partnership, political subdivision, municipality, or government agency.

(92) **"Pipeline quality natural gas"** means natural gas fuel with a total fuel sulfur content of 0.5 grains per 100 standard cubic feet or less.

(93) **"PM<sub>10</sub>"** means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method based on 40 CFR Part 50 Appendix J and designated in accordance with 40 CFR Part 53 or by an equivalent method designated in accordance with 40 CFR Part 53.

(94) "**PM<sub>10</sub> emissions**" means finely divided solid or liquid material, including condensable particulate matter, with an aerodynamic diameter less than or equal to a nominal 10 micrometers emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternate method, specified in Appendix M of 40 CFR Part 51 or by a test method specified in the Washington SIP.

(95) "**PM<sub>2.5</sub>**" means particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured by a reference method based on 40 CFR Part 50 Appendix L and designated in accordance with 40 CFR Part 53 or by an equivalent method designated in accordance with 40 CFR Part 53.

(96) "**PM<sub>2.5</sub> emissions**" means finely divided solid or liquid material, including condensable particulate matter, with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternate method, specified in 40 CFR Part 50 or by a test method specified in the Washington SIP.

(97) "**Pollutant**" means the same as air contaminant, air pollutant and air pollution. (Refer to definitions (4) and (7)).

(98) "**Portable equipment**" means a "stationary source" consisting of one or more emission units that is portable or transportable and capable of being operated at multiple locations. Portable equipment is subject to the requirements of SWCAA 400-109 and 400-110. Portable equipment includes, but is not limited to, rock crushers, portable asphalt plants, and portable concrete mixing plants (Portland cement).

(99) "**Potential to emit**" means the maximum capacity (i.e., design capacity) of a "stationary source" to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the "stationary source" to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in determining the potential to emit of a "stationary source."

(100) "**Prevention of Significant Deterioration**" (PSD) means the program set forth in WAC 173-400-141 and adopted by reference in SWCAA 400-141.

(101) "**Projected width**" means that dimension of a structure determined from the frontal area of the structure, projected onto a plane perpendicular to a line between the center of the stack and the center of the building.

(102) "**Reasonably attributable**" means attributable by visual observation or any other technique the Agency deems appropriate.

(103) "**Reasonably available control technology**" (RACT) means the lowest emission limit that a particular "stationary source" or source category is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. RACT is determined on a case-by-case basis for an individual "stationary source" or source category taking into account the impact of the "stationary source" upon air quality, the availability of additional controls, the emission reduction to

be achieved by additional controls, the impact of additional controls on air quality, and the capital and operating costs of the additional controls. RACT requirements for any "stationary source" or source category shall be adopted only after public notice and opportunity for comment are afforded. RACT shall apply to existing "stationary sources."

(104) "**Regulatory order**" means an order issued by Ecology or the Agency to an air contaminant source, any applicable provision of Chapter 70.94 RCW, or the rules adopted thereunder, or, the regulations of the Agency. Note: For further clarification, refer to the definitions of "Order," "Order of Approval," "air discharge permit," "nonroad engine permit," and SWCAA 400-230.

(105) "**Residual Oil**" means crude oil, fuel oil that does not comply with the specifications for "distillate oil," and all fuel oil numbers 4, 5, and 6 as defined by the American Society for Testing and Materials in ASTM D396-01.

(106) "**Secondary emissions**" means emissions which would occur as a result of the construction or operation of a "major stationary source" or "major modification," but do not come from the "major stationary source" or "major modification" itself. Secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the "major stationary source" or "major modification" which causes the secondary emissions. Secondary emissions may include, but are not limited to:

(a) Emissions from ships or trains located at the new or modified "major stationary source;" and

(b) Emissions from any off-site support facility which would not otherwise be constructed or increase its emissions as a result of the construction or operation of the "major stationary source" or "major modification."

(107)(a) "**Significant**," as it applies to "stationary sources" subject to requirements for "new sources" in maintenance plan or nonattainment areas (SWCAA 400-111 and -112), means, in reference to a net emissions increase or the potential of a "stationary source" to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

<i>Pollutant</i>	<i>Emission Rate</i>
Carbon monoxide:	100 tons per year (tpy)
Nitrogen oxides:	40 tpy
Sulfur dioxide:	40 tpy
Volatile organic compounds:	40 tpy
Lead:	0.6 tpy
PM <sub>10</sub> :	15 tpy

(b) "**Significant**," as it applies to "stationary sources" subject to requirements for "new sources" in attainment or unclassified areas (SWCAA 400-113), means:

(i) In reference to a net emissions increase or the potential of a "stationary source" to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

<i>Pollutant</i>	<i>Emission Rate</i>
Carbon monoxide:	100 tons per year (tpy)
Nitrogen oxides:	40 tpy

<i>Pollutant</i>	<i>Emission Rate</i>
Sulfur dioxide:	40 tpy
Particulate matter:	25 tpy - PM 15 tpy - PM <sub>10</sub>
Volatile organic compounds:	40 tpy
Fluorides:	3 tpy
Lead:	0.6 tpy
Sulfuric acid mist:	7 tpy
Hydrogen sulfide (H <sub>2</sub> S):	10 tpy
Total reduced sulfur (including H <sub>2</sub> S):	10 tpy
Reduced sulfur compounds (including H <sub>2</sub> S):	10 tpy
Municipal waste combustor organics: (measured as total tetra-through octa-chlorinated dibenzo-p-dioxins and dibenzofurans)	3.2 grams per year (0.112 oz. per year or 49 grains per year)
Municipal waste combustor metals: (measured as particulate matter)	14 megagrams per year (15 tpy)
Municipal waste combustor acid gases: (measured as sulfur dioxide and hydrogen chloride)	36 megagrams per year (40 tpy)
Municipal solid waste landfill emissions: (measured as non-methane organic compounds)	45 mega grams per year (50 tpy)
Ozone-depleting substances (in effect on July 1, 2000):	100 tpy

(ii) In reference to a "net emissions increase" or the potential of a "stationary source" to emit a pollutant subject to regulation under the Federal Clean Air Act that the definition in (b)(i) of this subsection does not list, any emissions rate. However, for purposes of the applicability of this section, the hazardous air pollutants listed under Section 112(b) of the Federal Clean Air Act, including the hazardous air pollutants that may have been added to the list, are not considered subject to regulation.

(iii) Regardless of the definition in (b)(i) of this subsection, significant means any emissions rate or any net emissions increase associated with a "major stationary source" or "major modification" which would construct within 10 kilometers of a Class I area, and have an impact on such area equal to or greater than 1 microgram per cubic meter (twenty-four-hour average).

(108) "**Source**" means all of the emission units (including quantifiable fugitive emissions) that are located on one or more contiguous and adjacent properties, and are under the control of the same person (or persons under common control), whose activities are ancillary to the production of a single product or functionally related groups of products. Activities shall be considered ancillary to the production of a single product or functionally related group of products if they

belong to the same major group (i.e., which have the same two-digit code) as described in the *Standard Industrial Classification Manual (1972)*, as amended by the 1977 supplement.

(109) "**Source category**" means all "sources" or "stationary sources" of the same type or classification as described in the *Standard Industrial Classification Manual (1972)*, as amended by the 1977 supplement.

(110) "**Southwest Clean Air Agency**" (SWCAA) means the local air pollution agency empowered to enforce and implement the Federal Clean Air Act (42 U.S.C. 7401, et seq.) and the Clean Air Washington Act, Chapter 70.94 RCW) in Clark, Cowlitz, Lewis, Skamania, and Wahkiakum Counties of Washington State.

(111) "**Stack**" means any emission point in a "stationary source" designed to emit solids, liquids, or gases into the air, including a pipe or duct.

(112) "**Stack height**" means the height of an emission point measured from the ground-level elevation at the base of the stack.

(113) "**Standard conditions**" means a temperature of 20 degrees C (68 degrees F) and a pressure of 29.92 inches (760 mm) of mercury.

(114) "**State Implementation Plan**" or "Washington SIP" means the Washington SIP in 40 CFR Part 52, Subpart WW. The SIP contains federal, state and local regulations and orders, the state plan and compliance schedules approved and promulgated by EPA, for the purpose of implementing, maintaining, and enforcing the National Ambient Air Quality Standards.

(115) "**Stationary source**" means any building, structure, facility, or installation that emits or may emit any air contaminant. This term does not include emissions resulting directly from an internal combustion engine for transportation purposes or from a non-road engine or non-road vehicle as defined in Section 216(11) of the Federal Clean Air Act.

(116) "**Sulfuric acid plant**" means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, or acid sludge.

(117) "**Synthetic minor**" means any "stationary source" whose potential to emit has been limited below applicable thresholds by means of a federally enforceable order, rule or permit condition.

(118) "**Total reduced sulfur**" (TRS) means the sum of the sulfur compounds hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide, and any other organic sulfides emitted and measured by EPA Method 16 in 40 CFR Part 60, Appendix A or an EPA approved equivalent method and expressed as hydrogen sulfide.

(119) "**Total suspended particulate**" (TSP) means particulate matter as measured by the method described in 40 CFR Part 50 Appendix B.

(120) "**Toxic air pollutant**" (TAP) means any Class A or B toxic air pollutant listed in WAC 173-460-150 or -160. The term toxic air pollutant may include particulate matter and volatile organic compounds if an individual substance or a group of substances within either of these classes is listed in WAC 173-460-150 or -160. The term toxic air pollutant does not include particulate matter and volatile organic compounds as generic classes of compounds.

(121) "**Unclassifiable area**" means an area that cannot be designated attainment or nonattainment on the basis of available information as meeting or not meeting the National Ambient Air Quality Standard for the criteria pollutant and that is listed by EPA in 40 CFR Part 81.

(122) "**United States Environmental Protection Agency**" (USEPA) shall be referred to as EPA.

(123) "**Upgraded**" is defined only for gasoline dispensing facilities and means the modification of a gasoline storage tank or piping to add cathodic protection, tank lining or spill and overflow protection that involves removal of ground or ground cover above a portion of the product piping.

(124) "**Upset condition**" means a failure, breakdown, or malfunction of any piece of process equipment or pollution control equipment that causes, or has the potential to cause, excess emissions.

(125) "**Visibility impairment**" means any humanly perceptible change in visibility (light extinction, visual range, contrast, or coloration) from that which would have existed under natural conditions.

(126) "**Visibility impairment of Class I areas**" means visibility impairment within the Class I area and visibility impairment of any formally designated integral vista associated with the Class I area.

(127) "**Volatile organic compound**" (VOC) means:

(a) Any carbon compound that participates in atmospheric photochemical reactions. Exceptions: The following compounds are not a VOC: acetone; ammonium carbonate; carbon monoxide; carbon dioxide; carbonic acid; metallic carbides or carbonates; ethane; methane; methyl acetate; methylene chloride (dichloromethane); 1,1,1-trichloroethane (methyl chloroform); 1,1,2-trichloro 1,2,2-trifluoroethane (CFC-113); trichlorofluoromethane (CFC-11); dichlorodifluoromethane (CFC-12); chlorodifluoromethane (HCFC-22); trifluoromethane (HFC-23); 1,2-dichloro 1,1,2,2 tetrafluoroethane (CFC-114); chloropentafluoroethane (CFC-115); 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123); 1,1,1,2-tetrafluoroethane (HFC-134a); 1,1,1-dichloro 1-fluoroethane (HCFC-141b); 1-chloro 1,1-difluoroethane (HCFC-142b); 2-chloro 1,1,1,2-tetrafluoroethane (HCFC-124); pentafluoroethane (HFC-125); 1,1,2,2-tetrafluoroethane (HFC-134); 1,1,1-trifluoroethane (HFC-143a); 1,1-difluoroethane (HFC-152a); parachlorobenzotrifluoride (PCBTF); cyclic, branched, or linear completely methylated siloxanes; perchloroethylene (tetrachloroethylene); 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca); 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb); 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC-43-10mee); difluoromethane (HFC-32); ethylfluoride (HFC-161); 1,1,1,3,3,3-hexafluoropropane (HFC-236fa); 1,1,2,2,3-pentafluoropropane (HFC-245ca); 1,1,2,3,3-pentafluoropropane (HFC-245ea); 1,1,1,2,3-pentafluoropropane (HFC-245eb); 1,1,1,3,3-pentafluoropropane (HFC-245fa); 1,1,1,2,3,3-hexafluoropropane (HFC-236ea); 1,1,1,3,3-pentafluorobutane (HFC-365mf); chlorofluoromethane (HCFC-31); 1-chloro-1-fluoroethane (HCFC-151a); 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a); 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxybutane (C<sub>4</sub>F<sub>9</sub>OCH<sub>3</sub>); 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF<sub>3</sub>)<sub>2</sub>CFCF<sub>2</sub>OCH<sub>3</sub>); 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C<sub>4</sub>F<sub>9</sub>OC<sub>2</sub>H<sub>5</sub>); 2-(ethoxy-

difluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF<sub>3</sub>)<sub>2</sub>CFCF<sub>2</sub>OC<sub>2</sub>H<sub>5</sub>); and perfluorocarbon compounds that fall into these classes:

(i) Cyclic, branched, or linear, completely fluorinated alkanes;

(ii) Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;

(iii) Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and

(iv) Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

(b) For the purpose of determining compliance with emission limits, VOCs will be measured by the appropriate methods in 40 CFR Part 60 Appendix A. Where the method also measures compounds with negligible photochemical reactivity, these negligibly-reactive compounds may be excluded as VOC if the amount of the compounds is accurately quantified, and the exclusion is approved by the Agency or EPA.

(c) As a precondition to excluding negligibly-reactive compounds as VOC, or at any time thereafter, the Agency may require an owner or operator to provide monitoring or testing methods and results demonstrating to the satisfaction of the Agency the amount of negligibly-reactive compounds in the "source's" emissions.

**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 05-23-066, filed 11/15/05, effective 12/16/05)

### SWCAA 400-045 Permit Application for Nonroad Engines

[Statutory Authority: Chapter 70.94.040 RCW, 70.94.141 RCW; Original adoption 03-21-045 filed 10/9/03, effective 11/9/03; 05-23-066, filed 11/15/05, effective 12/16/05]

(1) **Purpose.** A nonroad engine permit application is the document used by the Agency to record and track requests to approve the installation, replacement, or other alteration of a nonroad engine.

(2) **Applicability.** The requirements of this section apply to all nonroad engines as defined in SWCAA 400-030(~~(74)~~)(75) except for the following:

(a) Nonroad engine projects with an aggregate power rating less than 200 horsepower;

(b) Well drilling rigs;

(c) Portable firefighting equipment;

(d) Mobile cranes and pile drivers;

(e) Engines used for emergency flood control; (~~(f)~~)

(f) Engines used to power carnival or amusement rides(~~(-)~~); or

(g) Engines used to power portable equipment (sign boards, lights, compressors, etc.) operating in support of short term construction projects (< 1 year in duration)

(3) **Application Submittal.** A complete nonroad engine permit application shall be submitted for each new installation, replacement, or other alteration of a nonroad engine.

(4) **Application Fees.** A filing fee of \$600.00 and a review fee, as shown in Table A, shall be submitted with the

applicant prior to Agency review. If additional types of review, as identified in Table B, are required by the Agency as a result of the proposed installation, replacement or alteration, an additional review fee shall be paid as described in Table B. (Total Application Fee = Filing Fee + Application Review Fee [Table A] + Additional Review Fee [Table B]).

**TABLE A**  
**Nonroad Engine Permit Application Review Fees**

Equipment/Activity	Associated Work Hours	Review Fee
i. Nonroad Engine (Aggregate horsepower rating):		
Less than 500	10	\$ 700.00
500 or more but less than 2,000	14	1,000.00
2,000 or more but less than 5,000	21	1,500.00
5,000 or more but less than 10,000	42	3,000.00
10,000 or more	85	6,000.00
ii. Minor Change to Existing Permit Conditions:	8	\$ 600.00
iii. Other (Not classified above):		\$200.00 per ton of emission
iv. Emergency Applications	Double the normal application and review fee	

**TABLE B**  
**Additional Review Fees**

Equipment/Activity	Associated Work Hours	Review Fee
v. State Environmental Policy Act (SEPA) - Lead Agency		
Minor	14	\$ 1,000.00
Major	35	2,500.00
vi. Environmental Impact Statement (EIS) Review		
Minor	11	\$ 800.00
Major	28	2,000.00
vii. Variance request	11	\$ 800.00
viii. Review of ambient impact analysis		\$ 70.00/hr.

(5) **Agency actions.** Each acceptable and complete nonroad engine permit application shall result in the issuance of a nonroad engine permit or other regulatory order by the Agency in accordance with SWCAA 400-046. The requirements of SEPA (State Environmental Policy Act) shall be complied with for each application.

**(6) Withdrawn or exempt applications.**

(a) An applicant may withdraw an application at any time prior to issuance of a final nonroad engine permit. The applicant must provide a written and signed request to the Agency indicating their desire to withdraw the application and certification that the proposed equipment or alteration will not be installed or operated without prior review and approval from the Agency. The Agency shall provide written response to acknowledge withdrawal of the application.

(b) After review by the Agency, an application may be determined to be exempt from the requirements of SWCAA 400-046 and 400-100. The Agency shall provide written notification to the applicant for all applications that are deter-

mined to be exempt. Exemption status shall not take effect until confirmed in writing.

(c) For withdrawn or exempt applications, filing fees will not be refunded to the applicant. Review fees may be refunded upon request, provided that substantial time has not been expended by the Agency for review of the application.

**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 03-21-045, filed 10/9/03, effective 11/9/03)

**SWCAA 400-046 Application Review Process for Nonroad Engines**

[Statutory Authority: Chapter 70.94.040 RCW, 70.94.141 RCW, Original adoption 03-21-045 filed 10/9/03, effective 11/9/03]

**(1) Applicability.**

(a) All nonroad engine permit applications submitted to the Agency pursuant to SWCAA 400-045 shall be reviewed and processed as described in this section.

(b) Review of a permit application shall be limited to the nonroad engine proposed to be installed, replaced or altered and the air contaminants whose emissions would increase as a result.

(c) The requirements of this section do not apply to "stationary sources" as defined in SWCAA 400-030(~~((110)))~~ (115). Permit applications for "stationary sources" are reviewed and processed in accordance with SWCAA 400-110.

**(2) Requirements.**

(a) Provided that all review requirements are met, a nonroad engine permit shall be issued by the Agency prior to the installation, replacement or alteration of any nonroad engine subject to the requirements of SWCAA 400-045 and this section.

(b) A completed environmental checklist or a completed determination, as provided in Chapter 197-11 WAC, shall be submitted with each application.

(c) Each nonroad engine permit application shall demonstrate that the proposed nonroad engine complies with applicable requirements for ambient air increments and ambient air quality standards (See Table A below). Regulation of nonroad engines pursuant to this section shall be consistent with Appendix A of 40 CFR 89 Subpart A.

**TABLE A**  
**Emission Concentration Regulatory Standards**

Pollutant	Averaging Period	PSD Ambient Increment <i>40 CFR 51.166(c)</i>		National Ambient Air Quality Standards (NAAQS) <i>40 CFR 50</i>		State Ambient Air Quality Standards <i>173-470, 474, and 475 WAC</i>
		Class I $\mu\text{g}/\text{m}^3$	Class II $\mu\text{g}/\text{m}^3$	Primary Standard $\mu\text{g}/\text{m}^3$ (ppm)	Secondary Standard $\mu\text{g}/\text{m}^3$ (ppm)	Ambient Standard $\mu\text{g}/\text{m}^3$ (ppm)
Carbon Monoxide (CO)	8-Hour	—	—	10,000 <sup>b</sup> (9.0)	—	10,000 <sup>b</sup> (9.0)
	1-Hour	—	—	40,000 <sup>b</sup> (35.0)	—	40,000 <sup>b</sup> (35.0)
Nitrogen Dioxide (NO <sub>2</sub> )	Annual <sup>a</sup> (arithmetic mean)	2.5	25	100 (0.05)	100 (0.05)	100 (0.05)
Ozone (O <sub>3</sub> )	1-Hour <sup>e</sup>	—	—	(0.12)	(0.12)	(0.12)
	8-Hour <sup>f</sup>	—	—	(0.08)	(0.08)	—
Sulfur Dioxide (SO <sub>2</sub> )	Annual <sup>a</sup>	2	20	80 (0.03)	—	53 (0.02)
	24-Hour	5	91	365 <sup>b</sup> (0.14)	—	260 <sup>b</sup> (0.10)
	3-Hour	25	512	—	1,300 <sup>b</sup> (0.50)	—
	1-Hour	—	—	—	—	1,065 <sup>b</sup> (0.40) <sup>d</sup>
Lead	Quarterly Average	—	—	1.5	1.5	1.5
Total Suspended Particulates (TSP)	Annual <sup>a</sup> (geometric mean)	—	—	—	—	60
	24-Hour	—	—	—	—	150 <sup>b</sup>
Particulate Matter less than 10 $\mu\text{m}$ (PM <sub>10</sub> )	Annual (arithmetic mean)	4	17	50	50	50
	24-Hour <sup>i</sup>	8	30	150 <sup>b</sup>	150 <sup>b</sup>	150 <sup>b</sup>
Particulate Matter less than 2.5 $\mu\text{m}$ (PM <sub>2.5</sub> )	Annual <sup>g</sup> (arithmetic mean)	—	—	15	15	—
	24-Hour <sup>h</sup>	—	—	65	65	—

If the ambient impact in a Class I or Class II area of a proposed project is predicted to be less than the respective ambient air increments, the air quality analysis is complete at that point. If the ambient impact of a proposed project could potentially exceed the applicable ambient air increments, the applicant shall demonstrate compliance with available ambient air increments and applicable Ambient Air Quality Standards (AAQS) using a modeling technique consistent with 40 CFR Part 51, Appendix W (as in effect on July 1, 2002). Monitoring of existing ambient air quality may be required if data sufficient to characterize background air quality are not available.

(3) **Application processing/completeness determination.** Within thirty (30) calendar days of receipt of a nonroad engine permit application, the Agency shall either notify the applicant in writing that the application is complete or notify the applicant in writing of all additional information necessary to complete the application.

(4) **Final determination.** Within sixty (60) calendar days of receipt of a complete nonroad engine permit applica-

tion, the Agency shall either issue a final decision on the application or initiate public notice on a proposed decision, followed as promptly as possible by a final decision. All actions taken under this subsection must meet the public involvement requirements of SWCAA 400-171.

(5) **Appeals.** A nonroad engine permit, any conditions contained in a nonroad engine permit, the denial of a nonroad engine permit application, or any other regulatory order issued pursuant to this section, may be appealed to the Pollution Control Hearings Board within 30 calendar days of receipt as provided in Chapter 43.21B RCW and Chapter 371-08 WAC. The Agency shall promptly mail copies of each nonroad engine permit or order to the applicant and any other party who submitted timely comments on the application, along with a notice advising the parties of their rights of appeal to the Pollution Control Hearings Board.

(6) **Compliance.** Noncompliance with any term or condition identified in a nonroad engine permit issued pursuant to this section shall be considered a violation of this section.

(7) **Expiration.** Nonroad engine permits issued pursuant to this section shall become invalid if installation or alteration is not commenced within eighteen months after the date of issuance of a permit or if installation or alteration is discontinued for a period of eighteen months or more. The Agency may extend the eighteen-month period upon a satisfactory demonstration that an extension is justified. This provision does not apply to the time period between ~~((construction))~~ commencement of the approved phases of a phased ~~((construction))~~ project. Each phase of the project must commence ~~((construction))~~ within eighteen months of the projected and approved commencement date. The Agency may specify an earlier date for commencement ~~((of construction))~~ in a nonroad engine permit.

(8) **Change of conditions.**

(a) The owner or operator may request, at any time, a change in conditions of an existing nonroad engine permit. The request may be approved provided the Agency finds that:

(i) No ambient air quality standard or ambient air increment will be exceeded as a result of the change;

(ii) The change will not adversely impact the ability of the Agency to determine compliance with an applicable permit term or condition; and

(iii) The revised permit meets the requirements of SWCAA 400-046.

(b) A request to change existing approval conditions shall be filed as a nonroad engine permit application. The application shall demonstrate compliance with the requirements of subsection (2) of this section, and be acted upon according to the timelines in subsections (3) and (4) of this section. The fee schedule found in SWCAA 400-045(3) shall apply to these requests.

(c) All actions taken under this subsection shall be subject to the public involvement provisions of SWCAA 400-171.

**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 05-23-066, filed 11/15/05, effective 12/16/05)

**SWCAA 400-075 Emission Standards for Stationary Sources Emitting Hazardous Air Pollutants**

[Statutory Authority: Chapter 70.94.141 RCW. Original Board adoption 12/18/79; Amended by Board 12/16/86; 93-21-003 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 96-21-098 filed 10/21/96, effective 11/21/96; 99-07-027 filed 3/10/99, effective 4/11/99; 01-05-055 filed 2/15/01, effective 3/18/01; 03-21-045 filed 10/9/03, effective 11/9/03; 05-23-066 filed 11/15/05, effective 12/16/05]

(1) The national emission standards for hazardous air pollutants promulgated by EPA as in effect July 1, ~~((2005))~~ 2006, as contained in 40 CFR Part 61, are adopted by reference. The term "Administrator" in 40 CFR Part 61 shall mean the Administrator of EPA and the Executive Director of the Agency.

(2) The Agency may require that emission tests be conducted and require access to records, books, files, and other information specific to the control, recovery, or release of those pollutants regulated under 40 CFR Part 61, Part 63, or Part 65 in order to determine the status of compliance of

sources of these contaminants and to carry out its enforcement responsibilities.

(3) Emission testing, monitoring, and analytical methods for sources of hazardous air pollutants shall conform with the requirements of 40 CFR Part 61, Part 63 and/or Part 65, as in effect on July 1, ~~((2002))~~ 2006.

(4) This section shall not apply to any "stationary source" operating pursuant to a waiver granted by EPA or an exemption granted by the President of the United States during the effective life of such waiver or exemption.

(5) Specific standards of performance referred to as Maximum Achievable Control Technology (MACT) have been promulgated by EPA.

(a) As of July 1, ~~((2005))~~ 2006, 40 CFR Part 63 and appendices are hereby adopted by reference. The following list is provided for informational purposes:

Subpart A National Emission Standards for Hazardous Air Pollutants for Source Categories: General Provisions (ref. 40 CFR 63.1 et seq.)

Subpart B National Emission Standards for Hazardous Air Pollutants for Source Categories: Equivalent Emission Limitation By Permit (ref. 40 CFR 63.50 et seq.)

Subpart D National Emission Standards for Hazardous Air Pollutants for Source Categories: Early Reduction Program (ref. 40 CFR 63.70 et seq.)

Subpart F National Emission Standards for Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry (ref. 40 CFR 63.100 et seq.)

Subpart G National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater (ref. 40 CFR 63.110 et seq.)

Subpart H National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks (ref. 40 CFR 63.160 et seq.)

Subpart I National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks (ref. 40 CFR 60.190 et seq.)

Subpart J National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production (ref. 40 CFR 60.210 et seq.)

Subpart L National Emission Standards for Hazardous Air Pollutants for Coke Oven Operations (ref. 40 CFR 63.300 et seq.)

Subpart M National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities - as it applies to major sources (ref. 40 CFR 63.320 et seq.)

Subpart N National Emission Standards for Hazardous Air Pollutants from Hard and Decorative Electroplating and Anodizing Operations (ref. 40 CFR 63.340 et seq.)

Subpart O National Ethylene Oxide Air Emission Standards for Commercial Sterilizers (ref. 40 CFR 63.360 et seq.)

Subpart Q National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers (ref. 40 CFR 63.400 et seq.)

Subpart R National Emission Standards for Hazardous Air Pollutants for Gasoline Distribution Operations (Stage I) (ref. 40 CFR 63.420 et seq.)



Subpart S National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry (ref. 40 CFR 63.440 et seq.)

Subpart T National Emission Standards for Hazardous Air Pollutants for Halogenated Solvents Cleaning Operations (ref. 40 CFR 63.460 et seq.)

Subpart U National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins and Group IV Polymers and Resins (ref. 40 CFR 63.480 et seq.)

Subpart W National Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production (ref. 40 CFR 63.520 et seq.)

Subpart X National Emission Standards for Hazardous Air Pollutants for Secondary Lead Smelting Manufacturing Operations (ref. 40 CFR 63.541 et seq.)

Subpart Y National Emission Standards for Hazardous Air Pollutants for Marine Vessel Loading Operations (ref. 40 CFR 63.560 et seq.)

Subpart AA National Emission Standards for Hazardous Air Pollutants for Phosphoric Acid Manufacturing Plants (ref. 40 CFR 63.600 et seq.)

Subpart BB National Emission Standards for Hazardous Air Pollutants for Phosphate Fertilizers Production Plants (ref. 40 CFR 63.620 et seq.)

Subpart CC National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries (ref. 40 CFR 63.640 et seq.)

Subpart DD National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations (ref. 40 CFR 63.680 et seq.)

Subpart EE National Emission Standards for Hazardous Air Pollutants for Magnetic Tape Manufacturing Operations (ref. 40 CFR 63.710 et seq.)

Subpart GG National Emission Standards for Hazardous Air Pollutants for Aerospace Manufacturing Operations (ref. 40 CFR 63.740 et seq.)

Subpart HH National Emission Standards for Hazardous Air Pollutants for Oil and Natural Gas Production Facilities (ref. 40 CFR 63.760 et seq.)

Subpart II National Emission Standards for Hazardous Air Pollutants for Shipbuilding and Ship Repair (Surface Coating) (ref. 40 CFR 63.780 et seq.)

Subpart JJ National Emission Standards for Hazardous Air Pollutants for Wood Furniture Manufacturing Operations (ref. 40 CFR 63.800 et seq.)

Subpart KK National Emission Standards for Hazardous Air Pollutants for the Printing and Publishing Industry (ref. 40 CFR 63.820 et seq.)

Subpart LL National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants (ref. 40 CFR 63.840 et seq.)

Subpart MM National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-alone Semicheical Pulp Mills (ref. 40 CFR 63.860 et seq.)

Subpart OO National Emission Standards for Tanks - Level 1 (ref. 40 CFR 63.900 et seq.)

Subpart PP National Emission Standards for Containers (ref. 40 CFR 63.920 et seq.)

Subpart QQ National Emission Standards for Surface Impoundments (ref. 40 CFR 63.940 et seq.)

Subpart RR National Emission Standards for Individual Drain Systems (ref. 40 CFR 63.960 et seq.)

Subpart SS National Emission Standards for Hazardous Air Pollutants for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process (ref. 40 CFR 63.980 et seq.)

Subpart TT National Emission Standards for Hazardous Air Pollutants for Equipment Leaks - Control Level 1 (ref. 40 CFR 63.1000 et seq.)

Subpart UU National Emission Standards for Hazardous Air Pollutants for Equipment Leaks - Control Level 2 (ref. 40 CFR 63.1019 et seq.)

Subpart VV National Emission Standards for Oil-Water Separators and Organic-Water Separators (ref. 40 CFR 63.1040 et seq.)

Subpart WW National Emission Standards for Hazardous Air Pollutants for Storage Vessels (Tanks) - Control Level 2 (ref. 40 CFR 63.1060 et seq.)

Subpart XX National Emission Standards for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations (ref. 40 CFR 63.1080 et seq.)

Subpart YY National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic MACT (ref. 40 CFR 63.1100 et seq.)

Subpart CCC National Emission Standards for Hazardous Air Pollutants for Steel Pickling - HCL Process Facilities and Hydrochloric Acid Regeneration Plants (ref. 40 CFR 63.1155 et seq.)

Subpart DDD National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production (ref. 40 CFR 63.1175 et seq.)

Subpart EEE National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors (ref. 40 CFR 63.1211 et seq.)

Subpart GGG National Emission Standards for Hazardous Air Pollutants for Pharmaceuticals Production (ref. 40 CFR 63.1250 et seq.)

Subpart HHH National Emission Standards for Hazardous Air Pollutants for Natural Gas Transmission and Storage Facilities (ref. 40 CFR 63.1270 et seq.)

Subpart III National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production (ref. 40 CFR 63.1290 et seq.)

Subpart JJJ National Emission Standards for Hazardous Air Pollutants Emissions: Group IV Polymers and Resins (ref. 40 CFR 63.1310 et seq.)

Subpart LLL National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry (ref. 40 CFR 63.1340 et seq.)

Subpart MMM National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production (ref. 40 CFR 63.1360 et seq.)

Subpart NNN National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing (ref. 40 CFR 63.1380 et seq.)

Subpart OOO National Emission Standards for Hazardous Air Pollutants for Manufacture of Amino/Phenolic Resins (ref. 40 CFR 63.1400 et seq.)

Subpart PPP National Emission Standards for Hazardous Air Pollutants for Polyether Polyols Production (ref. 40 CFR 63.1420 et seq.)

Subpart QQQ National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting (ref. 40 CFR 63.1440 et seq.)

Subpart RRR National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production (ref. 40 CFR 63.1500 et seq.)

Subpart TTT National Emission Standards for Hazardous Air Pollutants for Primary Smelting (ref. 40 CFR 63.1541 et seq.)

Subpart UUU National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units (ref. 40 CFR 63.1560 et seq.)

Subpart VVV National Emission Standards for Hazardous Air Pollutants for Publicly Owned Treatment Works (ref. 40 CFR 63.1580 et seq.)

Subpart XXX National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese (ref. 40 CFR 63.1650 et seq.)

Subpart AAAA National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills (ref. 40 CFR 63.1930 et seq.)

Subpart CCCC National Emission Standards for Hazardous Air Pollutants for Manufacturing of Nutritional Yeast (ref. 40 CFR 63.2130 et seq.)

Subpart DDDD National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products (ref. 40 CFR 63.2230 et seq.)

Subpart EEEE National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) (ref. 40 CFR 63.2330 et seq.)

Subpart FFFF National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing (ref. 40 CFR 63.2430 et seq.)

Subpart GGGG National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production (ref. 40 CFR 63.2830 et seq.)

Subpart HHHH National Emission Standards for Hazardous Air Pollutants for Wet-Formed Fiberglass Mat Production (ref. 40 CFR 63.2980 et seq.)

Subpart IIII National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks (ref. 40 CFR 63.3080 et seq.)

Subpart JJJJ National Emission Standards for Hazardous Air Pollutants: Paper and Other Web Coating (ref. 40 CFR 63.3280 et seq.)

Subpart KKKK National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Cans (ref. 40 CFR 63.3480 et seq.)

Subpart MMMM National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products (ref. 40 CFR 63.3880 et seq.)

Subpart NNNN National Emission Standards for Hazardous Air Pollutants: Surface Coating of Large Appliances (ref. 40 CFR 63.4080 et seq.)

Subpart OOOO National Emission Standards for Hazardous Air Pollutants: Printing, Coating, and Dyeing of Fabrics and Other Textiles (ref. 40 CFR 63.4280 et seq.)

Subpart PPPP National Emission Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products (ref. 40 CFR 63.4480 et seq.)

Subpart QQQQ National Emission Standards for Hazardous Air Pollutants: Surface Coating of Wood Building Products (ref. 40 CFR 63.4680 et seq.)

Subpart RRRR National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Furniture (ref. 40 CFR 63.4880 et seq.)

Subpart SSSS National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Coil (ref. 40 CFR 63.5080 et seq.)

Subpart TTTT National Emission Standards for Hazardous Air Pollutants for Leather Tanning and Finishing Operations (ref. 40 CFR 63.5280 et seq.)

Subpart UUUU National Emission Standards for Hazardous Air Pollutants for Cellulose Products Manufacturing (ref. 40 CFR 63.5480 et seq.)

Subpart VVVV National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing (ref. 40 CFR 63.5680 et seq.)

Subpart WWWW National Emission Standards for Hazardous Air Pollutants: Reinforced Plastic Composites Production (ref. 40 CFR 63.5780 et seq.)

Subpart XXXX National Emission Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing (ref. 40 CFR 63.5980 et seq.)

Subpart YYYY National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines (ref. 40 CFR 63.6080 et seq.)

Subpart ZZZZ National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (ref. 40 CFR 63.6580 et seq.)

Subpart AAAAA National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants (ref. 40 CFR 63.7080 et seq.)

Subpart BBBBB National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing (ref. 40 CFR 63.7180 et seq.)

Subpart CCCCC National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks (ref. 40 CFR 63.7280 et seq.)

Subpart DDDDD National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters (ref. 40 CFR 63.7480 et seq.)

Subpart EEEEE National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries (ref. 40 CFR 63.7680 et seq.)

Subpart FFFFF National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities (ref. 40 CFR 63.7780 et seq.)

Subpart GGGGG National Emission Standards for Hazardous Air Pollutants: Site Remediation (ref. 40 CFR 63.7880 et seq.)

Subpart HHHHH National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing (ref. 40 CFR 63.7980 et seq.)

Subpart IIIII National Emission Standards for Hazardous Air Pollutants: Mercury Emissions from Mercury Cell Chlor-Alkali Plants (ref. 40 CFR 63.8180 et seq.)

Subpart JJJJJ National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing (ref. 40 CFR 63.8380 et seq.)

Subpart KKKKK National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing (ref. 40 CFR 63.8530 et seq.)

Subpart LLLLL National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing (ref. 40 CFR 63.8680 et seq.)

Subpart MMMMM National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations (ref. 40 CFR 63.8780 et seq.)

Subpart NNNNN National Emission Standards for Hazardous Air Pollutants: Hydrochloric Acid Production (ref. 40 CFR 63.8980 et seq.)

Subpart PTTTT National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Stands (ref. 40 CFR 63.9280 et seq.)

Subpart QQQQQ National Emission Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities (ref. 40 CFR 63.9480 et seq.)

Subpart RRRRR National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing (ref. 40 CFR 63.9580 et seq.)

Subpart SSSSS National Emission Standards for Hazardous Air Pollutants for Refractory Products Manufacturing (ref. 40 CFR 63.9780 et seq.)

Subpart TTTTT National Emission Standards for Hazardous Air Pollutants for Primary Magnesium Refining (ref. 40 CFR 63.9880 et seq.)

Appendix A Test Methods (ref. 40 CFR 63, Appendix A)

Appendix B Sources Defined for Early Reduction Provisions (ref. 40 CFR 63, Appendix B)

Appendix C Determination of the Fraction Biodegraded in a Biological Treatment Unit (ref. 40 CFR 63, Appendix C)

Appendix D Alternative Validation procedure for EPA Waste and Wastewater Methods (ref. 40 CFR 63, Appendix D)

Appendix E Monitoring Procedures for Nonthoroughly Mixed Open Biological Treatment Systems at Kraft Pulp Mills Under Unsafe Sampling Conditions (ref. 40 CFR 63, Appendix E)

(b) Exceptions to 40 CFR Part 63 adoption by reference.

(i) The term "administrator" in 40 CFR Part 63 includes the Executive Director of the Agency.

(ii) The following subparts of 40 CFR Part 63 are not adopted by reference:

(A) Subpart C, List of Hazardous Air Pollutants, Petition Process, Lesser Quantity Designations, Source Category List;

(B) Subpart E, Approval of State Programs and Delegation of Federal Authorities; and

(C) Subpart M, National Perchloroethylene Emission Standards for Dry Cleaning Facilities - as it applies to nonmajor sources.

(6) **Consolidated requirements for the synthetic organic chemical manufacturing industry.** (SOCMI) 40 CFR Part 65, as in effect on July 1, (~~2002~~) 2006, is adopted by reference.

**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 03-21-045, filed 10/9/03, effective 11/9/03)

### SWCAA 400-101 Emission Units Exempt from Registration Requirements

[Statutory Authority: Chapter 70.94.141 RCW, and 70.94.163 RCW. Original Board adoption 12/17/68 (Regulation 1 Sec 4.08); Amended by Board 10/29/69 (Regulation 2 Sec 3.03); Amended by Board 12/18/79 (400-100(3)); Amended by Board 12/18/79; Amended by Board 4/17/84; 93-21-004 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 96-21-099 filed 10/21/96, effective 11/21/96; 99-07-028 filed 3/10/99, effective 4/11/99; 01-05-056 filed 2/15/01, effective 3/18/01; 03-21-045 filed 10/9/03, effective 11/9/03]

(1) The emission units listed in subsection (4) of this section are exempt from the registration requirements of SWCAA 400-100. If an exempt emission unit is located at a "stationary source" that is otherwise required to be registered, the Agency may require that the exempt emission unit be included in the "stationary source" registration. If an exempt emission unit is located at a Title V facility, it must be included in the facility's Title V permit in accordance with Chapter 173-401 WAC.

(a) The owner or operator of any emission unit exempted from registration under this section shall maintain documentation sufficient to verify that the emission unit is entitled to exemption under this section.

(b) Any emission unit exempted from registration under this section shall also be considered exempt from the requirements of SWCAA 400-046, 400-110, 400-111, 400-112, 400-113 and 400-114, except as provided in SWCAA 400-110 (2)(b).

(2) Wherever a "stationary source" has multiple emission units, which are similar in function and purpose, exemption status shall be determined based on aggregate capacity (e.g., horsepower, Btu per hour, airflow, etc.) or the aggregate emissions of similar emission units.

(3) An exemption for an entire "stationary source" shall be valid only if the emissions from all emission units at that site or facility are less than all of the applicable exemption thresholds listed below. Whenever a "stationary source" exemption is determined by the quantity of annual emissions (tons per year), an emission unit's uncontrolled potential to emit shall be used as the basis for exemption.

<u>Pollutant</u>	<u>Exemption Threshold</u>
Criteria pollutants and VOC	1.0 tpy, combined
Lead	0.005 tpy
Ozone depleting substances	1.0 tpy, combined

<u>Pollutant</u>	<u>Exemption Threshold</u>
Toxic air pollutants	<u>1.0 tpy (combined) or less than the applicable SQER as specified in Chapter 173-460 WAC, whichever is less.</u>
(4) List of exempt equipment and activities:	
(a) Asphalt roofing and application equipment (not manufacturing or storage equipment).	
(b) Fuel burning equipment unless waste-derived fuel is burned, which is used solely for a private dwelling serving less than five families.	
(c) Insecticide, pesticide or fertilizer spray equipment.	
(d) Laundering devices, dryers, extractors or tumblers for fabrics using water solutions of bleach and/or detergents.	
(e) Portable, manually operated welding, brazing or soldering equipment when used at locations other than the owner's principal place of business.	
(f) Welding stations involved solely in the repair and maintenance of a facility. This exemption does not extend to manufacturing operations where welding is an integral part of the manufacturing process.	
(g) Food preparation facilities, establishments or equipment (e.g., restaurants).	
(h) Retail paint sales establishments (not including manufacturing).	
(i) Sampling connections used exclusively to withdraw materials for laboratory analyses and testing.	
(j) Sewing equipment.	
(k) Spray painting or blasting equipment used at a temporary location to clean or paint bridges, water towers, buildings, or other structures.	
(l) Chemical and physical laboratory operations or equipment, including fume hoods and vacuum producing devices provided the emissions do not exceed those listed in SWCAA 400-101(3). This exemption applies to incidental fume hoods or laboratory equipment used by a "stationary source" to perform in-house analyses that do not exceed the small quantity thresholds specified in SWCAA 400-101(3). This exemption does not apply to "stationary sources" whose primary activity is chemical or physical laboratory operations.	
(m) Residential wood heaters.	
(n) Office equipment, operations and supplies.	
(o) Internal combustion equipment including diesel engines used for standby emergency power generation with a maximum aggregate power rating less than 200 horsepower.	
(p) Steam cleaning equipment used exclusively for that purpose.	
(q) Refrigeration systems that are not in air pollution control service.	
(r) Housekeeping activities and equipment.	
(s) Natural draft hoods, natural draft stacks, or natural draft ventilators for sanitary and storm drains, safety valves and storage tanks.	
(t) Natural and forced air vents and stacks for bathroom/toilet facilities.	
(u) Personal care activities.	
(v) Lawn and landscaping activities.	

(w) Flares used to indicate danger to the public.

(x) Fire fighting and similar safety equipment and equipment used to train fire fighters.

(y) Materials and equipment used by, and activities related to, operation of an infirmary provided that operation of an infirmary is not the primary business activity at the "stationary source" in question.

**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 03-21-045, filed 10/9/03, effective 11/9/03)

**SWCAA 400-111 Requirements for New Sources in a Maintenance Plan Area**

[Statutory Authority: Chapter 70.94.141 RCW. Original Board adoption 95-17-084 filed 8/21/95, effective 9/21/95; 96-21-099 filed 10/21/96, effective 11/21/96; 99-07-028 filed 3/10/99, effective 4/11/99; 01-05-056 filed 2/15/01, effective 3/18/01; 03-21-045 filed 10/9/03, effective 11/9/03]

For the purposes of this section, "major modification," "major stationary source," "net emissions increase," and "significant," shall have the same meaning as the definitions found in SWCAA 400-030, subsections (60)(a), (61)(a), (71)(a) and (107)(a) respectively.

An air discharge permit application to establish a "new source", install or replace an "emission unit" or make a modification to a "stationary source" in an area that is covered by a maintenance plan, shall result in the issuance of an air discharge permit or other regulatory order, which contains such conditions as are reasonably necessary to assure the maintenance of compliance with this section. "New sources", new "emission units" or modifications within a designated maintenance plan area, including "stationary sources" that emit VOC or NO<sub>x</sub> in a designated ozone maintenance plan area, shall meet the following requirements:

(1) **Emission standards.** The proposed "new source" or modification shall:

(a) Comply with all applicable New Source Performance Standards, National Emission Standards for Hazardous Air Pollutants, National Emission Standards for Hazardous Air Pollutants for Source Categories, emission standards adopted under Chapter 70.94 RCW, and the applicable emission standards of the Agency; and

(b) Not cause any ambient air quality standard as provided in SWCAA 400-113(3) to be violated; and

(c) Not violate the requirements for reasonable further progress established by the Washington State Implementation Plan; and

(d) Minimize emissions to the extent that the "new source" or modification will not delay the attainment date for a nonattainment area, exceed emission levels or other requirements provided in a maintenance plan for an area that was previously identified as a nonattainment area, nor cause or contribute to a violation of any ambient air quality standard.

(2) **Control Technology Requirements - BACT/LAER.** Except as provided (~~in subsection (7) of this section~~) below, the owner or operator of the proposed "new source", "emission unit" or modification shall apply BACT

for each pollutant. In the case of a modification, the requirement for BACT shall apply to each new or modified emission unit which increases emissions. For phased construction projects, the determination of BACT shall be reviewed at the latest reasonable time prior to commencement of construction of each independent phase. If a violation of an ozone ambient air quality standard or a second violation of the CO ambient air quality standard has occurred, the Agency may require the application of LAER for the maintenance pollutant(s) and any pollutant for which the proposed "new source" or modification is major.

(3) **Source compliance.** The owner or operator of the proposed "new source" "emission unit" or modification shall certify that all "stationary sources" owned or operated by such person (or by an entity controlling, controlled by, or under common control with such person) in Washington are in compliance or on a schedule for compliance, with all applicable emission limitations and standards under the Washington Clean Air Act Chapter 70.94 RCW).

**(4) Alternative analysis.**

(a) Except as provided in subsection (c) of this section, the owner or operator of a proposed "major stationary source" or "major modification" shall conduct an alternatives analysis:

(b) This analysis shall include an evaluation of alternative sites, sizes, production processes, and environmental control techniques for such proposed "stationary source" or modification that demonstrates that benefits of the proposed "stationary source" or modification significantly outweigh the environmental and social costs imposed as a result of its location, construction or modification:

(c) This analysis shall not be required for a "major stationary source" or "major modification" that is subject to this rule due to emissions of particulate matter in a designated TSP maintenance area.

~~((4) Offsets or growth allowance.~~ The owner or operator of a proposed new "major stationary source" or "major modification" shall provide offsets as specified in subsection (8) of this section. Except as provided in subsection (7) of this section, the requirements of this section may be met in whole or in part in an ozone maintenance plan area with an allocation by SWCAA from a growth allowance, if available, in accordance with subsection (8) of this section and the applicable maintenance plan in the SIP adopted by the Board and approved by EPA.

(5) **Net air quality benefit.** For cases in which emission reduction or offsets are required in accordance with subsection (4) above, the applicant shall demonstrate that a net air quality benefit will be achieved in the maintenance plan area. If the proposed "new source" or modification is major for the contaminant for which the area has a maintenance plan, allowable emissions of the maintenance pollutant from the proposed "new source" or modification shall be offset by reductions in actual emissions of the maintenance pollutant. All offsetting emission reductions must satisfy the requirements of subsection (8).

**(6) Alternative analysis.**

(a) Except as provided in subsection (6)(c) of this section, the owner or operator of a proposed "major stationary

source" or "major modification" shall conduct an alternatives analysis;

(b) ~~This analysis shall include an evaluation of alternative sites, sizes, production processes, and environmental control techniques for such proposed "stationary source" or modification that demonstrates that benefits of the proposed "stationary source" or modification significantly outweigh the environmental and social costs imposed as a result of its location, construction or modification:~~

(c) ~~This analysis shall not be required for a "major stationary source" or "major modification" that is subject to this rule due to emissions of particulate matter in a designated TSP maintenance area.~~

~~(7) Contingency plan requirements.~~ If the contingency plan in an applicable maintenance plan (CO or ozone) has been triggered due to a violation of an ozone ambient air quality standard or a second violation of the CO ambient air quality standard, this section shall apply in addition to other requirements of this rule and the applicable approved maintenance plan adopted by the Board and approved by EPA as a revision to the SIP.

(a) ~~A proposed "major stationary source" or "major modification," must achieve LAER for the maintenance pollutant(s) and any pollutant for which the proposed "new source" or modification is major.~~

(b) ~~An allocation from a growth allowance shall not be used to meet the requirement for offsets in subsection (4) of this section. The growth allowance emissions shall be unavailable until a sufficient demonstration is made to reinstate the growth allowance emissions, the Board adopts a revised maintenance plan, and EPA approves it as a SIP revision.)~~

~~((8))~~ (5) **Emission offsets and industrial growth allowances (and offset allocation).** The owner or operator of a proposed new "major stationary source" or "major modification" shall provide emission offsets that satisfy the requirements of this section. Except as provided in subsection (a) of this section, the offset requirements of this section may be met in whole, or in part, by an allocation from an industrial growth allowance, if available.

~~((a))~~ Industrial growth allowances for "stationary sources" in a maintenance plan area are identified in and governed by the Washington SIP and the maintenance plan for the applicable maintenance plan area. All growth allowance allocations for the maintenance plan areas within the Agency's jurisdiction shall be made in accordance with this section.

~~((b))~~ (a) ~~(The)~~ Available growth allowances ~~(emissions)~~ may be increased or decreased as provided in a revision to the maintenance plan submitted to and approved by EPA. ~~(In the event of a confirmed ozone violation, the growth allowance for VOC and NO<sub>x</sub> emissions shall be eliminated and "new sources" shall be required to implement LAER and offsets. Growth allowance emissions may be reinstated as provided in the EPA approved maintenance plan.)~~ If a violation of an ozone ambient air quality standard or a second violation of the CO ambient air quality standard has occurred, the Agency may suspend the use of growth allowances, and require the proposed new "major stationary

source" or "major modification" to provide offsets as described in subsection (c) below.

~~((e))~~ (b) The owner or operator of a proposed new "major stationary source" or "major modification" emitting VOCs, ~~((e))~~ NO<sub>x</sub>, or CO may obtain a portion of any remaining emissions in the respective growth allowance in accordance with the following process:

(i) Access is on a first-come-first-served basis, based on the date of a complete application and allowance allocation request;

(ii) Growth allowances shall be used to satisfy offset requirements at a ratio of 1 to 1 for new VOC and/or NO<sub>x</sub> emissions.

(iii) No single "stationary source" may receive an emissions allocation of more than 50 percent of ~~((any remaining))~~ the available growth allowance, or up to 10.0 tons per year, whichever is greater. On a case-by-case basis, the SWCAA Board of Directors may approve an emissions allocation of greater than 50 percent upon consideration of the following:

(A) Information submitted by the "stationary source" to SWCAA justifying its request for exceeding the 50 percent emissions allocation, based on significant economic, employment, or other benefits to the maintenance plan area that will result from the proposed new "major stationary source" or "major modification";

(B) Information provided by SWCAA on other known new "major stationary sources" or "major modifications" seeking an emissions allocation from the same growth allowance; and

(C) Other relevant information submitted by the "stationary source" or SWCAA.

~~((iii))~~ (iv) To avoid jeopardizing maintenance of the ozone standard during the interim years of the ozone maintenance plan, SWCAA ~~((shall allocate only a portion of))~~ may limit the quantity of VOC and NO<sub>x</sub> growth allowances made available each year. SWCAA will track use of VOC and NO<sub>x</sub> allocations from the growth allowances. ~~((The amount of the growth allowance that can be allocated each year is identified in the applicable ozone maintenance plan.))~~

~~((iv))~~ (v) The amount of the CO growth allowance that can be allocated is identified in the applicable CO maintenance plan, if any.

~~((d))~~ (c) If no emissions remain in the respective growth allowance, or the ~~((contingency plan has been triggered which effectively zeros the))~~ Agency has suspended the use of growth allowances, the owner or operator of the proposed "major stationary source" or "major modification" shall provide offsets.

(i) A demonstration shall be provided showing that the proposed offsets will improve air quality in the same geographical area affected by the "new source" or modification. This demonstration may require that air quality modeling be conducted according to the procedures specified in 40 CFR Part 51, Appendix W, Guideline on Air Quality Models (Revised).

(ii) Offsets for VOCs or nitrogen oxides shall be within the same maintenance plan area as the proposed "stationary source." Offsets for particulate matter, PM<sub>10</sub>, sulfur dioxide, carbon monoxide, nitrogen dioxide, lead, and other pollutants

may be from inside or outside of the same maintenance plan area.

(iii) "New sources" or modifications shall meet the following offset requirements:

(A) Within a designated maintenance plan area, the offsets shall provide reductions that are equivalent or greater than the proposed increases. The offsets shall be appropriate in terms of short term, seasonal, and yearly time periods to mitigate the impacts of the proposed emissions;

(B) Outside a designated maintenance plan area, owners or operators of "new sources" or modifications which have a significant air quality impact on the maintenance plan area as provided in SWCAA 400-113(3) shall provide emission offsets which are sufficient to reduce impacts to levels below the significant air quality impact level within the maintenance plan area; and

(C) The emission reductions must provide for a net air quality benefit.

(I) New "major stationary sources" within an ozone maintenance plan area shall:

(a) Offset the new VOC emissions at a ratio of 1.1 to 1, if the VOC emissions exceed either 100 tons per year or 700 pounds per day.

(b) Offset the new NO<sub>x</sub> emissions at a ratio of 1.1 to 1, if the NO<sub>x</sub> emissions exceed either 100 tons per year or 700 pounds per day.

(II) "Stationary sources" within an ozone maintenance plan area undergoing "major modifications" shall:

(a) Offset the entire VOC emissions increase at a ratio of 1.1 to 1, if such increase exceeds either 40 tons per year or 290 pounds per day.

(b) Offset the entire NO<sub>x</sub> emissions increase at a ratio of 1.1 to 1, if such increase exceeds either 40 tons per year or 290 pounds per day.

(III) New "major stationary sources" within a carbon monoxide maintenance plan area shall:

(a) Offset the new carbon monoxide emissions at a ratio of 1 to 1, if the carbon monoxide emissions exceed either 100 tons per year or 700 pounds per day.

(IV) "Stationary sources" within a carbon monoxide maintenance plan area undergoing "major modifications" shall:

(a) Offset the entire carbon monoxide emissions increase at a ratio of 1 to 1, if such increase exceeds either 100 tons per year or 700 pounds per day.

~~((D))~~ New "major stationary sources" or "major modifications" with CO emissions greater than 250 tons per year are required to obtain offsets.)

(iv) Emission reductions shall be of the same type of pollutant as the emissions from the "new source" or modification. Sources of PM<sub>10</sub> shall be offset with particulate in the same size range.

(v) Emission reductions shall be contemporaneous, that is, the reductions shall take effect prior to the time of startup but not more than two years prior to the submittal of a complete application for the "new source" or modification. This time limitation may be extended through banking, as provided in SWCAA 400-130, 400-131 and 400-136 for banking activities approved after the effective date of this regulation. In the case of replacement facilities, SWCAA may allow

simultaneous operation of the old and new facilities during the startup period of the new facility provided that emissions do not exceed the new emission limits.

(vi) Offsets for new "major stationary sources" or "major modifications" in a maintenance plan area shall meet the following requirements:

(A) The proposed new level of allowable emissions of the "stationary source" or emission unit providing the reduction must be less than the current level of actual emissions of that "stationary source" or emission unit. No emission reduction can be credited for actual emissions that exceed the current allowable emissions of the "stationary source" or emission unit providing the reduction. Emission reductions imposed by local, state, or federal regulations, regulatory orders or permits cannot be credited.

(B) If the offsets are provided by another "stationary source," the reductions in emissions from that "stationary source" must be federally enforceable by the time the new or modified "stationary source" commences operation. The "new source" may not commence operation before the date such reductions are actually achieved. SWCAA may allow simultaneous operation of the old and new facilities during the startup period of the new facility provided that the facility-wide emissions do not exceed the new emission limit.

(9) **PSD applicability.** If the proposed "new source" is a "major stationary source" or the proposed modification is a "major modification" for the purposes of the PSD program as described in WAC 173-400-~~((44+))700 through 173-400-750~~, the "new source" or modification shall meet the requirements of that program for all pollutants. For maintenance plan pollutants, the "new source" shall meet all PSD requirements in addition to the requirements of this section.

(10) **Toxics.** If the proposed "new source" or modification will emit any toxic air pollutants regulated under Chapter 173-460 WAC, the "new source" shall meet all applicable requirements of that regulation.

(11) **Visibility.** If the proposed "new source" is a "major stationary source" or the proposed modification is a "major modification," the "new source" shall meet all the visibility protection requirements of WAC 173-400-117.

(12) **Noncompliance.** Noncompliance with any emission limit, test requirement, reporting requirement or other requirement identified in a regulatory order issued pursuant to this section shall be considered a violation of this section.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**Reviser's note:** The typographical error in the above material occurred in the copy filed by the Southwest Clean Air Agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 03-21045 [03-21-045], filed 10/9/03, effective 11/9/03)

**SWCAA 400-113 Requirements for New Sources in Attainment or Nonclassifiable Areas**

[Statutory Authority: Chapter 70.94.141 RCW. Original Board adoption 12/17/68 (Regulation 1 Sec 3); Amended by Board 12/18/79; Amended by Board 8/18/81; Amended by Board 3/20/84; Renumbered from 400-110 93-21-004 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 96-21-099 filed 10/21/96, effective 11/21/96; 99-07-028 filed

3/10/99, effective 4/11/99; 01-05-056 filed 2/15/01, effective 3/18/01; 03-21-045 filed 10/9/03, effective 11/9/03]

For the purposes of this section, "major modification," "major stationary source," "net emissions increase," and "significant," shall have the same meaning as the definitions found in SWCAA 400-030, subsections (60)(b), (61)(b), (71)(b) and (107)(b) respectively.

An air discharge permit application to establish a "new source", install or replace an "emission unit" or make a modification to a "stationary source" in an area that is in attainment or unclassifiable for any air contaminant the proposed "new source" would emit, and that is in attainment or unclassifiable for ozone if the proposed new or modified "stationary source" would emit VOC or NO<sub>x</sub>, shall result in the issuance of an air discharge permit or other regulatory order, which contains such conditions as are reasonably necessary to assure the maintenance of compliance with this section. The air discharge permit or other regulatory order shall not be issued until the "new source", "emission unit" or modification meets the following requirements:

(1) The proposed "new source", "emission unit" or modification shall comply with all applicable New Source Performance Standards, National Emission Standards for Hazardous Air Pollutants, National Emission Standards for Hazardous Air Pollutants for source categories, emission standards adopted under Chapter 70.94 RCW and the applicable emission standards of the Agency.

(2) The proposed "new source" or modification shall employ BACT for all pollutants not previously emitted or whose emissions would increase as a result of the "new source" or modification.

(3) Allowable emissions from the proposed "new source", "emission unit" or modification shall not delay the attainment date for an area not in attainment nor cause or contribute to a violation of any ambient air quality standard. This requirement will be met if the projected impact of the allowable emissions from the proposed "new source" or the projected impact of the increase in allowable emissions from the proposed modification at any location within a nonattainment or maintenance plan area does not exceed the following impact levels for the pollutant(s) for which the area has been designated nonattainment or maintenance:

Pollutant	Annual Average	24-Hour Average	8-Hour Average	3-Hour Average	1-Hour Average
CO	-	-	0.5 mg/m <sup>3</sup>	-	2 mg/m <sup>3</sup>
SO <sub>2</sub>	1.0 µg/m <sup>3</sup>	5 µg/m <sup>3</sup>	-	25 µg/m <sup>3</sup>	30 µg/m <sup>3</sup>
PM <sub>10</sub>	1.0 µg/m <sup>3</sup>	5 µg/m <sup>3</sup>	-	-	-
NO <sub>2</sub>	1.0 µg/m <sup>3</sup>	-	-	-	-

If the projected impact of the proposed "new source" or modification exceeds an applicable value from the table above, the owner or operator shall provide ((A+)) offsetting emission reductions ((may be used to satisfy some or all of the requirements of this subsection.)) sufficient to reduce the projected impact to below the allowable impact level. For a proposed "new source" or modification with a projected impact within a maintenance area, this offset requirement may be met in whole, or in part, by an allocation from an industrial growth allowance. Emission offsets and growth

allowance allocations used to satisfy the requirements of this section shall comply with the provisions of SWCAA 400-111(5).

(4) If the proposed "new source" is a "major stationary source" or the proposed modification is a "major modification", it shall meet all applicable requirements of WAC 173-400-((141)700 through 173-400-750.

(5) If the proposed "new source" or the proposed modification will emit any toxic air pollutants regulated under Chapter 173-460 WAC, it shall meet all applicable requirements of that chapter.

(6) If the proposed "new source" is a "major stationary source," or the proposed modification is a "major modification," it shall meet the special protection requirements for federal Class I areas found in WAC 173-400-117.

(7) Noncompliance with any emission limit, test requirement, reporting requirement or other requirement identified in a regulatory order issued pursuant to this section shall be considered a violation of this section.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**Reviser's note:** The bracketed material preceding the section above was supplied by the code reviser's office.

**AMENDATORY SECTION** (Amending WSR 05-23-066, filed 11/15/05, effective 12/16/05)

**SWCAA 400-115 Standards of Performance for New Sources**

[Statutory Authority: Chapter 70.94.141 RCW. Originally adopted by Board 12/18/79; Amended by Board 4/17/84 (renumbered to 400-135); Amended by Board 12/16/86; 93-16-007 filed 7/22/93, effective 8/22/93; 95-17-084 filed 8/21/95, effective 9/21/95; 96-21-099 filed 10/21/96, effective 11/21/96; 99-07-028 filed 3/10/99, effective 4/11/99; 01-05-057 filed 2/15/01, effective 3/18/01; 03-21-045 filed 10/9/03, effective 11/9/03; 05-23-066 filed 11/15/05, effective 12/16/05]

(1) **Adoption by reference.** The standards of performance for "new sources" presented in 40 CFR Part 60 and appendices as in effect on July 1, ((2005)) 2006 are adopted by reference. The term "Administrator" in 40 CFR Part 60 shall mean the Administrator of EPA and the Control Officer of the Agency. Exceptions to this adoption by reference are listed in subsection (2).

The following list of affected subparts is provided for informational purposes:

Subpart A General provisions (ref. 40 CFR 60.1 et seq.)

Subpart D Fossil fuel-fired steam generators for which construction is commenced after August 17, 1971, and prior to September 19, 1978, which have a heat input greater than 73 megawatts but not greater than 250 megawatts (ref. 40 CFR 60.40 et seq.)

Subpart Da Electric utility steam generating units for which construction commenced after September 18, 1978, which have a heat input greater than 73 megawatts but not greater than 250 megawatts (ref. 40 CFR 60.40a et seq.)

Subpart Db Industrial-commercial-institutional steam generating units for which construction commenced after June 19, 1984, and prior to June 19, 1986, which have a heat input greater than 29 megawatts but less than 73 megawatts (ref. 40 CFR 60.40b et seq.)

Subpart Dc Small industrial-commercial-institutional steam generating units (ref. 40 CFR 60.40c et seq.)

Subpart E Incinerators (ref. 40 CFR 60.50 et seq.)

Subpart Ea Municipal waste combustors for which construction commenced after December 20, 1989 and on or before September 20, 1994 (ref. 40 CFR 60.50a et seq.)

Subpart Eb Large Municipal waste combustors for which construction is commenced after September 20, 1994 or for which Modification of reconstruction is commenced after June 19, 1996 (ref. 40 CFR 60.50b et seq.)

Subpart Ec Hospital/medical/infectious waste incinerators for which construction is commenced after June 20, 1996 (ref. 40 CFR 60.50c et seq.)

Subpart F Portland cement plants (ref. 40 CFR 60.60 et seq.)

Subpart G Nitric acid plants (ref. 40 CFR 60.70 et seq.)

Subpart H Sulfuric acid plants (ref. 40 CFR 60.80 et seq.)

Subpart I Hotmix asphalt facilities (ref. 40 CFR 60.90 et seq.)

Subpart J Petroleum refineries which produce less than 25,000 barrels per day of refined products (ref. 40 CFR 60.100 et seq.)

Subpart K Storage vessels for petroleum liquid constructed after June 11, 1973, and prior to May 19, 1978, which have a capacity greater than 40,000 gallons (ref. 40 CFR 60.110 et seq.)

Subpart Ka Storage vessels for petroleum liquids for which construction, reconstruction or modification commenced after May 18, 1978, and prior to July 23, 1984 ref. 40 CFR 60.110a et seq.)

Subpart Kb Volatile organic liquid storage vessels (including petroleum liquid storage vessels) constructed, reconstructed, or modified after July 23, 1984 (ref. 40 CFR 60.110b et seq.)

Subpart L Secondary lead smelters (ref. 40 CFR 60.120 et seq.)

Subpart M Brass and bronze ingot production plants (ref. 40 CFR 60.130 et seq.)

Subpart N Iron and steel plants (ref. 40 CFR 60.140 et seq.)

Subpart Na Secondary emissions from basic oxygen process steel making facilities (ref. 40 CFR 60.140 et seq.)

Subpart O Sewage treatment plants (ref. 40 CFR 60.150 et seq.)

Subpart P Primary copper smelters (ref. 40 CFR 60.160 et seq.)

Subpart Q Primary zinc smelters (ref. 40 CFR 60.170 et seq.)

Subpart R Primary lead smelters (ref. 40 CFR 60.180 et seq.)

Subpart S Primary aluminum reduction plants (ref. 40 CFR 60.190 et seq.)

Subpart T Phosphate fertilizer industry: Wet process phosphoric acid plants (ref. 40 CFR 60.200 et seq.)

Subpart U Phosphate fertilizer industry: Superphosphoric acid plants (ref. 40 CFR 60.210 et seq.)

Subpart V Phosphate fertilizer industry: Diammonium phosphate plants (ref. 40 CFR 60.220 et seq.)



Subpart W Phosphate fertilizer industry: Triple super-phosphate plants (ref. 40 CFR 60.230 et seq.)

Subpart X Phosphate fertilizer industry: Granular triple superphosphate storage facilities (ref. 40 CFR 60.240 et seq.)

Subpart Y Coal preparation plants (ref. 40 CFR 60.250 et seq.)

Subpart Z Ferroalloy production facilities (ref. 40 CFR 60.260 et seq.)

Subpart AA Steel plants: Electric arc furnaces (ref. 40 CFR 60.270 et seq.)

Subpart AAa Steel plants: Electric arc furnaces and argon-oxygen decarburization vessels (ref. 40 CFR 60.270a et seq.)

Subpart BB Kraft pulp mills (ref. 40 CFR 60.280 et seq.)

Subpart CC Glass manufacturing plants (ref. 40 CFR 60.290 et seq.)

Subpart DD Grain elevators (ref. 40 CFR 60.300 et seq.)

Subpart EE Industrial surface coating: metal furniture (ref. 40 CFR 60.310 et seq.)

Subpart GG Stationary gas turbines (ref. 40 CFR 60.330 et seq.)

Subpart HH Lime manufacturing plants (ref. 40 CFR 60.340 et seq.)

Subpart KK Lead-acid battery plants (ref. 40 CFR 60.370 et seq.)

Subpart LL Metallic mineral processing plants (ref. 40 CFR 60.380 et seq.)

Subpart MM Automobile and light duty truck surface coating operations (ref. 40 CFR 60.390 et seq.)

Subpart NN Phosphate rock plants (ref. 40 CFR 60.400 et seq.)

Subpart PP Ammonium sulfate manufacture (ref. 40 CFR 60.420 et seq.)

Subpart QQ Publication rotogravure printing (ref. 40 CFR 60.430 et seq.)

Subpart RR Pressure sensitive tape and label surface coating operations (ref. 40 CFR 60.440 et seq.)

Subpart SS Industrial surface coating: Large appliances (ref. 40 CFR 60.450 et seq.)

Subpart TT Industrial surface coating: Metal coils (ref. 40 CFR 60.460 et seq.)

Subpart UU Asphalt processing and asphalt roofing manufacture (ref. 40 CFR 60.470 et seq.)

Subpart VV Synthetic Organic Chemical Manufacturing Industry equipment leaks (VOC) (ref. 40 CFR 60.480 et seq.)

Subpart WW Beverage can surface coating operations (ref. 40 CFR 60.490 et seq.)

Subpart XX Bulk gasoline terminals (ref. 40 CFR 60.500 et seq.)

Subpart AAA New residential wood heaters (ref. 40 CFR 60.530 et seq.)

Subpart BBB Rubber tire manufacturing industry (ref. 40 CFR 60.540 et seq.)

Subpart DDD VOC emissions from the polymer manufacturing industry (ref. 40 CFR 60.560 et seq.)

Subpart FFF Flexible vinyl and urethane coating and printing (ref. 40 CFR 60.580 et seq.)

Subpart GGG Petroleum refineries - compressors and fugitive emission sources (ref. 40 CFR 60.590 et seq.)

Subpart HHH Synthetic fiber production facilities (ref. 40 CFR 60.600 et seq.)

Subpart III VOC emissions from Synthetic Organic Chemical Manufacturing Industry air oxidation unit processes (ref. 40 CFR 60.610 et seq.)

Subpart JJJ Petroleum dry cleaners (ref. 40 CFR 60.620 et seq.)

Subpart KKK Equipment leaks of VOC from onshore natural gas processing plants (ref. 40 CFR 60.630 et seq.)

Subpart LLL Onshore natural gas processing; SO<sub>2</sub> emissions (ref. 40 CFR 60.640 et seq.)

Subpart NNN VOC emissions from Synthetic Organic Chemical Manufacturing Industry distillation operations (ref. 40 CFR 60.660 et seq.)

Subpart OOO Nonmetallic mineral processing plants (ref. 40 CFR 60.670 et seq.)

Subpart PPP Wool fiberglass insulation manufacturing plants (ref. 40 CFR 60.680 et seq.)

Subpart QQQ VOC emissions from petroleum refinery waste water emissions (ref. 40 CFR 60.690 et seq.)

Subpart RRR Volatile organic compound emissions from synthetic organic chemical manufacturing industry (SOCMI) reactor processes (ref. 40 CFR 60.700 et seq.)

Subpart SSS Magnetic tape coating facilities (ref. 40 CFR 60.710 et seq.)

Subpart TTT Industrial surface coating: Surface coating of plastic parts for business machines (ref. 40 CFR 60.720 et seq.)

Subpart UUU Calciners and dryers in mineral industries (ref. 40 CFR 60.730 et seq.)

Subpart VVV Polymeric coating of supporting substrates facilities (ref. 40 CFR 60.740 et seq.)

Subpart WWW Municipal solid waste landfills constructed, reconstructed or modified on or after May 30, 1991 (See SWCAA 400-070(8) for rules regulating MSW landfills constructed or modified before May 30, 1991) (ref. 40 CFR 60.750 et seq.)

Subpart AAAA Small municipal waste combustion units constructed after August 30, 1999, or modified or reconstructed after June 6, 2001 (ref. 40 CFR 60.1000 et seq.) (See SWCAA 400-050(5) for rules regulating small municipal waste combustion units constructed on or before August 30, 1999)

Subpart CCCC Commercial and industrial solid waste incinerators constructed after November 30, 1999; or modified or reconstructed on or after June 1, 2001 (ref. 40 CFR 60.2000 et seq.) (See SWCAA 400-050(4) for rules regulating commercial and industrial solid waste incinerators constructed on or before November 30, 1999)

Subpart EEEE Standards of Performance for Other Solid Waste Incineration Unit for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006. (ref. 40 CFR 60.2880 et seq.)

Subpart FFFF Emission Guidelines and Compliance Times for Other Solid Waste Incineration Units That Commenced Construction on or Before December 9, 2004 (ref. 40 CFR 60.2980 et seq.)

Subpart HHHH Emission Guidelines and Compliance Times for Coal-fired Electric Steam Generating Units (ref. 40 CFR 60.4101 et seq.)

Subpart KKKK Standards of Performance for Stationary Combustion Turbines (ref. 40 CFR 60.4300 et seq.)

Appendix A Test methods (ref. 40 CFR 60, Appendix A)

Appendix B Performance specifications (ref. 40 CFR 60, Appendix B)

Appendix C Determination of emission rate change (ref. 40 CFR 60, Appendix C)

Appendix D Required emission inventory information (ref. 40 CFR 60, Appendix D)

Appendix F Quality assurance procedures (ref. 40 CFR 60, Appendix F)

Appendix I Removable label and owner's manual (ref. 40 CFR 60, Appendix I)

Note: Pursuant to RCW 80.50.020(14), larger energy facilities subject to subparts D, Da, GG, J, K, Kb, Y, KKK, LLL, and QQQ are regulated by the energy facility site evaluation council (EFSEC) under WAC 463-39-115.

(2) **Exceptions.** The following sections and subparts of 40 CFR 60 are not adopted by reference:

(a) 40 CFR 60.5 Determination of construction or modification

(b) 40 CFR 60.6 Review of plans

(c) Subpart B Adoption and Submittal of State Plans for Designated Facilities (ref. 40 CFR 60.20 et seq.)

(d) Subpart C Emission guidelines and compliance times (ref. 40 CFR 60.30 et seq.)

(e) Subpart Cb Emissions guidelines and compliance times for large municipal waste combustors that are constructed on or before September 20, 1994 (ref. 40 CFR 60.b et seq.)

(f) Subpart Cc Emission guidelines and compliance times for municipal solid waste landfills (ref. 40 CFR 60.30c et seq.)

(g) Subpart Cd Emissions guidelines and compliance times for sulfuric acid production units (ref. 40 CFR 60.30d et seq.)

(h) Subpart Ce Emission guidelines and compliance times for hospital/medical/infectious waste incinerators (ref. 40 CFR 60.30e et seq.)

(i) Subpart BBBB Emission guidelines and compliance times for small municipal waste combustion units constructed on or before August 30, 1999 (ref. 40 CFR 60.1500 et seq.)

Note: These sources are regulated under SWCAA 400-050(4)

(j) Subpart DDDD Emissions guidelines and compliance times for commercial and industrial solid waste incineration units that commenced construction on or before November 30, 1999 (ref. 40 CFR 60.2500 et seq.)

Note: These sources are regulated under SWCAA 400-050(4)

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

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

AMENDATORY SECTION (Amending WSR 03-21-045, filed 10/9/03, effective 11/9/03)

**SWCAA 400-141 Prevention of Significant Deterioration (PSD)**

[Statutory Authority: Chapter 70.94.141 RCW. Original Board adoption 93-21-005 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 99-07-029 filed 3/10/99, effective 4/11/99; 01-05-057 filed 2/15/01, effective 3/18/01; 03-21-045 filed 10/9/03, effective 11/9/03]

(1) **Program adoption.** WAC 173-400-~~((141))~~700 through 173-400-750, as in effect on ~~((July 1, 2002))~~ February 10, 2005, is hereby adopted by reference.

(2) **Permitting.** The Agency does not currently have delegated authority from EPA to issue PSD permits. At this time, all PSD permits in the State of Washington are issued by Ecology. "Stationary sources" that comply with the provisions of WAC 173-400-~~((141))~~700 through 173-400-750 shall be considered to have met the permitting requirements of this section. Affected "stationary sources" shall submit a copy of PSD application information to the Agency pursuant to WAC 173-400-~~((141-3)(b)(iii))~~730 (b)(iii).

(3) **Monitoring, Recordkeeping and Reporting.** Pursuant to WAC 173-400-~~((141(4)))~~720 (4)(b), a PSD applicable "stationary source" within the Agency's jurisdiction shall submit all required reports to the Agency.

(4) **Enforcement.** The Agency shall enforce the requirements of ~~((WAC 173-400-141))~~ Ecology's PSD Program, and the terms and conditions of PSD permits issued by Ecology to "stationary sources" within the Agency's jurisdiction.

~~((The complete text of WAC 173-400-141 is provided below for informational purposes:))~~

~~WAC 173-400-141 Prevention of significant deterioration (PSD):~~

~~(1) The prevention of significant deterioration or PSD program is a construction permitting program for new major stationary sources and major modifications to existing major stationary sources located in areas in attainment or in areas that are unclassifiable for any criteria air pollutant. No major stationary source or major modification to which the requirements of this section apply shall begin actual construction without a PSD permit.~~

~~(2) **Early planning encouraged.** In order to develop an appropriate application, the source should engage in an early planning process to assess the needs of the facility. An opportunity for a preapplication meeting with ecology is available when ecology is the permitting agency.~~

~~(3) **Application.**~~

~~(a) The PSD application is a form of a notice of construction application and the PSD permit is a form of an approval order.~~

~~(b) The applicant shall provide complete copies of its PSD application, distributed in the following manner:~~

~~(i) Three copies shall be sent to the permitting agency. If ecology is the permitting agency, copies must be sent to the Air Quality Program at P.O. Box 47600, Olympia, WA 98504-7600.~~

~~(ii) One copy shall be sent to each of the following federal land managers:~~

~~(A) U.S. Department of the Interior—National Park Service; and~~

~~(B) U.S. Department of Agriculture—U.S. Forest Service.~~

~~(iii) If the local authority is not the permitting agency and the project lies within the territory of a local authority, one copy shall be sent to the authority in whose territory the source is located.~~

~~(iv) One copy shall be sent to EPA.~~

~~(e) Ecology shall provide the names and addresses of the federal land managers.~~

~~(4) **Enforcement.** Ecology or the permitting agency with authority over the source under Chapter 173-401 WAC, the Operating permit regulation, shall receive all required reports and enforce the conditions in the PSD permit.~~

~~(5) **Applicable requirements.** A PSD permit must comply with the following requirements:~~

~~(a) WAC 173-400-110—New source review;~~

~~(b) WAC 173-400-113—Requirements for new sources in attainment or unclassifiable areas;~~

~~(c) WAC 173-400-117—Special protection requirements for federal Class I areas;~~

~~(d) WAC 173-400-171—Public involvement; and~~

~~(e) The following subparts of 40 CFR 52.21, in effect on July 1, 2000, which are adopted by reference. Exceptions are listed in (5)(e)(i), (ii), (iii), and (iv):~~

~~40 CFR 52.21(b) Definitions;~~

~~40 CFR 52.21(c) Ambient air increments;~~

~~40 CFR 52.21(d) Ambient air ceilings;~~

~~40 CFR 52.21(h) Stack heights;~~

~~40 CFR 52.21(i) Review of major stationary sources and major modifications—source applicability and exemptions.~~

~~40 CFR 52.21(j) Control technology review;~~

~~40 CFR 52.21(k) Source impact analysis;~~

~~40 CFR 52.21(l) Air quality models;~~

~~40 CFR 52.21(m) Air quality analysis;~~

~~40 CFR 52.21(n) Source information;~~

~~40 CFR 52.21(o)(1) and (2) Additional impact analysis;~~

~~40 CFR 52.21(r) Source obligation;~~

~~40 CFR 52.21(v) Innovative control technology;~~

~~40 CFR 52.21(w) Permit rescission;~~

~~(i) Exception to adopting 40 CFR 52.21 by reference. Every use of the word "administrator" in 40 CFR 52.21 means ecology or the authority except for the following:~~

~~(A) In 40 CFR 52.21 (b)(17), the definition of federally enforceable, "administrator" means the EPA administrator.~~

~~(B) In 40 CFR 52.21 (l)(2), air quality models, "administrator" means the EPA administrator.~~

~~(ii) Exception to adopting 40 CFR 52.21 by reference. The following definitions apply to this section instead of the definitions in 40 CFR 52.21(b):~~

~~(A) Major modification as defined in WAC 173-400-113;~~

~~(B) Major stationary source as defined in WAC 173-400-113;~~

~~(C) Net emissions increase as defined in WAC 173-400-113;~~

~~(D) Significant as defined in WAC 173-400-113; and~~

~~(E) Volatile organic compound as defined WAC 173-400-030.~~

~~(iii) Exception to adopting 40 CFR 52.21 by reference. The following definition of "secondary emissions" applies to~~

~~this section instead of the definition in 40 CFR 52.21 (b)(18): "Secondary emissions" means emissions which would occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. For the purpose of this section, secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the stationary source or modification that causes the secondary emissions. Secondary emissions may include, but are not limited to:~~

~~(A) Emissions from ships or trains located at the new or modified stationary source; and~~

~~(B) Emissions from any off site support facility which would not otherwise be constructed or increase its emissions as a result of the construction or operation of the major stationary source or major modification.~~

~~(iv) Exception to adopting 40 CFR 52.21 by reference. Each reference in 40 CFR 52.21(i) to "paragraphs (j) through (r) of this section" is amended to state "paragraphs (j) through (n) of this section, paragraphs (o)(1) and (o)(2) of this section, paragraph (r) of this section, WAC 173-400-117 and 173-400-171."~~

~~(6) **Notifying EPA.** The permitting agency shall provide notice to EPA of every action related to consideration of the permit.)~~

**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 03-21-045, filed 10/9/03, effective 11/9/03)

#### **SWCAA 400-171 Public Involvement**

[Statutory Authority: Chapter 70.94.141 RCW. Original Board adoption 93-21-005 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 96-21-100 filed 10/21/96, effective 11/21/96; 99-07-029 filed 3/10/99, effective 4/11/99; 01-05-057 filed 2/15/01, effective 3/18/01; 03-21-045 filed 10/9/03, effective 11/9/03]

##### **(1) Public Notice.**

(a) Notice shall be published on the SWCAA Internet website announcing the receipt of air discharge permit applications, nonroad engine permit applications and other proposed actions. Notice shall be published for a minimum of fifteen (15) consecutive days. Publication of a notice on the SWCAA website at the time of application receipt is not required for any application or proposed action that automatically requires a public comment period pursuant to subsection (2) of this section. In the event that publication on the SWCAA Internet website does not occur for the prescribed time period, notice will be published for a minimum of one (1) day in a newspaper of general circulation in the area of the proposed action. Each notice shall, at a minimum, include the following information:

(i) The name and address of the owner or operator and the affected facility;

(ii) A brief description of the proposed action;

(iii) Agency contact information;

(iv) A statement that a public comment period will be provided upon request pursuant to SWCAA 400-171(3); and

(v) The date by which a request for a public comment period is due.

(b) Requests for a public comment period shall be submitted to the Agency in writing via letter, fax, or electronic mail. A public comment period shall be provided pursuant to subsection (3) of this section for any application or proposed action that receives such a request. Any application or proposed action for which a public comment period is not requested may be processed without further public involvement.

**(2) Mandatory public comment period.**

(a) A public comment period shall be provided pursuant to subsection (3) of this section before approving or denying any of the following:

(i) Any air discharge permit application for a new or modified "stationary source" or emission unit that results in a significant net increase in emissions (actual or potential to emit) of any air contaminant regulated by state or federal law;

(ii) Any use of a modified or substituted air quality model, other than a guideline model in Appendix W of 40 CFR Part 51 (as in effect on July 1, 2002) as part of review under SWCAA 400-046 or 400-110;

(iii) Any order to determine RACT;

(iv) Any order to establish a compliance schedule or a variance. A variance shall be handled as provided in SWCAA 400-180;

(v) Any order to demonstrate the creditable height of a stack which exceeds the GEP formula height and sixty-five meters, by means of a fluid model or a field study, for the purposes of establishing an emission limitation;

(vi) Any order to authorize a bubble;

(vii) Any order used to establish a creditable emission reduction;

(viii) An Order of Discontinuance as provided in SWCAA 400-230 (1)(g);

(ix) Any order issued under SWCAA 400-091 which establishes limitations on a "stationary source's" potential to emit;

(x) Any extension of the deadline to begin actual construction of a "major stationary source" or "major modification" in a nonattainment area;

~~((xi) Any change in conditions of an existing air discharge permit;))~~

~~((xiii))~~ (xi) Any application or other proposed action which has received a request for public notice pursuant to subsection (1) of this section; or

~~((xiii))~~ (xii) Any nonroad engine permit application, air discharge permit application or other proposed action for which the Control Officer determines there is a substantial public interest.

(b) Any air discharge permit application designated for integrated review that includes a PSD permit application, an application for a "major modification" in a nonattainment area, or an application for a "major stationary source" in a nonattainment area must also comply with the public notice requirements of WAC 173-400-171.

**(3) Public comment period.** A public comment period shall be provided only after all information required by the Agency has been submitted and after applicable preliminary determinations, if any, have been made.

(a) Availability for public inspection. The information submitted by the applicant, and any applicable preliminary

determinations, including analyses of the effect(s) on air quality, shall be available for public inspection in at least one location near the proposed project. Exemptions from this requirement include information protected from disclosure under any applicable law, including, but not limited to, RCW 70.94.205 and SWCAA 400-270.

(b) Publication of comment period notice. Notice shall be published in a newspaper of general circulation in the area of the proposed project for a minimum of one (1) day. For applications or actions subject to a public comment period pursuant to subsections (2)(a)(xii) or (2)(a)(xiii) of this section, publication on the SWCAA Internet homepage for a minimum of thirty (30) days may be substituted for newspaper publication. Notice for a public comment period shall include the following information:

(i) The name and address of the owner or operator and the affected facility;

(ii) A brief description of the proposal;

(iii) The location of the documents made available for public inspection;

(iv) Identification of a thirty-day period for submitting written comment to the Agency;

(v) A statement that a public hearing may be held if the Agency determines within a thirty-day period that significant public interest exists;

(vi) The length of the public comment period in the event of a public hearing; and

(vii) For projects subject to special protection requirements for federal Class I areas in WAC 173-400-117 (5)(c), the comment period notice shall explain the Agency's decision.

(c) EPA Notification. A copy of the comment period notice shall be sent to the EPA Region 10 Regional Administrator.

(d) Consideration of public comment. The Agency shall make no final decision on any application or other action for which a public comment period has been provided until the public comment period has ended and any comments received during the public comment period have been considered.

(e) Public hearings. Any person may request a public hearing within the thirty-day public comment period. Each request shall indicate the interest of the party filing it and why a hearing is warranted. The Agency may hold a public hearing if the Control Officer determines significant public interest exists. The Agency will determine the location, date, and time of the public hearing. If a public hearing is held, the public comment period shall extend through the hearing date and thereafter for such period, if any, as the notice of public hearing may specify.

**(4) Public involvement for integrated review with an operating permit.** Any air discharge permit application designated for integrated review with an application to issue or modify an operating permit shall be processed in accordance with the operating permit program procedures and deadlines (Chapter 173-401 WAC).

**(5) Other requirements of law.** Whenever procedures permitted or mandated by law will accomplish the objectives of public notice and opportunity for comment, those procedures may be used in lieu of the provisions of this section

(e.g., SEPA). This subsection does not apply to applications for a "major modification" or a "major stationary source."

(6) **Public information.** All information is available for public inspection at the Agency, except information protected from disclosure under any applicable law, including, but not limited to, RCW 70.94.205 and SWCAA 400-270. Such information includes copies of Notice of Construction applications, orders of approval, regulatory orders, and modifications thereof.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 01-05-057, filed 2/15/01, effective 3/18/01)

**SWCAA 400-200 Vertical Dispersion Requirement, Creditable Stack Height and Dispersion Techniques**

[Statutory Authority: Chapter 70.94.141 RCW. Original Board adoption 400-160 4/17/84 (Refer to WAC 403); Amended by Board 92-04-030 filed 1/28/92; Amended by Board and renumbered to 400-200 in 93-21-005 filed 10/7/93, effective 11/8/93, original 400-200 was renumbered to 400-230; 95-17-084 filed 8/21/95, effective 9/21/95; 01-05-057 filed 2/15/01, effective 3/18/01]

(1) Vertical Dispersion Requirement. All new exhaust stacks shall be configured to discharge vertically to the ambient atmosphere. Stack devices, such as rain caps, that obstruct or prevent vertical discharge are prohibited. Where possible, exhaust stacks shall discharge at a point higher than surrounding buildings and/or terrain. Alternate exhaust stack configurations may be approved by SWCAA on a case-by-case basis.

((+)) (2) Creditable Stack Height and Dispersion Techniques - Applicability. The((se)) provisions ((shall apply)) of subsections (3) and (4) of this section are applicable to all sources except:

(a) Stacks for which construction had commenced on or before December 31, 1970, except where pollutants are being emitted from such stacks used by sources which were constructed, or reconstructed, or for which major modifications were carried out after December 31, 1970;

(b) Coal-fired steam electric generating units subject to the provisions of Section 118 of the Federal Clean Air Act, which commenced operation before July 1, 1957, and for whose stacks construction commenced before February 8, 1974;

(c) Flares;

(d) Open or outdoor burning for agricultural or silvicultural purposes as covered under the Smoke Management Plan;

(e) Residential wood combustion and open or outdoor burning for which episodic restrictions apply.

These provisions shall not be construed to limit the actual stack height.

((2)) (3) Creditable Stack Height and Dispersion Techniques - Prohibitions. No source may use dispersion techniques or excess stack height to meet ambient air quality standards or PSD increment limitations.

(a) Excess stack height. Excess stack height is that portion of a stack that exceeds the greater of:

(i) Sixty-five meters (213.25 feet), measured from the ground level elevation at the base of the stack; or

(ii)  $H_g = H + 1.5L$  where:

$H_g$  = "good engineering practice" (GEP) stack height, measured from the ground level elevation at the base of the stack,

H = height of nearby structure(s) measured from the ground level elevation at the base of the stack,

L = lesser dimension, height or projected width, of nearby structure(s), subject to the provisions below.

"Nearby," as used in this subsection for purposes of applying the GEP formula means that distance up to five times the lesser of the height or the width dimension of a structure, but not greater than 0.8 kilometer (1/2 mile).

(b) Dispersion techniques. Increasing final exhaust gas plume rise by manipulating source process parameters, exhaust gas parameters, stack parameters, or combining exhaust gases from several existing stacks into one stack; or other selective handling of exhaust gas streams so as to increase the exhaust gas plume rise. This does not include:

(i) The reheating of a gas stream, following the use of a pollution control system, for the purpose of returning the gas to the temperature at which it was originally discharged from the facility generating the gas stream;

(ii) The merging of gas streams where:

(A) The source was originally designed and constructed with such merged gas streams, as demonstrated by the source owner(s) or operator(s).

(B) Such merging is part of a change in operation at the facility that includes the installation of pollution controls and is accompanied by a net reduction in the allowable emissions of a pollutant. This exclusion shall apply only to the emission limitation for the pollutant affected by such change in operation.

(C) Before July 8, 1985, such merging was part of a change in operation at the facility that included the installation of emissions control equipment or was carried out for sound economic or engineering reasons, and not primarily motivated by an intent to gain emissions credit for greater dispersion.

((3)) (4) Creditable Stack Height - Exception. The Agency may require the use of a field study or fluid model to verify the creditable stack height for the source. This also applies to a source seeking credit after the effective date of this rule for an increase in existing stack height up to that established by the GEP formula. A fluid model or field study shall be performed according to the procedures described in the *EPA Guideline for Determination of Good Engineering Practice Height* (Technical Support Document of the Stack Height Regulations). The creditable height demonstrated by a fluid model or field study shall ensure that the emissions from a stack do not result in excessive concentrations of any air pollutant as a result of atmospheric downwash, wakes, or eddy effects created by the source itself, nearby structures or nearby terrain features.

(a) "Nearby," as used in this subsection for conducting a field study or fluid model, means not greater than 0.8 km, except that the portion of a terrain feature may be considered to be nearby which falls within a distance of up to ten times the maximum height of the feature, not to exceed two miles if

such feature achieves a height 0.8 km from the stack that is at least forty percent of the GEP stack height or twenty-six meters, whichever is greater, as measured from the ground-level elevation at the base of the stack. The height of the structure or terrain feature is measured from the ground-level elevation at the base of the stack.

(b) "Excessive concentration" is defined for the purpose of determining creditable stack height under this subsection and means a maximum ground-level concentration owing to a significant downwash effect which contributes to excursion over an ambient air quality standard. For sources subject to PSD review (WAC 173-400-((441))720 and 40 CFR 52.21) an excessive concentration alternatively means a maximum ground-level concentration owing to a significant downwash effect that contributes to excursion over a PSD increment. The emission rate used in this demonstration shall be the emission rate specified in the State Implementation Plan, or in the absence of such, the actual emission rate of the source. "Significant downwash effect" means a maximum ground-level concentration due to emissions from a stack due in whole or in part to downwash, wakes, and eddy effects produced by nearby structures or nearby terrain features which individually is at least forty percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 06-18-001**  
**PROPOSED RULES**  
**GAMBLING COMMISSION**  
[Filed August 23, 2006, 2:02 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 05-17-202.

Title of Rule and Other Identifying Information: New section WAC 230-25-045 Poker tournaments at fund-raising events and limited fund-raising events.

Hearing Location(s): Inn at Gig Harbor, 3211 56th Street N.W., Gig Harbor, WA 98335, (253) 851-5402, on October 13, 2006, at 9:30 a.m.

Date of Intended Adoption: October 13, 2006.

Submit Written Comments to: Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504, e-mail Susana@wsgc.wa.gov, fax (360) 486-3625, by October 1, 2006.

Assistance for Persons with Disabilities: Contact Shirley Corbett by October 1, 2006, TTY (360) 486-3637 or (360) 486-3447.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This proposed new rule was inadvertently omitted with the filing under WSR 06-17-083 with three other rule amendments that would allow poker tournaments at fund-raising events (FRE) and limited FREs.

WAC 230-25-045, this new rule lists additional requirements licensees must follow when offering poker at FREs.

Statutory Authority for Adoption: RCW 9.46.070.

Statute Being Implemented: Not applicable.

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

Name of Proponent: Washington state gambling commission, governmental.

Name of Agency Personnel Responsible for Drafting: Susan Arland, Rules Coordinator, Lacey, (360) 486-3466; Implementation: Rick Day, Director, Lacey, (360) 486-3446; and Enforcement: Sharon Reese, Deputy Director, Lacey, (360) 486-3452.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement has not been prepared pursuant to RCW 19.85.025, and/or the proposed rule change clarifies language of rules without changing the effect.

A cost-benefit analysis is not required under RCW 34.05.328. The Washington state gambling commission is not an agency that is statutorily required to prepare a cost-benefit analysis under RCW 34.05.328.

August 22, 2006

Susan Arland

Rules Coordinator

NEW SECTION

**WAC 230-25-045 Poker tournaments at fund-raising events and limited fund-raising events.** Poker tournaments are authorized at fund-raising events (FREs) and limited FREs under FRE rules with the following additional requirements.

**Net receipts limitation.**

(1) All money paid to enter a tournament or purchase chips or script to enter a tournament is considered to be a wager for the purpose of determining the \$10,000 net receipts limits.

**Prizes.**

(2) Chips used in card tournaments do not have a monetary value and may only be redeemed for prizes.

**Posting of rules.**

(3) The licensee must adopt poker tournament rules and conspicuously post the rules at the tournament location.

**Prize records.**

(4) The licensee must maintain a record of all prizes awarded to include the amount the licensed operator actually paid for each prize and the name and complete address of each winning participant. If prizes are donated, the licensee must maintain a record that includes the name of the donor and a description of the prizes donated.

**WSR 06-18-041**  
**PROPOSED RULES**  
**DEPARTMENT OF HEALTH**  
 [Filed August 30, 2006, 10:52 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-18-092.

Title of Rule and Other Identifying Information: Chapter 246-329 WAC, Childbirth centers, this chapter sets the minimum health and safety standards for the licensure and operations of childbirth centers in Washington state.

Hearing Location(s): Department of Health, Point Plaza East, Room 139, 310 Israel Road N.E. [S.E.], Tumwater, WA 98501, on October 19, 2006, at 9:30 a.m.

Date of Intended Adoption: October 26, 2006.

Submit Written Comments to: Yvette Fox, P.O. Box 47852, Olympia, WA 98504-7852, yvette.fox@doh.wa.gov, web site <http://www3.doh.wa.gov/policyreview/>, fax (360) 236-2928, by October 10, 2006.

Assistance for Persons with Disabilities: Contact Yvette Fox by October 10, 2006, TTY (800) 833-6388 or 711.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposed rules is to more accurately reflect the childbirth center standards of practice within Washington state and nationally. The proposed rules include revisions such as clinical issues, consultative and transfer requirements, construction review requirements, patient rights, quality improvement, emergency preparedness, infection control and adverse event reporting.

Reasons Supporting Proposal: The proposed rules set forth health and safety standards for childbirth centers as required of the department of health in chapter 18.46 RCW.

Statutory Authority for Adoption: Chapter 18.46 RCW.

Statute Being Implemented: RCW 43.70.040.

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: Michael Johnson, P.O. Box 55517, Shoreline, WA 98155, (206) 366-2638; Implementation: Byron Plan, 310 Israel Road S.E., Tumwater, WA 98501, (360) 236-2916; and Enforcement: Steve Saxe, 310 Israel Road S.E., Tumwater, WA 98501, (360) 236-2902.

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

#### Small Business Economic Impact Statement

**Background:** Chapter 18.46 RCW authorizes the Washington state department of health (DOH) to adopt rules to assure that minimum health and safety standards are set for childbirth centers. RCW 43.70.040 delegates authority to the secretary of health the power to administer and enforce these rules.

**Rule-making Requirements of the Regulatory Fairness Act (chapter 19.85 RCW):** The Regulatory Fairness Act, RCW 19.85.030 requires the department to conduct a small business economic impact statement (SBEIS) for proposed rules that have more than minor impact on businesses

within an industry. If a rule imposes disproportionate impact on small businesses[,], an agency, where legal and feasible, must mitigate the costs to small businesses. As defined in RCW 19.85.020, a small business is "any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, and that has fifty or fewer employees."

**1. Briefly describe the proposed rule:** The proposed rules outline the minimum public health and safety standards for the licensure and operations of childbirth centers (CBC) in Washington state.

#### *Minor Changes:*

- Condense and clarify wording, grammar, structure and formatting.
- Clarify requirements for licensing, reporting, documentation and compliance.
- Remove issues unrelated to public health.
- Update terminology to reflect current usage.

*Changes Easing Requirements:* The entire process involved the interested party community. The purpose was to more clearly state the rules for ease of use and understanding. The proposed rules more clearly state required processes to reflect the standard of practice within Washington state and nationally. The department utilized expert input, as well as national childbirth standards.

#### *Changes Imposing Additional Requirements:*

- Develop and implement written policies and procedures governing emergency preparedness and fire protection to align with standards for other like health care facilities.
- Maintain a quality improvement program to assure the quality of care and services provided result in continuous improvement of client health outcomes. Quality improvement requirements were stated in current rule, but the newly proposed requirements are more clearly stated and reflect contemporary standards for other like health care facilities.
- Provide each client with a written bill of rights, verified by client or representative signature, affirming each individual's rights and to align with standards for other like health care facilities.
- Notify and submit a written report to the department in the event of unanticipated death or loss of function, abduction or discharge to the wrong family, sexual assault or rape, or a catastrophic event to align with standards for other like health care facilities.

#### *Other Components of the Rule:*

- Allows birthing centers built before the adoption of proposed rules to be maintained to the standards that were in place at the time the facility was licensed. Modified or altered areas shall be maintained to the standards in place at the time that the modification or alteration was made and in accordance with the approved plans.

**2. Is a small business economic impact statement (SBEIS) required for this rule?** Yes, an SBEIS is required for this rule. The rule imposes more than \$66 on each facil-

ity, which is the median threshold for additional costs. There are thirteen licensed childbirth centers in Washington state; each has less than fifty employees. The department surveyed each facility. The highest number of employees is six, the least number is one, for a median number of three. Therefore, there is not a disproportionate impact between small or large businesses.

**3. Which industries are affected by this rule?** Childbirth centers are the only businesses impacted by these rules. There is no appropriate or specific standard industrial classification (SIC) code for these businesses. Therefore, the department contacted each of the thirteen childbirth centers to verify the number of employees in each facility. All childbirth centers in Washington state meet the definition of a small business, having less than fifty.

**4. What are the costs of complying with this rule for small businesses (those with fifty or fewer employees) and for the largest 10% of businesses affected? NOTE: Additional estimated costs in Table 1 reflect a variance between one and six employees.**

**Table 1  
Rules with new fiscal impact**

WAC	Annual Cost for Typical Small Business	Annual Cost for Typical Large Business
246-329-085 Client Bill of Rights (one time only)	\$512	N/A
246-329-170 Emergency Preparedness (one time only)	\$32-\$128	N/A
246-329-170 Emergency Preparedness	\$64	N/A
TOTAL	\$608-\$704	N/A

**Table 2  
Rules with potential new fiscal impact. Most childbirth centers already meet these requirements so the rule imposes no additional cost.**

**NOTE: Potential additional estimated costs in Table 2 reflect a variance of between one and six employees.**

WAC	Annual Cost for Typical Small Business	Annual Cost for Typical Large Business
246-329-110 Personnel Policies and Procedures (one time only)	\$64-\$320	N/A
246-329-110 Personnel Policies and Procedures (training)	\$32-\$128	N/A
246-329-120 Birth Center Policies and Procedures (one time only)	\$320	N/A
246-329-140 Client Records (one time only)	\$500	N/A
246-329-180 Quality Improvement (one time only)	\$192	N/A
TOTAL	\$1108-\$1460	N/A

**5. Does the rule impose a disproportionate impact on small businesses?** No. There are thirteen licensed childbirth centers in Washington state. Each of them have less than fifty employees. The department surveyed each facility. The highest number of employees is six, the least number is one, for a median number of three. Therefore, there is no disproportionate impact between small or large businesses. There are no large businesses; therefore, there is no disproportionate impact on small businesses.

**6. If the rule imposes a disproportionate impact on small businesses, what efforts were taken to reduce that impact (or why is it not "legal and feasible" to do so) by:**

**(a) Reducing, modifying, or eliminating substantive regulatory requirements?**

- Clarify requirements for licensing, reporting, documentation and compliance.
- Update terminology to reflect current usage.

**(b) Simplifying, reducing, or eliminating record keeping and reporting requirements?** Childbirth centers are currently required to have a defined client record system, policies and procedures. The proposed rule clarifies the type of documentation required. The proposed rule requires medical records to be maintained for a period of time, because it provides access to important medical information necessary to ensure continuity of care. Accessible information could be invaluable in an emergent situation. The benefits of establishing a requirement to maintain information outweigh the costs associated with the proposed rule.

**(c) Reducing the frequency of inspections?** The frequency of inspections is not addressed in the proposed rules.

**(d) Delaying compliance timetables?** Although the department plans to offer statewide training on the proposed rules, no compliance delay is scheduled for its implementation.

**(e) Reducing or modifying fine schedules for noncompliance?** Fine schedules for noncompliance are not addressed in the proposed rules.

**(f) Any other mitigation techniques?** The department of health made every effort to mitigate any additional costs for childbirth centers throughout the rule-making process. The department has also found that most childbirth centers already meet or exceed the proposed additional requirements; for those centers, additional costs will be nominal.

The proposed rules allow birthing centers built before the adoption of the rules to be maintained to the standards that were in place at the time the facility was licensed. This reduces the cost of the proposed rules to existing birth centers. If the department had not incorporated this change, the cost of requiring existing facilities to meet the proposed rules may have forced these businesses to close. Modified or altered areas are to be maintained to the standards in place at the time that the modification or alteration was made, and in accordance with the approved plans.

**7. How are small businesses involved in the development of this rule?** Department staff worked closely with constituents, small businesses and the public to minimize the burden of this rule. The department notified all licensees and stakeholders when it first started developing the rule. Interested parties were invited to participate in a stakeholders workgroup including participants from all childbirth centers.



Four stakeholder workgroup meetings were held in Olympia, Washington. The department also sought comment on draft language throughout the rule development process.

A copy of the statement may be obtained by contacting Yvette Fox, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-2928, fax (360) 236-2901, e-mail yvette.fox@doh.wa.gov.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Yvette Fox, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-2928, fax (360) 236-2901, e-mail yvette.fox@doh.wa.gov.

August 29, 2006  
Mary C. Selecky  
Secretary

#### NEW SECTION

**WAC 246-329-005 Scope and purpose.** (1) These rules implement chapter 18.46 RCW which requires the department of health to set minimum health and safety standards for childbirth centers.

(2) Applicants and licensees must meet the requirements of this chapter and other applicable state and local laws.

(3) This chapter does not apply to services provided by persons exempt from requirements of chapter 18.46 RCW.

(4) A childbirth center may not provide services unless the childbirth center is licensed under this chapter.

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

**WAC 246-329-010 Definitions.** For purposes of this chapter, the following words and phrases will have the following meanings unless the context clearly indicates otherwise:

(1) "Administration of drugs" means an act in which a single dose of a prescribed drug or biological is given to a client by an authorized person in accordance with all laws and ~~((regulations))~~ rules governing ~~((such))~~ these acts. The complete act of administration entails removing an individual dose from a previously dispensed, properly labeled container, including a unit dose container, verifying it with the orders of a practitioner who is legally authorized to prescribe, giving the individual dose to the proper client and properly recording the time and dose given.

(2) "Applicant" means a person seeking licensure as a childbirth center under this chapter.

(3) "Authenticated or authentication" means authorization of a written entry in a record by means of a signature which shall include, minimally, first initial, last name, and title or unique identifier verifying accuracy of information.

~~((3))~~ (4) "Bathing facility" means a bathtub or shower.

~~((4))~~ (5) "(Birth) Birthing center" or "childbirth center" or "birth center" means ((a type of maternity home which is a house, building, or equivalent organized to provide facilities and staff to support a birth service, provided that the birth service is limited to low-risk maternal clients during the intrapartum period)) any health facility, not part of a hospital or in a hospital, that provides facilities and clinical staff to

support a birth service to low risk maternity clients. This chapter does not apply to any hospital approved by the American College of Surgeons, American Osteopathic Association, or its successor.

~~((5))~~ (6) "Birthing room" means a room designed, equipped, and arranged to provide for the care of a woman and newborn and to accommodate her support person or persons during the process of vaginal childbirth, (the three stages of labor and recovery of a woman and newborn).

~~((6))~~ (7) "Birth service" means the prenatal, intrapartum, and postpartum care provided for ~~((individuals with uncomplicated pregnancy, labor, and vaginal birth))~~ low-risk maternity clients, ((to include the)) including newborn care during transition and stabilization.

~~((7))~~ (8) "Client" means a woman, fetus, and newborn receiving care and services provided by a birth center during pregnancy and childbirth and recovery.

~~((8))~~ (9) "Clinical staff" means physicians and midwives, including contractors, appointed by the governing body to practice within the birth center and governed by rules and policies and procedures approved by the governing body.

~~((9))~~ (10) "Consultation" means the process used by the clinical staff of a childbirth center who maintain primary management responsibilities for the client's care to seek the opinion of a licensed physician on clinical issues that are client specific. The physician consulted must be qualified by training and experience in specific client need for which consultation is sought. Consultation, appropriate to client need, must be available during all times birth services are provided in a childbirth center.

(11) "Contractor" means an individual who has a written contract with a birth center licensee to provide birth services. The written contract must be approved by the governing body, including appointment of clinical privileges by the governing body. Birth services provided by contractors in licensed birth centers must meet requirements of this chapter, unless otherwise noted.

(12) "Department" means the Washington state department of health.

~~((10))~~ (13) "Emergency" means a medical emergency or injury requiring immediate medical or surgical intervention to prevent death or disability.

(14) "Emergency transfer" means the transfer of a maternal client or newborn in an emergent situation to a facility that can manage obstetrical and neonatal emergencies, including the ability to perform cesarean delivery.

(15) "Governing body" means the person or persons responsible for establishing and approving the purposes and policies and procedures of the childbirth center.

~~((11))~~ (16) "Hospital" means any institution, place, building, or agency which provides accommodations, facilities, and services over a continuous period of twenty-four hours or more, for observation, diagnosis, or care, of two or more individuals not related to the operator or suffering from any other condition which obstetrical, medical, or surgical services would be appropriate for care or diagnosis. "Hospital" as used in this definition includes facilities licensed under chapter 70.41 RCW. "Hospital" as used in this definition does not include;

(a) Hotels, or similar places furnishing only food and lodging, or simply, domiciliary care; ((nor does it include))

(b) Clinics(;) or physicians' offices where patients are not regularly kept as bed patients for twenty-four hours or more; ((nor does it include))

(c) Nursing homes, ((as defined and which comes) defined and licensed under ((the scope of)) chapter 18.51 RCW; ((nor does it include maternity homes, which come within the scope of))

(d) Childbirth centers licensed under this chapter and chapter 18.46 RCW; ((nor does it include))

(e) Psychiatric hospitals, ((which come) licensed under ((the scope of)) chapter 71.12 RCW; ((nor) or

(f) Any other hospital or institution specifically intended for use and the diagnosis and care of those suffering from mental illness, mental retardation, convulsive disorders, or other abnormal mental conditions. ((Furthermore,)) Nothing in this definition shall be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents or patients in any hospital conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with creed or tenets of any well-recognized church or religious denomination.

~~((12))~~ (17) "Lavatory" means a plumbing fixture designed and equipped ((for handwashing purposes)) with a handwash device.

~~((13))~~ (18) "Low-risk maternal client" means an individual who:

(a) Is at full-term gestation, in general good health with uncomplicated prenatal course and participating in ongoing prenatal care, and prospects for a normal uncomplicated birth as defined by reasonable and generally accepted criteria of maternal and fetal health;

~~(b) ((Is participating in an appropriate childbirth and infant care education program;~~

~~(c) Has no major medical problems;~~

~~(d)) Has no previous major uterine wall surgery, ((easarean)) cesarean section, or obstetrical complications likely to recur;~~

~~((e) Has parity under six unless a justification for a variation is documented by clinical staff;~~

~~(f) Is not a nullipara of greater than thirty-eight years of age unless a justification for a variation is documented by clinical staff;~~

~~(g) Is not less than sixteen years of age unless a justification for variation for ages fourteen through fifteen only is documented by clinical staff;~~

~~((h))~~ (c) Has no significant signs or symptoms of anemia, active herpes genitalia, placenta praevia, known noncephalic presentation during active labor, pregnancy-induced hypertension, persistent polyhydramnios or persistent oligohydramnios, abruptio placenta, chorioamnionitis, known multiple gestation, intrauterine growth ((retardation, meconium stained amniotic fluid)) restriction, ((fetal complications,)) or substance abuse;

~~((i) Demonstrates no significant signs or symptoms of anemia, active herpes genitalis, pregnancy-induced hypertension, placenta praevia, malpositioned fetus, or breech while in active labor;~~

~~((j))~~ (d) Is in progressive labor((, progressing normally)); and

~~((k) Is without prolonged ruptured membranes;~~

~~(l) Is not in preterm labor nor postterm gestation;~~

~~(m) Is appropriate for a setting where analgesia is limited; and~~

~~((n))~~ (e) Is appropriate for a setting where methods of anesthesia ((is used in)) are limited ((amounts and limited to local infiltration of the perineum or pudendal block)).

~~((14) "Maternity home" means any home, place, hospital, or institution in which facilities are maintained for the care of four or more women not related by blood or marriage to the operator during pregnancy or during or within ten days after delivery. Provided however, That this chapter shall not apply to any hospital licensed under chapter 70.41 RCW, "Hospital licensing and regulation."~~

~~((15))~~ (19) "Midwife" means ((an individual recognized by the Washington state board of nursing as a certified nurse midwife as provided in chapter 18.88 RCW, chapter 246-839 WAC, or an individual possessing a valid, current license to practice midwifery in the state of Washington as provided in)) a person licensed under chapter 18.79 RCW, or chapter 18.50 RCW, ((chapter 246-834 WAC)) Midwifery.

~~((16))~~ (20) "New construction" means any of the following:

(a) New buildings to be used as a birth center;

(b) Addition or additions to an existing building or buildings to be used as a childbirth center;

(c) Conversion of existing buildings or portions thereof for use as a childbirth center;

(d) Alterations or modifications other than minor alterations. "Minor alterations" means any structural or physical modification within an existing birth center which does not change the approved use of a room or an area. Minor alterations performed under this definition do not require prior review of the department; however, this does not constitute a release from other applicable requirements;

(e) Changes in the approved use of rooms or areas of the birth center.

~~((17))~~ (21) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

(22) "Personnel" means individuals employed by the birth center, contractors of the birth center, students and volunteers.

~~((18))~~ (23) "Physician" means ((an individual)) a person licensed under ((provisions of)) chapter 18.71 RCW, "Physicians," and rules adopted under chapter 246-919 WAC or chapter 18.57 RCW, "Osteopathy—Osteopathic medicine and surgery((-)," and rules adopted under chapter 246-853 WAC.

~~((19))~~ (24) "Referral" means the process by which the clinical staff of a childbirth center directs the client to a physician for management of a particular problem or aspect of the client's care.

(25) "Registered nurse" means ((an individual)) a person licensed under ((the provision of)) chapter ((18.88)) 18.79 RCW, ("Registered nurses," who is practicing in accordance with the) and rules ((and regulations promulgated thereunder)) adopted under chapter 246-840 WAC.

~~((20))~~ (26) "Recovery" means that period or duration of time starting at birth and ending with discharge of a client from the birth center or the period of time between the birth and the time a client leaves the premises of the birth center.

~~((21))~~ (27) "Shall" means compliance is mandatory.

~~((22))~~ "Should" means a suggestion or recommendation, but not a requirement.

~~(23))~~ (28) "Support person" means the individual or individuals selected or chosen by a maternal client to provide emotional support and to assist her during the process of labor and childbirth.

~~((24))~~ (29) "Toilet" means a room containing at least one water closet.

~~((25))~~ (30) "Transfer of care" means the process by which the clinical staff of a childbirth center directs the client or newborn to a physician or other licensed health care provider for complete management of client's care. Transfer of care to an appropriate obstetrical department, patient care area or hospital, or physician(s) qualified in obstetrics or newborn/pediatric care respectively with admitting privileges to a hospital must be available twenty-four hours per day.

(31) "Volunteer" means an individual who is an unpaid worker in the birth center, other than a support person.

~~((26))~~ (32) "Water closet" means a plumbing fixture for defecation fitted with a seat and a device for flushing the bowl of the fixture with water.

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

**WAC 246-329-020 Licensure.** ~~((1))~~ Application for license.

(a) An application for a childbirth center license shall be submitted on forms furnished by the department. The application shall be signed by the legal representative of the governing body.

(b) The applicant shall furnish to the department full and complete information and promptly report any changes which would affect the current accuracy of such information as to the identity of each officer and director of the corporation, if the birth center is operated by a legally incorporated entity, profit or nonprofit, and of each partner if the birth center is operated through a legal partnership.

(c) Each application for license shall be accompanied by a license fee as established by the department under RCW 43.70.110. Provided, That no fee shall be required of charitable or nonprofit or government-operated birth centers. Upon receipt of the license fee, when required, the department shall issue a childbirth center license if the applicant and the birth center facilities meet the requirements of this chapter. ~~(e))~~ A person must possess a current birth center license issued by the department before advertising, operating, managing, conducting, opening or maintaining a childbirth center unless exempt under chapter 18.46 RCW.

(1) Application for license. An applicant for initial licensure of a childbirth center must:

(a) Submit a completed application on forms provided by the department;

(b) Submit disclosure statements and criminal history background checks no older than three months preceding the

application date for the administrator, owner and director of services in accordance with RCW 43.43.830 through 43.43.845;

(c) Submit the following information:

(i) Name of managing personnel, officers, administrator, director of clinical services or supervisor of clinical services, and partners or individuals owning ten percent or more of the applicant's voting stock;

(ii) A description of the organizational structure;

(iii) Name, address, and phone numbers of all office locations that provide services within the state;

(iv) A copy of the current business license(s);

(d) Submit evidence of completion of the department's construction review process;

(e) Submit evidence of compliance with local codes and ordinances;

(f) Submit evidence of approval of the state fire marshal as required per RCW 18.46.110;

(g) Submit evidence that a certificate of occupancy by the local building official has been approved and issued;

(h) Submit other information as required by the department;

(i) Submit fees as specified in WAC 246-329-990;

(j) Furnish to the department full and complete information and promptly report any changes which would affect the current accuracy of this information as to the identity of each officer and director of the corporation, if the birth center is operated by a legally incorporated entity, profit or nonprofit, and of each partner if the birth center is operated through a legal partnership;

(k) Develop and approve policies and procedures addressing the content of this chapter; and

(l) Meet the requirements of this chapter as determined by an initial survey conducted by the department.

~~(2) License renewal~~ ~~(— Limitations — Display)~~.

(a) A license, unless suspended or revoked, shall be renewed annually.

~~((3))~~ Applications for renewal ~~((shall))~~ must be on forms provided by the department and ~~((shall))~~ must be filed with the department not less than ~~((ten))~~ thirty days prior to expiration and must also include disclosure statements and criminal history background checks no older than three months preceding the renewal date for the administrator, owner and director of services when these individuals are new to the birth center since initial licensure or last renewal, in accordance with RCW 43.43.830 through 43.43.845.

~~((4))~~ (b) The department ~~((shall))~~ may inspect and investigate each childbirth center every twenty-four months or as needed ~~((and at least annually))~~ to determine compliance with ~~((standards herein (chapter 246-329 WAC) and applicable standards of))~~ these rules and chapter 18.46 RCW.

~~((5))~~ (c) Each license shall be issued only for the premises and persons named. Licenses shall be transferrable or assignable only with written approval by the department.

~~((6))~~ (d) Licenses ~~((shall))~~ must be posted in a conspicuous place on the licensed premises.

~~(3) ((Denial, suspension, modification, revocation of a license; notice; adjudicative proceeding.~~

(a) The department may, if the interests of the clients so demand, deny, suspend, or revoke a license when there has

been failure or refusal to comply with the requirements of chapter 18.46 RCW and/or these rules. The department's notice of a denial, suspension, modification, or revocation of a license shall be consistent with RCW 43.70.115. An applicant or license holder has the right to an adjudicative proceeding to contest the decision:

(b) A license applicant or holder contesting a department license decision shall within twenty-eight days of receipt of the decision:

(i) File a written application for an adjudicative proceeding by a method showing proof of receipt with the Administrative Hearings Unit, Department of Health, 1300 Quince Street S.E., P.O. Box 47851, Olympia, WA 98504-7851; and

(ii) Include in or with the application:

(A) A specific statement of the issue or issues and law involved;

(B) The grounds for contesting the department decision; and

(C) A copy of the contested department decision.

(c) The proceeding is governed by the Administrative Procedure Act (chapter 34.05 RCW), this chapter, and chapter 246-08 WAC. If a provision in this chapter conflicts with chapter 246-08 WAC, the provision in this chapter governs.

(4) New construction—Major alterations:

(a) When new construction or major alteration is contemplated, the following shall be submitted to the department for review:

(i) A written program containing, at a minimum, information concerning services to be provided and operational methods to be used which will affect the extent of facilities required by these regulations;

(ii) Duplicate sets of preliminary plans which are drawn to scale and include: A plot plan showing streets, driveways, water, and sewage disposal systems, grade and location of the building or buildings on the site; the plans for each floor of each building, existing and proposed, which designate the functions of each room and show all fixed equipment. The preliminary plans shall be accompanied by a statement as to the source of water supply and the method of sewage and garbage disposal and a general description of construction and materials, including interior finishes.

(b) Construction shall not be started until duplicate sets of final plans (drawn to scale) and specifications have been submitted to and approved by the department. Final plans and specifications shall show complete details to be furnished to contractors for construction of buildings or major alterations in existing buildings. These shall include:

(i) Plot plans;

(ii) Plans for each floor of each building which designate the function of each room and show all fixed equipment and the planned location of beds and other furniture;

(iii) Interior and exterior elevations, building sections, and construction details;

(iv) Schedule of floors, wall, and ceiling finishes, and the types and sizes of doors and windows; plumbing, heating, ventilation, and electrical systems; and

(v) Specifications which fully describe workmanship and finishes.

(e) Adequate provisions shall be made for the safety and comfort of clients as construction work takes place in or near an occupied area.

(d) Construction shall take place in accordance with approved final plans and specifications. Only those changes which have been approved by the department may be incorporated into the construction project. Modified plans, additions, or changes incorporated into the construction project shall be submitted to the department for the department file on the project.

(5) Compliance with other regulations:

(a) Applicable rules and regulations adopted by the Washington state fire marshal.

(b) If there is no local plumbing code, the Uniform Plumbing Code of the National Association of Plumbing and Mechanical Officials shall be followed.

(c) Compliance with these regulations does not exempt birth centers from compliance with the local and state electrical codes or local fire, zoning, building, and plumbing codes.) Change of ownership. At least thirty days prior to changing ownership of a childbirth center:

(a) The licensee must submit in writing to the department:

(i) The full name, address and phone number of the current and prospective owner;

(ii) The name, address, and phone number of the currently licensed childbirth center and the name under which the prospective agency will operate;

(iii) Date of the proposed change of ownership; and

(iv) Any changes in the office location, if relevant;

(b) The prospective new owner must submit:

(i) Information listed in subsection (1)(b) through (c) of this section; and

(ii) The change of ownership fee specified in WAC 246-329-990.

## NEW SECTION

**WAC 246-329-025 Exemptions, alternative methods, and interpretations.** The purpose of this section is to provide birth centers a mechanism to request an interpretation, exemption, or approval to use an alternative method. This chapter is not intended to prevent use of any systems, materials, alternate design, or methods of construction as alternatives to those prescribed by these rules.

(1) A birth center requesting exemption from this chapter must submit a written request to the department asking for an exemption. The request must specify the section or sections, explain the reason for the exemption and, when appropriate, include supporting documentation.

(2) A birth center requesting approval for use of alternative materials, design, and methods must submit a written request to the department asking for approval to use an alternative. The request must explain the reason(s) for the use of an alternative and must be supported by technical documentation.

(3) The department may:

(a) Exempt a birth center from complying with portions of this chapter when:

(i) The exemption is not contrary to the intent of chapter 18.46 RCW and the requirements of these rules.

(ii) After review and consideration, the department determines the exemption will not:

(A) Negate the purpose and intent of these rules;

(B) Place the safety or health of the patients in the birth center in jeopardy;

(C) Lessen any fire and life safety or infection control provision of other codes or regulations; and

(D) Affect any structural integrity of the building;

(b) Approve the use of alternative materials, designs, and methods when:

(i) The birth center complies with subsection (2) of this section; and

(ii) After review and consideration, such alternative:

(A) Meets the intent and purpose of these rules; and

(B) Is at least equivalent to the methods prescribed in these rules.

(4) A birth center requesting an interpretation of rule contained in this chapter must submit a written request to the department. The request must specify the section or sections for which an interpretation is needed and details of the circumstances to which the rule is being applied. The birth center must provide any other information the department deems necessary.

(5) The department will, in response to a written request, send a written interpretation of a rule or regulation within thirty calendar days after the department has received complete information relevant to the requested interpretation.

(6) The department and birth center will keep a copy of each exemption or alternative granted or interpretation issued under this section on file and available at all times.

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

**WAC 246-329-030** (~~Governing body and administration~~) **Governance.** The purpose of this section is to provide organizational guidance and oversight and to ensure resources and staff to support safe and adequate patient care.

(1) The birth center shall have a governing body.

(2) The governing body shall be responsible for (~~provision of~~) providing personnel, facilities, equipment, supplies, and special services (~~needed~~) to meet the needs of the clients.

(3) The governing body shall adopt policies for the care of clients within or on the premises of the birth center.

(4) The governing body shall appoint an administrator or director (~~who shall be~~) responsible for implementing the policies adopted by the governing body.

(5) The governing body shall establish and maintain a current written organizational plan which includes all positions and delineates responsibilities, authority, and relationship of positions within the birth center.

(6) The governing body shall have the authority and responsibility for appointments and reappointments of clinical staff, approval of written contracts and appointment of contractors, approval of clinical bylaws and to ensure that only members of the clinical staff (~~shall~~) admit clients to the birth center.

(a) Each birth center shall have (~~designated~~) access to physician (~~participation in~~) consultation and appropriate clinical services (~~and in the quality assurance program~~) as defined in WAC 246-329-095(2).

(b) (~~Each birth center shall have a written policy and program which shall stipulate the extent of physician participation in the services offered.~~

(~~e~~) Each physician and midwife, including contractors, appointed to the clinical staff shall provide evidence of current licensure in the state of Washington.

(~~(d)~~) (c) Members of the clinical staff shall develop and adopt bylaws, (~~rules, and regulations~~) policies, and procedures subject to the approval of the governing body (~~which shall include~~) including requirements for clinical staff membership; delineation of clinical privileges and the organization of clinical staff.

(7) The governing body shall be responsible for assuring a quality (~~assurance audit on a regular basis to review cases, minimally to include ongoing compliance with rules in chapter 246-329 WAC~~) improvement program is implemented according to WAC 246-329-180.

(8) The governing body shall have responsibility for the legal and financial management of the birth center.

#### NEW SECTION

**WAC 246-329-045 Applicant or licensee rights and responsibilities.** This section describes the applicant or licensee's responsibilities in the fulfillment of the requirements of this chapter.

(1) An applicant or licensee must:

(a) Comply with chapter 18.46 RCW and this chapter;

(b) Establish, implement and periodically review all policies and procedures which address the contents of this chapter;

(c) Display the license issued by the department in an area accessible to the public;

(d) Notify the department in writing:

(i) Within thirty days of changes of an administrator, owner or the director of clinical services;

(ii) Thirty or more days before ceasing operations;

(e) Cooperate with the department during surveys which may include reviewing licensee and client records and conducting client interviews with client consent;

(f) Respond to a statement of deficiencies by submitting to the department:

(i) A written plan of correction, within ten working days of receipt. The applicant or licensee must complete all corrections within sixty days after the survey exit date, unless otherwise specified by the department; and

(ii) A progress report describing corrections made and ongoing monitoring actions, within ninety days after the survey exit date, unless the department specifies another date.

(2) An applicant or licensee may:

(a) Discuss findings observed during a survey with the surveyor; and

(b) Discuss the statement of deficiencies with the department's manager.

(3) As required by chapter 70.56 RCW, the licensed childbirth center shall notify the department if any of the fol-

lowing events have been confirmed to have occurred in the birth center:

- (a) An infant abduction or discharge to the wrong family;
- (b) Sexual assault or rape of a patient or staff member while in the birth center;
- (c) Maternal death or serious disability with labor or delivery in a low-risk pregnancy while being cared for in a health care facility;
- (d) Patient death or serious disability associated with:
  - (i) The use of contaminated drugs, devices, or biologics provided by the health care facility;
  - (ii) The use or function of a device in which the device is used or functions other than as intended;
  - (iii) Intravascular air embolism that occurs while being cared for in a health care facility;
  - (iv) A medication error (errors involving wrong drug, wrong dose, wrong patient, wrong time, wrong rate, wrong preparation or wrong route of administration);
  - (v) Hypoglycemia, the onset of which occurs while the patient is being cared for in a health care facility;
  - (vi) Failure to identify and treat hyperbilirubinemia in neonates;
  - (vii) An electric shock while being cared for in a health care facility; or
  - (viii) A burn incurred from any source while being cared for in a health care facility.
- (e) Any incident in which a line designated for oxygen or other gas to be delivered to a patient contains the wrong gas or is contaminated by toxic substances;
- (f) Patient suicide, or attempted suicide resulting in serious disability, that occurs while the patient is receiving care in a health care facility;
- (g) Death or significant injury of a patient or staff member resulting from physical assault that occurs within or on the grounds of a health care facility;
- (h) Any instance of care ordered by someone impersonating a physician, nurse, pharmacist or other licensed health care provider;
- (i) Patient death or serious disability associated with intravascular air embolism that occurs while being cared for in a health care facility;
- (j) Patient death associated with a fall while being cared for in a health care facility;
- (k) Patient death or serious disability associated with the use of restraints or bedrails while being cared for in a health care facility; and
- (l) Sexual assault on a patient within or on the grounds of a health care facility.

(4) The licensed childbirth center must also notify the department if either of the following events have been confirmed to have occurred in the birth center:

- (a) An unanticipated death, stillbirth or major loss of function; or
- (b) Any catastrophic incident, such as fire or flood, or any incident which may cause interruption or cessation of the delivery of services, or another interruption of services which would affect the health and safety of the client.

(5) The report required in subsection (3) and (4) of this section must be submitted in writing to the department as required by chapter 70.56 RCW. The birth center is encour-

aged to confirm these events through a review or assessment by the birth center's quality improvement or risk management process. Each notice to the department must include:

- (a) The licensee's name;
- (b) The name of the affected client, if applicable;
- (c) The date the event occurred;
- (d) A description of the event and a clinical summary if the event is client-related;
- (e) Root cause analysis and corrective action plans as required by chapter 70.56 RCW.
- (6) The report note in subsection (3) of this section:
  - (a) Will allow the department to be informed of events which in the interest of the public will be reviewed and reported as required by chapter 70.56 RCW;
  - (b) Will be confidentially maintained by the department in accordance with the protections of the Public Disclosure Act, chapter 42.17 RCW, and other applicable laws and reporting requirements; and
  - (c) Does not relieve a birth center from complying with other applicable reporting or notification requirements of this chapter or those requirements relating to law enforcement or professional regulatory agencies.
- (7) An applicant or licensee has the right to respond to and contest a statement of charges according to the following provisions:
  - (a) RCW 43.70.115, department of health authority for license approval, denial, restriction, conditioning, modification, suspension and revocation;
  - (b) Chapter 34.05 RCW, the Administrative Procedure Act; and
  - (c) Chapter 246-10 WAC, Adjudicative proceedings.

#### NEW SECTION

**WAC 246-329-055 Department responsibilities.** This section describes the department's responsibilities in the fulfillment of the requirements of this chapter:

- (1) The department may, in accordance with chapter 18.46 RCW:
  - (a) Issue an initial license for twelve months following submission of a completed application and appropriate fee, and following a survey that documents the applicant meets all the requirements of this chapter;
  - (b) Issue a renewal license for the twelve-month period following submission of a completed application and appropriate fee;
  - (c) Issue a license for change of ownership to the new license for the remainder of the current license period following submission of the required information and appropriate fee, under WAC 246-329-990.
- (2) The department may:
  - (a) Conduct surveys and investigations every twenty-four months or as needed to determine compliance with chapter 18.46 RCW and this chapter. Surveys and investigations may be announced or unannounced;
  - (b) Investigate any person suspected of:
    - (i) Advertising, operating, managing, conducting, opening or maintaining a childbirth center without a license unless exempt from licensure under chapter 18.46 RCW; or

(ii) Survey a licensee at anytime if the department has reason to believe the licensee is providing unsafe, insufficient, inadequate or inappropriate care;

(c) Investigate allegations of noncompliance with RCW 43.43.830 through 43.43.845, when necessary, in consultation with law enforcement personnel;

(d) Require licensees to complete additional disclosure statements and background inquiries for an individual associated with the licensee or having direct contact with children under sixteen years of age, people with developmental disabilities, or vulnerable adults if the department has reason to believe that offenses specified under RCW 43.43.830 have occurred since completion of the previous disclosure statement and criminal background inquiry; and

(e) Issue a statement of deficiencies following a survey which identifies noncompliance with chapter 18.46 RCW and this chapter.

(3) The department may deny, suspend, or revoke a license if the applicant or licensee fails or refuses to comply with the requirements of chapter 18.46 RCW and/or these rules. The department's notice of denial, suspension, modification, or revocation of a license shall be consistent with RCW 43.70.115. An applicant or license holder has the right to an adjudicative proceeding to contest the decision.

(4) The department may prepare and serve upon the licensee or applicant at the earliest practical time a statement of charges following a survey which identifies noncompliance with chapter 18.46 RCW and this chapter. The statement of charges must include a notice that the licensee or applicant may request a hearing to contest the charges.

#### NEW SECTION

**WAC 246-329-065 New construction—Major alterations.** The purpose of this section is to provide minimum standards for a safe and efficient patient care environment consistent with other rules. The rules are intended to allow flexibility in achieving desired outcomes and enable birth centers to respond to changes in technologies and health care innovations.

(1) When a licensee or applicant is contemplating new construction or major alteration, the licensee or applicant shall:

(a) Under chapters 70.40 RCW and 246-329 WAC, submit an application and construction documents to the department's construction review services program for all new construction and major alterations, as defined in WAC 246-329-010. In addition to the application and construction documents, the construction review services program may require documentation of approval from local zoning commissions, fire departments, and building departments, if applicable;

(b) Respond in writing when the department requests additional or corrected construction documents;

(c) Not begin construction until the construction documents are approved by the local jurisdictions and same local jurisdictions have issued any required permits;

(d) Complete construction consistent with the final "department approved" documents;

(e) Notify the department in writing when construction is completed; and

(f) Submit to the department a copy of the local jurisdictions' certificate of occupancy.

(2) A childbirth center applicant or licensee must, through its design, construction and necessary permits demonstrate compliance with the following codes and local jurisdiction standards:

(a) The state building code as adopted by the state building code council.

(b) *Accepted Procedure and Practice in Cross-contamination Control, Pacific Northwest Edition, 9th Edition, American Waterworks Association*; and

(c) If planning on caring for patients with mycobacterium tuberculosis, *Guidelines for Preventing the Transmission of Mycobacterium Tuberculosis in Health Care Facilities, 1994. Morbidity and Mortality Weekly Report (MMWR)*, Volume 43, October 28, 1994.

#### NEW SECTION

**WAC 246-329-075 Criminal history, disclosure, and background inquiries.** The purpose of this section is to ensure criminal history background inquiries are conducted for any employee or prospective employee who has or will have unsupervised access to children, vulnerable adults, and individuals with developmental disabilities.

(1) A childbirth center applicant or licensee must establish and implement policies and procedures regarding Washington state patrol criminal background inquiries and disclosure statements under RCW 43.43.830 through 43.43.845 for the administrator, owner, director of services and personnel, contractors, volunteers, students, and any other individual associated with the licensee having direct contact with children under sixteen years of age, individuals with developmental disabilities, or vulnerable adults.

(2) The department may require licensees to complete additional disclosure statements or background inquiries for a person associated with the licensed facility having direct contact with vulnerable adults if the department has reason to believe that offenses specified under RCW 43.43.830 have occurred since completion of the previous disclosure statement or background inquiry.

#### NEW SECTION

**WAC 246-329-085 Client bill of rights.** The purpose of this section is to help improve patient outcomes by respecting each client and conducting all relationships with clients and the public in an ethical manner.

The birth center at the time of registration, including clients of contractors, must provide each client with a written bill of rights, verified by client or representative signature, affording each individual's rights to:

(1) A listing of the services provided by the birth center and a description of other levels of maternal/fetal services available in the community;

(2) Be informed of the policy and procedures for admission and discharge;

(3) Be informed of the definition of a low risk maternal client, the benefits and risks of out-of-hospital labor and birth and complete a written informed consent, prior to the onset of labor that shall include, but not be limited to, evidence of an

explanation by personnel of the birth services offered and potential risks and emergency transfer and transport procedures;

(4) Be informed of what constitutes being ineligible for birth center services and the transfer policy and procedures of clients who, during the course of pregnancy or labor or recovery, are determined to be ineligible, including the birth center's plan for provisions of emergency and nonemergency care in the event of complications to mother and newborn;

(5) Be informed that unexpected neonatal emergencies requiring complex resuscitation are rare, but can occur. Be informed that the birth center staff is prepared to provide initial steps of newborn resuscitation (upper airway clearance with a bulb or mechanical suction) and provide bag-and-mask ventilation until emergency medical service providers arrive to provide complete resuscitation procedures if required;

(6) Participate in decisions relating to the plan for management of care and all changes in that plan once established including consultation, referral and transfer to other practitioners or other levels of care;

(7) Be informed of the policy and procedures for consultation, referral, transfer of care and transport of a newborn and maternal client to a hospital where appropriate care is available;

(8) Be informed of prenatal screening under chapter 70.54 RCW and chapter 246-680 WAC;

(9) Be informed of newborn screening requirements under chapter 70.83 RCW and chapter 246-650 WAC, including a provision of a copy of the parent information pamphlet "*Newborn Screening Tests and Your Baby*" which is available from the department's newborn screening program;

(10) Be informed that rapid HIV testing is available for all maternal clients without a documented history of HIV testing during prenatal care;

(11) Be informed of prophylactic treatment of the eyes of the newborn in accordance with WAC 246-100-206 (6)(b);

(12) Be informed that vitamin K administration for the newborn is available;

(13) Be informed that newborn hearing screening tests are offered in most hospitals;

(14) A description of the process for submitting and addressing complaints;

(15) Submit complaints without retaliation and to have the complaint addressed by the licensee;

(16) Be informed of the state complaint hotline number;

(17) Be treated with courtesy, dignity, respect, privacy, and freedom from abuse and discrimination;

(18) Refuse treatment or services;

(19) Privacy of personal information and confidentiality of health care records;

(20) Be cared for by properly trained personnel, contractors, students and volunteers and be informed of the qualifications of clinical staff, consultants and related services and institutions;

(21) Be informed of all diagnostic procedures and reports, recommendations and treatments;

(22) A fully itemized billing statement upon request, including the date of each service and the charge;

(23) Be informed about advanced directives and the licensee's responsibility to implement them;

(24) Be informed of the client's right with regards to participation in research or student education programs;

(25) Be informed of the liability insurance coverage of practitioners on request; and

(26) Be informed of child passenger restraint systems to be used when transporting children in motor vehicles, including information describing the risks of death or serious injury associated with the failure to use a child passenger restraint system.

#### NEW SECTION

**WAC 246-329-095 Staffing.** The purpose of the staffing section is to ensure the birth center provides competent staff consistent with the scope of services.

(1) The birth center shall have sufficient, qualified personnel and clinical staff to provide the services needed by clients and for safe maintenance and operation of the birth center.

(2) The birth center shall have written plans for consultation, referral, transfer of care, emergency transfer and transport of a newborn to a newborn nursery or neonatal intensive care nursery, and emergency transfer or transport of a maternal client to an appropriate obstetrical department, patient care area or hospital where appropriate care is available.

(3) The birth center shall:

(a) Employ, contract or use appropriately trained personnel and clinical staff; and

(b) Assure clinical staff or personnel have evidence of current training in neonatal and adult resuscitation.

(c) Assure a physician or midwife is present at each birth. A second person who is an employee, student or member of the clinical staff with evidence of current training in neonatal and adult resuscitation skills shall be immediately available in the birthing center during each birth.

(d) Ensure twenty-four hour coverage, including the provision that appropriate, qualified personnel and/or clinical staff shall be present in the birth center at all times when clients are present.

#### NEW SECTION

**WAC 246-329-110 Personnel policy and procedures and records.** The purpose of this section is to ensure the birth center provides direction and standards in the employment, contracting and recording of personnel procedures.

(1) A childbirth center applicant or licensee must establish and implement policy and procedures which include, but are not limited to:

(a) For those birth centers operated by an employer as defined by RCW 49.60.040(3), employment criteria consistent with chapter 49.60 RCW;

(b) Job descriptions for employees, contractor agreements, volunteer responsibility statements and agreements with students commensurate with responsibilities and consent with health care professional credentialing and scope of practice as defined in relevant practice acts and associated rules;

(c) Verification of clinical staff credentials;



(d) Orientation to current agency policies and procedures and verification of skills or training for all clinical staff;

(e) Current neonatal and adult cardiopulmonary resuscitation training consistent with agency policies and procedures and community standards for all clinical staff;

(f) Infection control practices for clinical staff including communicable disease testing, immunization, vaccination and universal precautions or equivalent method of preventing the transmission of infection according to current local health authorities and shall include the availability of equipment necessary to implement plans of care and infection control policies and procedures;

(i) Birth centers must establish and implement a TB screening program for personnel;

(ii) Birth centers must provide or offer to employees Hepatitis B vaccination according to WAC 296-62-08001; and

(iii) Birth centers must assure that all contractors have received or been offered Hepatitis B vaccination according to WAC 296-62-08001;

(g) Verification of appropriate education and training of all personnel, contractors, student and volunteers on the prevention, transmission, and treatment of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS) consistent with RCW 70.24.310;

(h) Performance evaluations of all personnel, including evaluations of contractor and student agreements to be conducted per birth center's policy and procedure; and

(i) Washington state patrol criminal background inquiries and disclosure statements under RCW 43.43.830 through 43.43.845 for the administrator, owner, director of services and personnel, contractors, volunteers, students, and any other individual associated with the licensee who has direct contact with children under sixteen years of age, people with developmental disabilities or vulnerable adults.

(2) Each employee, contractor, student and volunteer shall have a current record maintained by the birth center which contains, but is not limited to, the following information:

(a) Documentation of the items stated above in subsection (1)(b) through (e) and (g) through (i) of this section.

(b) Evidence of communicable disease testing as required by local health authorities and per birth center policy and procedures and shall include, at a minimum, documented evidence of tuberculin (TB) screening as required in WAC 246-329-110 (1)(f) and documented evidence of Hepatitis B vaccination being provided or offered according to WAC 296-62-08001.

#### NEW SECTION

**WAC 246-329-120 Birth center policies and procedures.** The purpose of this section is to ensure the birth center is able to provide safe and appropriate care to the clients of the birth center.

(1) An applicant or licensee must establish and implement policy and procedures which include, but are not limited to:

(a) Definition of a low-risk maternal client who is eligible for birth services offered by the birth center.

(b) Definition of a client who is ineligible for birth services at the birth center.

(c) Identification and transfer of clients who, during the course of pregnancy, are determined to be ineligible.

(d) Identification and transfer of clients who, during the course of labor or recovery, are determined to be ineligible for continued care in the birth center.

(e) Written plans for consultation, referral and transfer of care for maternal client and newborn. Written plans for emergency transfer and transport of a newborn to a newborn nursery or neonatal intensive care nursery, and emergency transfer and transport of a maternal client to an appropriate obstetrical department, patient care area, or hospital where appropriate care is available.

(f) Transfer and discharge of neonates to minimize risk of newborn abduction.

(g) Protocol for medications and laboratory testing during labor and recovery if the birth center plans to deliver HIV positive clients.

(h) Rapid HIV testing using the opt out approach for women who have undocumented HIV test results when presenting to the birth center in labor.

(i) Protocol for electronic fetal heart monitoring or intermittent auscultation to monitor fetal status during labor.

(j) Protocol for the provision of MMR vaccine to non-immune postpartum women.

(k) Protocol for the provision of anti D immune globulin to postpartum women who are unsensitized D-Negative and who deliver a D positive or Du positive infant.

(2) The applicant or licensee shall assure that transfer of care shall be available twenty-four hours per day to an appropriate obstetrical department, patient care area, or hospital where appropriate care is available.

(3) Clients shall receive and sign written informed consent which shall be obtained prior to the onset of labor and shall include, but is not limited to:

(a) Evidence of an explanation by personnel of the birth services offered, limitation of services, and potential risks;

(b) Explanation of the definition of low-risk maternal client;

(c) Explanation of a client who is ineligible for childbirth center services;

(d) Explanation of the birth center policies and procedures for consultation, referral, transfer of care and emergency transfer and transport;

(e) Explanation of prophylactic treatment of the eyes of the newborn in accordance with WAC 246-100-206 (6)(b);

(f) Explanation of screening of newborns under chapter 70.83 RCW and chapter 246-650 WAC; and

(g) Explanation of why rapid HIV testing is available if documentation of an HIV test during prenatal care is not available;

(h) Explanation of the need for prophylactic administration of RhIG (immune globulin) within seventy-two hours of delivery for an Rh negative mother whose newborn(s) are Rh positive.

(4) The birth center shall provide or assure:

(a) Education of clients, family and support persons in childbirth and newborn care.

(b) Plans for immediate and long-term follow-up of clients after discharge from the birth center.

(c) Registration of birth and reporting of complications and anomalies, including sentinel birth defect reporting under chapter 70.58 RCW.

(d) Prophylactic treatment of the eyes of the newborn in accordance with WAC 246-100-206 (5)(b).

(e) Collection of a newborn screening blood specimen, or signed refusal, and submission to the department's newborn screening program under the requirements of WAC 246-650-020.

(f) Rapid HIV testing when documentation of an HIV test during prenatal care is not available, unless the client refuses to give consent and the refusal is documented.

(g) For HIV positive women, the antiretroviral medications during delivery and perform or arrange appropriate lab tests.

(h) Intrapartum intravenous antibiotics for Group B Strep positive women per the CDC protocol.

(i) For Hepatitis B positive women, HBIG and Hepatitis B immunization for the newborn.

(j) Infection control to housekeeping; cleaning, sterilization, sanitization, and storage of supplies and equipment, and health of personnel and clients.

(k) Actions to take when personnel, volunteers, contractors, or patients or clients exhibit or report symptoms of a communicable disease in an infectious stage in accordance with chapter 246-100 WAC, Communicable and certain other diseases and chapter 246-101 WAC, Notifiable conditions.

(l) Authorization and administration of medications, legend drugs and devices per appropriate health profession rules.

(m) Actions to address patient or client communication needs.

(n) Reporting of patient/client abuse and neglect according to chapter 74.34 RCW.

(o) Emergency care of client.

(p) Actions to be taken upon death of a client.

(q) Plans for service delivery when natural or man-made emergencies occur that prevent normal clinical operation.

(r) Waived laboratory tests, if applicable, including the procurement of a medical test site waiver under chapter 246-338 WAC.

#### NEW SECTION

**WAC 246-329-130 Birth center equipment and supplies.** The purpose of this section is to ensure the birth center provides safe and appropriate equipment and supplies necessary to the safe provision of care to the client of the birth center.

(1) The applicant or licensee shall assure the birth center has the adequate, appropriate size and type equipment and supplies maintained for the maternal client and the newborn to include:

(a) A bed suitable for labor, birth, and recovery;

(b) Separate oxygen with flow meters and masks or equivalent;

(c) Suction equipment for the maternal client and newborn to include suction apparatus, either operated from a wall

outlet or portable equipment, and bulb suction as appropriate. These devices must be immediately available in the birth center;

(d) Resuscitation equipment to include adult and neonate resuscitation bags and term and preterm size face masks, and neonatal-sized oxygen bags for assisted ventilation. Newborn resuscitation equipment shall include method to deliver free flow oxygen;

(e) Firm surfaces suitable for resuscitation;

(f) Fetal monitoring equipment, minimally to include a fetoscope, doppler or electronic monitor;

(g) Equipment for monitoring and maintaining the optimum body temperature of the newborn. A heat source appropriate for use in warming newborns shall be available, and may include an incubator;

(h) A time keeping device;

(i) Sterile suturing equipment and supplies;

(j) Glucose meter appropriately calibrated to screen glucose level in newborn;

(k) Examination lighting device with a shatterproof bulb or protective shield;

(1) Containers for soiled linen and waste materials which shall be closed or covered.

(2) A telephone or equivalent communication device must be accessible in the client care area.

(3) The licensee must clean, sterilize, disinfect and store equipment according to manufacturer guidelines and department requirements, if applicable. Clean and soiled equipment and supplies must be stored in separate areas.

(4) The applicant licensee shall provide and maintain infection control equipment and supplies for clinical staff.

#### NEW SECTION

**WAC 246-329-140 Client records.** The purpose of this section is to assure the center obtains, manages, and uses information to improve patient outcomes and the performance of the birth center in patient care.

(1) The birth center shall have a defined client record system, policies and procedures which provide for identification, security, confidentiality, control, retrieval, and preservation of client care data and information.

(2) The childbirth center must maintain a health record for each maternal and newborn client in a legally acceptable, integrated and chronological document on the licensee's standardized forms consistent with chapter 70.02 RCW, Medical records—Health care information access and disclosure. Each record must include:

(a) Client's demographic information and client identification to include at a minimum client's name, birth date, age, and address;

(b) Client's informed consent for care, service, treatment and receipt of the client bill of rights;

(c) Signed and authenticated notes describing the newborn and maternal status during prenatal, labor, birth, and recovery including, but not limited to:

(i) Documentation that verifies the client's low-risk maternal client status; and

(ii) Labor summary;

(iii) Newborn status including Apgar scores, maternal newborn interaction; and

(iv) Physical assessment of the mother and newborn during recovery;

(d) Documentation that a newborn screening specimen was collected (or signed refusal on the back of the specimen form) and submitted to the department's newborn screening program under WAC 246-650-020;

(e) Documentation and authentication of orders by clinical staff and birth center personnel who administer drugs and treatments or make observations and assessments;

(f) Laboratory and diagnostic testing results;

(g) Consultation reports;

(h) Referral, transfer of care, emergency transfer and transport documentation;

(i) Prophylactic treatment of the eyes of the newborn in accordance with WAC 246-100-206 (6)(b);

(j) Prenatal screening under chapters 70.54 RCW and 246-680 WAC, including client's refusal;

(k) Documentation of refusal of rapid HIV testing if documentation of an HIV test during prenatal care is not available;

(l) For HIV positive women, the antiretroviral medications during delivery and recommended lab tests;

(m) Intrapartum antibiotics for Group B Strep positive women per the CDC protocol;

(n) For Hepatitis B positive women, HBIG and Hepatitis B immunization for newborn;

(o) Refusal of any recommended test or treatment;

(p) Documentation of birth registration per chapter 70.58 RCW.

(3) For clients managed by a contractor in a birth center, the licensee shall ensure that each client record is maintained by the birth center and must contain the information as stated in subsection (2)(a) through (p) of this section. Services provided by the contractor, prior to the client's admission to the birth center, shall be summarized or placed in the record in their entirety.

(4) Entries in the client record shall be typewritten, retrievable by electronic means or written legibly in ink.

(5) Documentation and record keeping shall include:

(a) Completion of a birth certificate and, if applicable, a sentinel birth defect report under chapters 70.58 RCW and 246-491 WAC.

(b) Documentation of orders for medical treatment and/or medication. Each order shall be specific to the client and shall be authenticated, at the time the order is received, by an appropriate health care professional authorized to approve the order or medication.

(6) The licensee shall:

(a) Assure client records are kept confidential;

(b) Fasten client records together;

(c) Consider client records property of the birth center; and

(d) Provide a client access to their client record under the licensee's policy and procedure and applicable rules.

(7) When a client is transferred or discharged to another provider or facility, the birth center must provide a summary of care to the provider or facility to whom the client is transferred or discharged.

(8) The licensee shall maintain records for:

(a) Adults - three years following the date of termination of services; and

(b) Minors - three years after attaining age eighteen, or five years following discharge, whichever is longer.

(9) The licensee shall:

(a) Store records to prevent loss of information and to maintain the integrity of the record and protect against unauthorized use;

(b) Maintain or release records after a patient's or client's death according to chapter 70.02 RCW, Medical records—Health care information access and disclosure; and

(c) After ceasing operation, retain or dispose of records in a confidential manner according to the time frames in this subsection.

#### NEW SECTION

**WAC 246-329-150 Pharmaceuticals.** The purpose of this section is to assure that client pharmaceutical needs are met in a planned and organized manner.

(1) The licensee shall maintain written prescriptions or orders signed by a practitioner legally authorized to prescribe for all drugs administered to clients within the birth center.

(2) The licensee shall have written policies and procedures addressing the receiving, transcribing, and implementing of orders for administration of drugs.

(3) The licensee shall establish and implement written policies to address the type and intended use of any drug or device to be used by patients within the facility.

(4) The licensee shall assure that only local anesthetics are used.

(5) The licensee shall ensure:

(a) Drugs are only administered by personnel or clinical staff licensed to administer drugs;

(b) Drugs kept anywhere in the center are clearly labeled with drug name, strength, and expiration date;

(c) Expired drugs are removed from the storage units and destroyed properly;

(d) Drugs are stored and secured in specifically designated cabinets, closets, drawers, or storerooms and made accessible only to authorized persons;

(e) Drugs for external use must be stored apart from drugs for internal use;

(f) Poisonous or caustic medications and materials including housekeeping and personal grooming supplies must show proper warning or poison labels and must be stored safely and separately from other medications and food supplies;

(g) Drugs requiring refrigeration must be kept in a separate refrigeration unit according to manufacturer's directions;

(h) Schedule II-IV controlled substances are:

(i) Kept in a separate locked storage unit; and

(ii) If heat sensitive, kept in a locked refrigeration unit;

(i) Schedule II-IV controlled substances no longer needed by the patient must be disposed of in compliance with chapter 246-865 WAC.

(6) If emergency drugs and intravenous fluids are maintained in the facility, these are considered an extension of the drug supply owned by the legally authorized prescribing

practitioner; these drugs remain the responsibility of the legally authorized prescribing practitioner.

#### NEW SECTION

**WAC 246-329-160 Birth center—Physical environment.** The purpose of this section is to reduce and control environmental hazards and risks, prevent accidents and injuries, and maintain safe conditions and equipment for clients, visitors, and staff.

(1) The licensee shall provide and maintain a safe and clean environment. The licensee shall maintain the facility consistent with this chapter. Birthing centers built before the adoption of this chapter shall be maintained to the standards that were in place at the time the facility was licensed. If the licensee modifies or alters the facility, the altered areas must meet and be maintained consistent with this chapter and in accordance with the approved plans.

(2) The licensee shall provide at least one birthing room that is a minimum of three hundred square feet and has a minimum dimension of fifteen feet. The room shall be adequate and appropriate to provide for the equipment, staff, supplies, and emergency procedures required for the physical and emotional care of a maternal client, her support person or persons, and the newborn during birth, labor, and the recovery period.

(a) Additional birthing rooms shall have a gross floor space of one hundred fifty-six square feet or fourteen and one-half square meters and a minimum room dimension of eleven feet.

(b) The licensee shall locate birthing rooms to provide unimpeded, rapid access to an exit of the building which will accommodate emergency transportation vehicles.

(3) The licensee shall provide at least five square feet of fixed or portable work surface areas for use in the birthing room or rooms.

(4) The licensee shall provide and maintain toilet and bathing facilities.

(a) Toilet and lavatory shall be located in the vicinity of the birthing room or rooms.

(b) A bathing facility must be available for client use.

(c) The licensee shall keep clean and in good repair all floor surfaces, wall surfaces, water closets, lavatories, tubs, and showers.

(5) The licensee shall provide a space suitable for hanging full length garments and secure storage of clients' personal belongings and valuables.

(6) The licensee shall provide visual privacy for each maternal client and her support person or persons.

(7) The licensee shall assure hallways and doors providing access and entry into the birth center and birthing room or rooms are adequate width and conformation to accommodate maneuvering of ambulance stretchers and wheelchairs.

(8) Water supply. The licensee shall assure an adequate supply of hot and cold running water under pressure consistent with chapter 246-290 WAC, regarding public water supplies. The licensee shall provide and maintain equipment required to deliver hot water at point of use as follows:

(a) 120°F or less for handwash sinks and bathing fixtures;

(b) 160°F or more for laundry washers;

(c) 120°F or more for laundry washers using chemical sanitation;

(d) 120°F or more for mechanical dishwashers using chemical sanitation;

(e) 140°F or more for mechanical dishwashers using high temperature sanitation; and

(f) 180°F or more for sanitation cycle in high temperature mechanical dishwashers.

(9) The licensee shall provide heating and ventilation that:

(a) Provides a safe and adequate source of heat capable of maintaining a room temperature of at least 72°F.

(b) Provides ventilation sufficient to remove odors, excessive heat, and condensation.

(10) The licensee shall provide and maintain lighting and power and shall provide and maintain:

(a) Emergency lighting;

(b) General lighting and adequate examination lighting devices with shatterproof bulbs or protective shields, in the birthing room;

(c) Tamperproof electrical receptacles in birthing rooms, toilets, bathing facilities and family rooms and waiting areas; and

(d) Ground fault circuit interrupter (GFCI) receptacle when located within five feet of water source and above counters that contain sinks.

(11) The licensee shall assure linen and laundry service, and shall provide:

(a) Soiled linen/laundry storage and sorting areas physically separated from clean linen storage and handling areas, kitchen and eating facilities;

(b) Laundry services and shall include a commercial laundry service or the following equipment:

(i) Washing machine(s) providing hot water at a temperature of 160°F or 120°F for laundry washers using chemical sanitation;

(ii) Floor drains as required for equipment;

(iii) Dryer(s);

(iv) Dryer exhaust to the exterior; and

(v) A handwash sink.

(12) The licensee shall provide utility, housekeeping, garbage, and waste services and:

(a) Provide and maintain utility and storage facilities designed and equipped for washing, disinfecting, storing, and other handling of equipment and medical supplies in a manner which ensures physical segregation of clean and sterile supplies and equipment from those that are soiled and/or contaminated; and

(b) Assure all sewage, garbage, refuse, biomedical waste, human tissue, needles and sharps and liquid waste are collected and disposed of in a manner to prevent the creation of an unsafe or unsanitary condition.

(13) Medical gases. If oxygen is stored or used on the premises, the licensee shall, in addition to meeting other codes and regulations:

(a) Assure electrical equipment used in oxygen-enriched environments is designed for use with oxygen and is labeled for use with oxygen; and

(b) Post "no smoking" signs where oxygen is being administered.

(14) Food storage and/or preparation. The licensee shall not provide food preparation and service except when the birth center policy allows the preparation or storage of personal food brought in by the client or families of clients for consumption by that family. In this case, the licensee shall provide an electric or gas refrigerator capable of maintaining a temperature of 45°F or lower and if furnishing reusable utensils and dishes for client use, provide dishwashing facilities assuring hot water at a temperature of not less than 140°F or 120°F or more for mechanical dishwashers using chemical sanitation.

(15) The applicant may, as an alternate method for the design of new construction, use the 2006 edition of the *Guidelines for Design and Construction of Health Care Facilities* for the physical environment standards.

#### NEW SECTION

**WAC 246-329-170 Emergency preparedness.** The purpose of this section is to establish and implement a disaster plan designed to meet both internal and external disasters.

Each applicant or licensee shall:

(1) Develop and implement written policies and procedures governing emergency preparedness and fire protection;

(2) Develop an acceptable written plan, periodically rehearsed with personnel, contractors, and volunteers, to be followed in the event of an internal or external emergency, and for the care of casualties of the patient and family, personnel, contractors and volunteers arising from such emergencies; and

(3) Develop a fire protection plan to include:

(a) Instruction for all personnel, contractors or volunteers in use of alarms, fire fighting equipment, methods of fire containment, evacuation routes and procedures for calling the fire department and the assignment of specific tasks to all personnel, contractors and volunteers in response to an alarm; and

(b) Semiannual evacuation and fire drills for each shift of personnel.

#### NEW SECTION

**WAC 246-329-180 Quality improvement.** The purpose of this section is to ensure that performance improvement activities of clinical staff result in continuous improvement of client health outcomes.

Each childbirth center licensee must maintain a quality improvement program to assure the quality of care and services provided that includes, at a minimum:

(1) A complaint process that includes a procedure for the receipt, investigation, and disposition of complaints regarding services;

(2) A method to identify, monitor and evaluate:

(a) Services; and

(b) Referral, transfer, consultation, and transport experience and plans; and

(c) Complications of pregnancy, labor and postpartum; and

(d) Other aspects of services which affect quality care.

(3) A method to identify, evaluate, monitor and correct problems identified by clients, families, clinical staff, volunteers, students or consultants.

(4) A method to identify, evaluate, monitor and correct problems associated with events reported to the department in WAC 246-329-045 (3)(a) through (l) and (4)(a) and (b) as required by chapter 70.56 RCW.

(5) A method to monitor, evaluate and modify as needed corrective actions taken.

(6) A system to assess client satisfaction.

AMENDATORY SECTION (Amending WSR 05-13-189, filed 6/22/05, effective 7/23/05)

**WAC 246-329-990 Fees.** The purpose of the fees section is to describe the fees associated with licensing, renewal and other charges assessed by the department.

(1) Childbirth centers licensed under chapter 18.46 RCW shall submit an annual fee of five hundred eighty dollars and thirty cents to the department unless a center is a charitable, nonprofit, or government-operated institution under RCW 18.46.030.

(2) A change of ownership fee of one hundred fifty dollars. A new license will be issued and valid for the remainder of the current license period.

(3) The department may charge and collect from a licensee a fee of seven hundred fifty dollars for:

(a) A second on-site visit resulting from failure of the licensee to adequately respond to a statement of deficiencies;

(b) A complete on-site survey resulting from a substantiated complaint; or

(c) A follow-up compliance survey.

(4) A licensee shall submit an additional late fee in the amount of twenty-five dollars per day, not to exceed five hundred dollars, from the renewal date (which is thirty days before the current license expiration date) until the date of mailing the fee, as evidenced by the postmark.

(5) Refunds. The department shall refund fees paid by the applicant for initial licensure as follows:

(a) If an application has been received but no on-site survey or technical assistance has been performed by the department, two-thirds of the fees paid, less a fifty dollar processing fee((-); or

(b) If an application has been received and an on-site survey or technical assistance has been performed by the department, one-third of the fees paid, less a fifty dollar processing fee.

~~(c) ((No fees paid by the applicant will be refunded if any of the following applies:))~~ The department may not refund applicant fees if:

(i) The department has performed more than one on-site visit for any purpose ((has been performed by the department));

(ii) One year has elapsed since an initial licensure application is received by the department, but no license is issued because applicant failed to complete requirements for licensure; or

(iii) The amount to be refunded as calculated by (a) or (b) of this subsection is ten dollars or less.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 246-329-035	Criminal history, disclosure, and background inquiries.
WAC 246-329-040	Personnel, clinical staff, and volunteers who work directly with clients.
WAC 246-329-050	HIV/AIDS education and training.
WAC 246-329-060	Birth center policies and procedures.
WAC 246-329-070	Birth center equipment and supplies.
WAC 246-329-080	Records.
WAC 246-329-090	Pharmaceuticals.
WAC 246-329-100	Birth center—Physical environment.

**WSR 06-18-047****PROPOSED RULES****DEPARTMENT OF LICENSING**

[Filed August 30, 2006, 11:03 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-01-161.

Title of Rule and Other Identifying Information: Chapter 308-93 WAC, Vessel registration and certificates of title, chapter 308-63 WAC, Wreckers and chapter 308-56A WAC, Certificates of title—Motor vehicles etc., including WAC 308-93-276 Vessel seller's report of sale, 308-63-090 Vehicle wrecker—Records and procedures for monthly reports, 308-56A-410 No application required, 308-56A-500 Definitions, and 308-56A-525 Vehicle seller's report of sale.

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

Date of Intended Adoption: November 7, 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 October 9, 2006.

Assistance for Persons with Disabilities: Contact Dale R. Brown by October 9, 2006, TTY (360) 664-8885.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Rule making is required under normal review of rules to update and make clearer.

Reasons Supporting Proposal: To clarify language and make the rules easier to understand.

Statutory Authority for Adoption: RCW 46.01.110 and 46.12.101.

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

Name of Agency Personnel Responsible for Drafting: Dale R. Brown, 1125 Washington Street S.E., Olympia, WA, (360) 902-4020; Implementation and Enforcement: Sheila Hadden, 1125 Washington Street S.E., Olympia, WA, (360) 902-3673.

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.

August 30, 2006.

Scott Black  
for Julie Knittle, Administrator  
Title and Registration Services

AMENDATORY SECTION (Amending WSR 05-14-092, filed 6/30/05, effective 7/31/05)

**WAC 308-56A-410 No application required. When do I not need to apply for a certificate of ownership?** A Washington vehicle dealer need not apply for (~~the~~) certificate of ownership in his own name when:

(1) A vehicle is acquired that is titled and the title is properly released; or

(2) One vehicle dealer transfers a particular vehicle to another vehicle dealer, unless precluded by other regulations;

(3) The dealer has a properly executed affidavit of loss from the legal owner of record and release of interest from the registered and legal owners of record for a Washington titled vehicle.

(4) An abandoned vehicle/vessel is purchased by a Washington licensed dealer and intended for retail sale.

AMENDATORY SECTION (Amending WSR 05-23-135, filed 11/22/05, effective 1/3/06)

**WAC 308-56A-500 Definitions.** The following definitions apply to terms used in chapters 46.12 and 46.16 RCW and chapter 308-56A WAC:

(1) "Affidavit in lieu of title" is a written declaration confirming the certificate of ownership, registration certificate, validation tab are unavailable, lost, stolen, destroyed or mutilated. The affidavit in lieu of title may be used to release interest in the vehicle. The signature of the owner completing the affidavit in lieu of title must be notarized or certified as described in WAC 308-56A-270.

(2) "Affidavit of loss" is a written statement confirming the certificate of ownership, registration certificate, validation tab or decal has been lost, stolen, destroyed or mutilated. The affidavit of loss release of interest form may be used to release interest in the vehicle and transfer gross weight license for that vehicle to a new owner. The signature of the owner completing the affidavit of loss release of interest must be notarized or certified as described in WAC 308-56A-270.

(3) "Affixed" means attached.

(4) "Brands" means a permanent notation on the certificate of ownership and vehicle registration certificate that records a circumstance or condition involving a vehicle.

(5) "Brands incident date" is the date that a brand was first applied to a vehicle. For states/jurisdictions participating in the National Motor Vehicle Title Information System (NMVTIS), it's the date the brand was first reported. For all other states/jurisdictions, it is established by using the date the current title was issued. Brands on Washington records prior to the effective date of this rule will reflect a brand incident date equal to the date the last Washington certificate of ownership was issued.

(6) "Certificate of ownership" (also referred to as "certificate of title" or "title") is a legal document indicating proof of ownership and will establish a fact or sustain a judgment unless contradictory evidence is produced. A certificate of ownership may be a document other than a title when a title document is not issued by a jurisdiction. For example, for Canadian vehicles, the certificate of ownership is the registration.

(7) "Comment" means an indication on the certificate of ownership, vehicle title/registration application or vehicle registration certificate that relates to tax liability, type of ownership, title transaction type or a previous condition of the vehicle.

(8) "Commercial parking company" means any business directly engaged in providing vehicle parking upon property owned or controlled by the business and approved for public parking of vehicles.

(9) "Current license plate registration" means the current registration or one that has been expired less than one year.

(10) "Declaration in lieu of title" is a written statement confirming the certificate of ownership, registration certificate, validation tab is unavailable, lost, stolen, destroyed, or mutilated. The declaration in lieu of title may be used to release interest in the vehicle. The signature of the owner completing the declaration in lieu of title must be signed under penalty of perjury, as described in WAC 308-56A-270.

(11) "Declaration of loss" is a written statement confirming the certificate of ownership, registration certificate, validation tab or decal has been lost, stolen, destroyed, or mutilated. The declaration of loss release of interest form may be used to release interest in the vehicle and transfer gross weight license for that vehicle to a new owner. The signature of the owner completing the declaration of loss release of interest must be signed under penalty of perjury, as described in WAC 308-56A-270.

(12) "Department" means the same as described in RCW 46.04.162.

(13) "Department temporary permit" is a permit issued temporarily in lieu of permanent registration and license plates when required documentation is unavailable.

(14) "Electronic filing" is the use of an electronic method to transmit information to the department that may include, but is not limited to, the use of the internet and facsimile.

(15) "Involuntary divestiture" means a change in vehicle ownership without the registered owner's involvement.

(16) "Joint tenancy with rights of survivorship" (JTWRWS) means two or more people who own a vehicle in

joint tenancy with the right to own individually if one of them dies.

(17) "Jurisdiction code" means an abbreviation assigned by the department generally based on the U.S. Postal Service designation that indicates state, province, district, or country.

(18) "Legal owner" means the same as described in RCW 46.04.270.

(19) "Lien holder" means a person or entity that has a legal right or interest in another's property until a debt or duty that it secures is satisfied.

(20) "Natural person" means a human being.

(21) "Not eligible for road use" (NEFRU) means a vehicle that does not meet Federal Motor Vehicle Safety standards, other federal and/or state standards for public road use as adopted, applied, and enforced by the Washington state patrol described in RCW 46.37.005.

(22) "A declaration under penalty of perjury" means a statement signed by the applicant to the effect - "I declare under penalty of perjury under the laws of the state of Washington that the information I have provided on this form is true and correct. Anyone who knowingly makes a false statement may be guilty of a crime under state law.

(23) "Person" means the same as described in RCW 46.04.405.

(24) "Personal representative" means:

(a) An individual appointed by the court; or

(b) An individual named in the last will and testament and confirmed by the court to manage the estate of a deceased person.

Personal representative may also include executor, administrator, special administrator, and guardian or limited guardian and special representative as defined in RCW 11.02.005(1).

(25) "Registered owner" means the same as described in RCW 46.04.460.

(26) "Security interest" means a property interest created by agreement or by operation of law to secure performance of an obligation (repayment of a debt).

(27) "Security interest holders" means in this instance, the same as "lien holder" as defined in subsection (16) of this section.

(28) "Secured party" means in this instance the same as "lien holder" as defined in subsection (16) of this section.

(29) "Standard brand" is a brand found on the brands list maintained by the National Motor Vehicle Title Information System (NMVTIS) program.

(30) "Transferee" means a person to whom a vehicle is transferred, by purchase, gift, or any means other than by creation of a security interest, and any person who, as agent, signs an odometer disclosure statement for the transferee, when applicable.

(31) "Transferor" means a person who transfers ownership in a vehicle by sale, gift, or any means other than by creation of a security interest and any person who, as agent, signs an odometer disclosure statement for the transferor, when applicable.

(32) "Unique brand" means a brand issued by a state that is not participating in the National Motor Vehicle Title Information System (NMVTIS) program and does not appear on the brands list maintained by NMVTIS.

(33) "Vehicle seller's report of sale" is a document or electronic record transaction that protects the seller of a vehicle from certain criminal and civil liabilities arising from use of the vehicle by another person after the vehicle has been sold or a change of ownership has occurred.

(34) A "vehicle" is a device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks.

(35) "Washington vehicle licensing office" means an office that is operated by the department or an agent or subagent appointed under RCW 46.01.140 for the purpose of carrying out the vehicle titling and registration provisions in Title 46 RCW.

AMENDATORY SECTION (Amending WSR 02-24-014, filed 11/25/02, effective 12/26/02)

**WAC 308-56A-525 Vehicle seller's report of sale.** (1) ~~(What is a vehicle seller's report of sale? A vehicle seller's report of sale is a document or electronic record transaction that protects the seller of a vehicle from certain criminal and civil liabilities arising from use of the vehicle by another person after the vehicle has been sold or a change in ownership has occurred.~~

~~(2)) Who must file a vehicle seller's report of sale? With the exception of certain vehicle transfers by registered Washington vehicle dealers, and vehicles disposed of by licensed vehicle wreckers, Washington law (RCW 46.12.-101) requires ((submission of)) filing a vehicle seller's report of sale by any person or business that transfers their interest in a Washington titled vehicle to anyone else. For the purposes of this rule, transferring interest includes, but is not limited to, selling, gifting, trading or disposing of your vehicle, but does not include the creation, deletion or change of a security interest.~~

~~((3)) (2) When must a **completed** vehicle seller's report of sale be filed? Vehicle seller's report of sale must be ((submitted)) received by the department within five days of the date of sale, gift, trade or other disposition of the vehicle, excluding Saturdays, Sundays, and state and federal holidays.~~

~~((4)) (3) Who is the seller? The seller is the current registered owner of record according to the computer file kept by the department. The seller is a person (individual or business) who transfers their right of ownership of a vehicle to another person or business.~~

~~(4) Who is the purchaser? The purchaser is a person (individual or business) who takes a vehicle into their possession, by voluntary acquisition.~~

~~(5) Why complete and file a vehicle seller's report of sale? It is in the seller's best interest to file the properly completed vehicle seller's report of sale to protect the seller in the event the buyer does not make application for ownership and then accumulates parking tickets, or towing charges, is involved in an uninsured accident or used in illegal activity, etc.~~

Vehicle seller's report of sale received by the department of licensing that are incomplete will be filed with the department; however, those that do not meet the requirements of the

law may not protect the seller from any civil or legal action if the vehicle is subsequently abandoned or involved in illegal activity.

~~(6) ((Who is the purchaser? The purchaser is the person who bought, received as a gift, obtained through a trade or received a disposed vehicle.~~

~~(7) What information is required on the vehicle seller's report of sale? You are required to provide information contained in RCW 46.12.101.~~

~~(8)) How do I file my vehicle seller's report of sale? You may file your seller's report of sale ((in the following ways)) through:~~

~~(a) ((Through)) Your local vehicle/vessel licensing office; or~~

~~(b) ((Mail it to)) The department by mail; or~~

~~(c) ((Through)) The internet.~~

~~((9)) (7) What information is required on the vehicle report of sale? You are required to provide information contained in RCW 46.12.101 that includes:~~

~~(a) The date of sale or transfer;~~

~~(b) Name(s) and address of seller;~~

~~(c) Name(s) and address of transferee (buyer);~~

~~(d) Description of vehicle; and~~

~~(e) Purchase price.~~

~~When you mail a vehicle seller's report of sale to the department, you will not receive a confirmation or receipt. You may wish to make a photocopy of the report of sale for your records prior to sending it to the department.~~

~~(8) Is there a fee for recording a vehicle seller's report of sale? Yes. It applies when a report of sale is filed through your local vehicle licensing office as authorized by RCW 46.01.140 (5)(b).~~

~~((10)) (9) May a vehicle seller's report of sale be removed from my vehicle record? Yes. As a registered owner, you may have a vehicle seller's report of sale removed from your vehicle record through your local vehicle licensing office, or by notifying the department in writing. You will need to provide the reason you are removing the vehicle seller's report of sale from your vehicle record.~~

~~((11)) (10) How will I ((prove)) show that I filed a completed vehicle seller's report of sale?~~

~~((a)) When you file a vehicle seller's report of sale at any Washington vehicle licensing office, you will be provided with a receipt ((showing)).~~

~~((b)) When you file a vehicle report of sale on the internet, you will have the option of printing your receipt. Both receipts will show the following information:~~

~~(a) Date the report of sale was filed;~~

~~((b)) (b) Description of vehicle;~~

~~((c)) (c) Name and address of agent/subagent where filed (not included when filing through the internet);~~

~~((d)) (d) Date of sale;~~

~~((e)) (e) Purchase price if provided;~~

~~((f)) (f) Name(s) and address of seller;~~

~~((g)) (g) Name(s) and address of transferee (buyer if provided).~~

~~((b) When you file a vehicle seller's report of sale on line, you will be provided a receipt showing:~~

~~(i) Date the report of sale was filed;~~

~~(ii) Description of vehicle;~~



- (iii) Date of sale;
- (iv) Purchase price;
- (v) Name(s) and address of seller;
- (vi) Name(s) and address of transferee (buyer).

~~When you mail a vehicle seller's report of sale to the department, you will not receive a confirmation or receipt. You may wish to make a photocopy of the report of sale for your records prior to sending it to the department.~~

Washington law makes it clear that it is a felony to knowingly make a false statement of fact. The penalty, upon conviction, shall be a fine of not more than five thousand dollars or imprisonment of not more than ten years, or both the fine and imprisonment. (RCW 46.12.210.)

AMENDATORY SECTION (Amending WSR 05-14-093, filed 6/30/05, effective 7/31/05)

**WAC 308-63-090 Vehicle wrecker—Records and procedures for monthly reports. What records must I keep and how do I handle the monthly report?** (1) **Wrecker books and files.** The wrecker shall must maintain books and files (~~which shall~~) that contain the following:

(a) A record of each vehicle or part acquired giving:

(i) A description of the vehicle or part by make, model, year, and for major component parts, except core parts, the vehicle identification number and "yard number" assigned at the time the vehicle or major component part was placed in the wrecking yard;

(ii) The date purchased or acquired by the vehicle wrecker, and the name of the person, firm or corporation from which the vehicle or part was obtained;

(iii) The certificate of ~~(title)~~ ownership number if registered in a title state, or registration number if a ~~(nontitle)~~ nontitling state; or description of the document used in lieu of title, such as an affidavit of sale ~~(or)~~, a bill of sale for a vehicle or vehicle part;

(iv) The name of the state and license number in the state that a vehicle was last registered; and

(v) A statement indicating whether any used car or truck at least six years but not more than twenty years old met the market value threshold amount immediately before it was wrecked, destroyed or damaged, as required by RCW 46.12.070 and WAC 308-56A-460(3). If this statement is not provided, when required, the department will treat the vehicle as if the wrecker indicated that the market value threshold was met when ~~(required)~~ wrecked.

(b) A record of the disposition of the motor, body, and major component parts giving the name of the person purchasing the part(s), if any. Sales to scrap processors shall must be accompanied by an invoice or bill of sale, listing each vehicle by its yard number. The wrecker shall must retain a copy of ~~(such)~~ the invoice or bill of sale for purposes of inspection for three years.

These records will be subject to inspection by authorized representatives of the department and law enforcement officials during regular business hours. The ~~(foregoing)~~ information shall must be entered in the wrecker's records within two business days of the event requiring the entry, such as receipt of a vehicle.

(2) **The vehicle wrecker must furnish written reports.**

By the tenth of the month following acquisition of vehicles entered into the wrecking yard inventory, each wrecker must submit a report on the form prescribed by the department documenting that ~~(those)~~ the vehicles were acquired and entered into the wrecking yard inventory during the previous month. Vehicles being held in the segregated storage area awaiting ownership documents, ~~(pursuant to)~~ under WAC 308-63-070(8), will not be reported. The report ~~(shall)~~ must be made in duplicate. The original ~~(shall)~~ must be sent to the department and the duplicate retained for the wrecker's files. If no vehicles were acquired during that month, the monthly report must be sent in stating "none." The report ~~(shall)~~ must contain ~~(such)~~ information for vehicles only as the wrecker is required to keep by subsection (1)(a)(i), (ii), (iii), (iv), and (v) of this section. The report must be accompanied by properly endorsed certificates of ~~(title)~~ ownership or other adequate evidence of ownership and registration certificates ~~(; provided that)~~. Records on acquisitions and sales of vehicle parts need not be included in reports submitted to the department but records ~~(shall)~~ must be kept for three years from date of purchase and made available for inspection.

(3) **Identity of vehicles in yard.** ~~(All vehicles placed in the wrecking yard shall be identified by a yard number as)~~ A yard number must identify all vehicles placed in the wrecking yard. The number must be assigned in the wrecker's records with numerals marked so as to be clearly visible and legible. If a part of a vehicle is sold which has the number on it, the yard number of the vehicle ~~(shall)~~ must be remarked in another location on the vehicle.

AMENDATORY SECTION (Amending WSR 02-24-013, filed 11/25/02, effective 12/26/02)

**WAC 308-93-276 Vessel seller's report of sale.** (1) ~~(What is a vessel seller's report of sale? A vessel seller's report of sale is a document or electronic record transaction that protects the seller of a vessel from certain criminal and civil liabilities arising from use of the vessel by another person after the vessel has been sold or a change in ownership has occurred.~~

~~(2))~~ **Who must file a vessel seller's report of sale?**

With the exception of certain vessel transfers by registered Washington vessel dealers, Washington law (RCW 88.02.-070 and 46.12.101) requires ~~(submission)~~ filing of a vessel seller's report of sale by any person or business that transfers their interest in a Washington registered/titled vessel to anyone else. For the purposes of this rule, transferring an interest includes, but is not limited to, selling, gifting, trading or disposing of your vessel, but does not include the creation, deletion, or change of a security interest.

~~(3))~~ **(2) When must a vessel seller's report of sale be filed?** Vessel seller's report of sale must be ~~(submitted)~~ received by the department within five days of the date of sale, gift, trade or other disposition of the vessel, excluding Saturdays, Sundays, and state and federal holidays.

~~(4))~~ **(3) Who is the seller?** The seller is ~~(the current registered owner of record according to the computer file kept by the department)~~ a person (individual or business)

who transfers their right of ownership of a vessel to another person or business.

~~((5))~~ **Why complete and file a vessel seller's report of sale?** It is in the seller's best interest to file the properly completed vessel seller's report of sale to protect the seller in the event the buyer/new owner does not make application for ownership and then accumulates moorage charges, towing charges, or becomes involved in an uninsured accident or used in illegal activity, etc.

~~Vessel seller's report of sale received by the department of licensing that are incomplete will be filed with the department; however, those that do not meet the requirements of the law may not protect the seller from any civil or legal action if the vessel is subsequently abandoned or involved in illegal activity.~~

~~((6))~~ **(4) Who is the purchaser?** The purchaser is ~~((the person who bought, received as a gift, obtained through a trade or received a disposed vessel))~~ a person (individual or business) who takes a vessel into their possession, by voluntary acquisition.

~~((7))~~ **(5) How do I file my vessel seller's report of sale?** You may file your seller's report of sale by mailing it to the department.

**(6) What information is required on the vessel seller's report of sale?** You are required to provide the following information:

- (a) The date of the sale or transfer;
- (b) Name(s) and address of seller;
- (c) Name(s) and address of transferee (buyer);
- (d) Description of vessel including:
  - (i) Vessel hull identification number; and
  - (ii) Vessel registration number.

~~((8))~~ **How do I file my vessel seller's report of sale?** You may file your seller's report of sale in the following ways:

- (a) Through your local vehicle licensing office;
- (b) Mail it to the department.

~~((9))~~ **Is there a fee for recording a vessel seller's report of sale?** Yes. It applies when a report of sale is filed through your local vehicle licensing office as authorized by RCW 46.01.140 (5)(b).

~~((10))~~ **(7) May a vessel seller's report of sale be removed from my vessel record?** Yes. As a registered owner, you may have a vessel seller's report of sale removed ~~((from your vessel record through your local vehicle licensing office, or))~~ by notifying the department in writing. You will need to provide the reason you are removing the report of sale ~~((from your vessel record))~~.

~~((11))~~ **(8) How will I ~~(prove)~~ show that I filed a vessel seller's report of sale?** ~~((When you file a vessel seller's report of sale at any Washington vehicle licensing office, you will be provided with a receipt showing:~~

- ~~(a) Date the report of sale was filed;~~
- ~~(b) Description of vessel;~~
- ~~(c) Name and address of agent/subagent where filed;~~
- ~~(d) Date of sale;~~
- ~~(e) Purchase price;~~
- ~~(f) Name(s) and address of seller;~~
- ~~(g) Name(s) and address of transferee (buyer).~~

~~When you mail a vessel seller's report of sale to the department you will not receive a confirmation or receipt. You may wish to make a photocopy of the report of sale for your records prior to sending it to the department.)~~ To obtain a copy of the filed seller's report of sale, you must contact the department.

Washington law makes it clear that it is a felony to knowingly make a false statement of fact. The penalty, upon conviction, shall be a fine of not more than five thousand dollars or imprisonment of not more than ten years, or both the fine and imprisonment. (RCW 46.12.210.)

## WSR 06-18-062

### PROPOSED RULES

### DEPARTMENT OF CORRECTIONS

[Filed September 1, 2006, 10:39 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-11-086 and 06-15-109.

Title of Rule and Other Identifying Information: Amendments to WAC 137-28-220 General infractions, 137-28-310 Decision of hearing officer, 137-28-380 Appeal to superintendent, 137-28-420 Continuances, 137-25-020 Definitions and 137-25-030 Serious infractions; create a new chapter 137-24 WAC, Special drug sentencing alternative revocation hearings.

Hearing Location(s): Department of Corrections, E. L. Goodrich Building, Olympic Room, #3017, 7345 Linderson Way S.W., Tumwater, WA 98501, on October 10, 2006, at 10 a.m.

Date of Intended Adoption: October 10, 2006.

Submit Written Comments to: John Nispel, P.O. Box 41114, Olympia, WA 98504-1114, e-mail [jrnispel@doc1.wa.gov](mailto:jrnispel@doc1.wa.gov), fax (360) 725-8365, by October 9, 2006.

Assistance for Persons with Disabilities: Contact John Nispel by October 9, 2006, TTY (800) 833-6388.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Revise the general and serious infractions for prison and work release offenders and establish a procedure or revocation hearings for offenders sentenced under the drug offender sentencing alternatives (DOSAs).

Reasons Supporting Proposal: These amendments will make technical corrections to general and serious infractions and clarify the process for DOSA revocation hearings.

Statutory Authority for Adoption: RCW 72.01.090, 72.65.100, and 72.09.130.

Statute Being Implemented: RCW 72.65.100 and 72.09.130.

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

Name of Proponent: Doreen Geiger, governmental.

Name of Agency Personnel Responsible for Drafting: Doreen Geiger/Lori Ramsdell-Gilkey, Olympia, (360) 753-1508; Implementation: Lori Ramsdell-Gilkey, Olympia, (360) 586-0844; and Enforcement: Ruben Cedeno, Olympia, (360) 725-8792.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules affect offenders only and will not impose costs on businesses.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to this rule adoption as the agency is not named in RCW 34.05.328 (5)(a)(i).

September 1, 2006

H. W. Clarke  
Secretary

## Chapter 137-24 WAC

### SPECIAL DRUG SENTENCING ALTERNATIVE REVOCATION HEARINGS

#### NEW SECTION

**WAC 137-24-010 Purpose.** The purpose of this chapter is to specify policies and procedures pertaining to revocation of offenders, while in total/partial confinement, sentenced under the special drug offender sentencing alternative. Offenders sentenced under the special drug offender sentencing alternative, are mandated by statute to undergo a comprehensive substance abuse assessment and receive, within available resources, substance abuse treatment services. Offenders who fail to complete or are administratively terminated from the special drug offender sentencing alternative substance abuse treatment program are subject to reclassification and service of the unexpired term of his/her sentence as ordered by the sentencing court. The following regulations set forth procedural guidelines. They do not create procedural or substantive rights in any person and should not be interpreted or applied in such a manner as to abridge rights already guaranteed by the United States Constitution. The regulations should be interpreted as having sufficient flexibility to be consistent with law and permit the department to accomplish its statutory purposes.

#### NEW SECTION

**WAC 137-24-020 Definitions.** For purposes of this chapter, the following words have the following meanings:

(1) "Appeals panel" means three reviewing officers designated by the secretary with the authority to review hearing officer's decision, and to affirm, reverse, or modify decisions and sanctions in accordance with RCW 9.94A.205.

(2) "Department" means the Washington state department of corrections.

(3) "Deputy secretary" means the deputy secretary of the office of correctional operations of the department, or the deputy secretary's designee.

(4) "Hearing officer" means an employee of the department authorized to conduct department hearings.

(5) "Hearing program manager" means the manager/administrator of the hearings unit of the department, or the hearings program manager's designee.

(6) "Infraction" means commission of, attempt to commit, or conspiracy with another to commit any violation of prison rules as enumerated in chapter 137-28 WAC.

(7) "Lesser included" means an infraction that must necessarily have been committed in order to commit another infraction.

(8) "Negotiated sanction" means an agreement between the offender and the department, reviewed and signed off on by a hearings officer, in which the offender admits violations and agrees to comply with the imposed sanction(s).

(9) "Offender" means any person in the custody of or subject to the jurisdiction of the department.

(10) "Partial confinement" means confinement in a facility or institution operated or utilized under contract by the state or by any other unit of government, to include, but not be limited to, work release, treatment center, residential facility, or home detention with electronic monitoring.

(11) "Secretary" means the secretary of the department, or the secretary's designee.

(12) "Staff member" means any employee of the department of corrections, contract employee or volunteer.

(13) "Stipulated agreement" means an agreement between the offender and the department in which the offender admits violations and agrees to comply with the imposed sanction(s).

(14) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, to include, but not be limited to, adult correctional facilities, camp or a county or municipal jail.

(15) "Working day" means Monday through Friday, 8:00 a.m. to 5:00 p.m., Pacific Time, except for holidays observed by the state of Washington.

#### NEW SECTION

**WAC 137-24-030 Hearing procedures.** (1) Offenders accused of failing to complete or having been administratively terminated from an in-custody substance abuse program are entitled to a hearing prior to the revocation or to the imposition of sanctions by the department.

(2) The hearing shall be conducted by a hearing officer in the department's community corrections hearing unit, and shall be considered as an offender disciplinary proceeding and shall not be subject to chapter 34.05 RCW, the Administrative Procedure Act.

(3) Hearings shall be conducted within five working days, but not less than twenty-four hours, after service of the notice of allegations, hearing and rights, and waiver form.

(4) Prior to the commencement of a hearing, the hearing officer shall verify that proper notice of the hearing has been given and that the offender was properly served with the notice of allegations, hearing and rights, and waiver form, given a copy of the report of alleged violations, and provided with all supporting documentary evidence to be presented by the department.

(5) The hearing officer is authorized to find an inmate guilty of the lesser included offense, failure to program, WAC 137-25-030 #557, without issuing a new infraction report or conducting a new hearing.

(6) Hearings shall be electronically recorded and shall be retained in accordance with the department's retention sched-

ule. An offender, who is the subject of the hearing, may request a copy of the recording of that hearing by submitting a request in writing.

(7) The offender may call witnesses to testify on his/her behalf at the hearing. The hearing officer may limit the number of witnesses and the scope of the testimony to matters relevant to the allegations and/or disposition.

(8) Confidential information will be considered in accordance with procedures of WAC 137-28-300(7).

(9) At the hearing, a treatment staff or facility member has the obligation of setting forth evidence supporting the allegations of violations and of offering recommendations of disposition.

(10) The department has the obligation of proving each of the allegations of violation by preponderance of the evidence.

(11) The hearing officer shall:

(a) Administer oaths and affirmation;

(b) Weigh the credibility of the witnesses;

(c) Rule on all procedural matters, objections and motions;

(d) Rule on offers of proof, and receive relevant evidence including hearsay evidence;

(e) Question witnesses called by the parties in an impartial manner to elicit any facts deemed necessary to fairly and adequately decide the matter;

(f) Render or defer a decision; and

(g) Take any other actions necessary and authorized by these rules and law.

(12) The hearing officer may grant a request for a continuance of the hearing as long as such continuation is granted for good cause and does not unduly delay the hearing.

#### NEW SECTION

**WAC 137-24-040 Rights specified.** (1) To receive written notice of the alleged violation of the DOSA sentence.

(2) To have an electronically recorded hearing conducted within five working days of service of the notice.

(3) To have a neutral and detached hearing officer conduct the hearing.

(4) To examine, no later than twenty-four hours before the hearing, all supporting nonconfidential documentary evidence which the department of corrections intends to present during the hearing.

(5) To admit to the allegation. This may limit the scope of the hearing.

(6) To be present during the fact-finding and disposition phases of the hearing.

(7) To present his/her case to the hearing officer. If there is a language or communication barrier, the hearing officer may appoint someone to interpret or otherwise assist the offender. However, no other person may represent the offender in presenting his/her case. There is no right to an attorney or counsel.

(8) To confront and cross-examine witnesses appearing and testifying at the hearing.

(9) To testify during the hearing or to remain silent. An offender's silence will not be held against him/her.

(10) To have witnesses provide testimony on his/her behalf, either in person or in a witnessed statement/affidavit. However, outside witnesses may be excluded due to institutional concerns. The hearing officer may also exclude persons from the hearing upon a finding of good cause, or if the information to be presented by the witnesses is deemed irrelevant, duplicative, or unnecessary to the adequate presentation of the inmate's case. In addition, the hearing officer may exclude a witness from testifying at a hearing or may require a witness to testify outside of the offender's presence when there is a substantial likelihood that the witness will not be able to give effective, truthful testimony with the offender present. In either event, the offender may submit a list of questions to ask the witness(es).

(11) To receive a written hearing and decision summary including the evidence presented; a finding of guilty or not guilty; and the reasons to support the findings of guilt; and the sanction imposed. In the event of a deferred decision to receive a copy of the hearing and decision summary from facility staff within a reasonable amount of time.

(12) To receive a copy of the department of corrections hearing report.

(13) To obtain a copy of the audio recording of the hearing. The offender must send a written request to the hearings unit.

(14) To appeal to the regional appeals panel, in writing, within seven calendar days of receipt of the hearing and decision summary. The offender may also file a personal restraint petition to appeal the department's final decision through the court of appeals.

(15) If the offender waives their right to be present at the hearing, the department of corrections may conduct the hearing in their absence and may impose sanctions that could include loss of liberty and/or reclassification/revocation of the DOSA sentence.

(16) To waive any or all of the above rights.

#### NEW SECTION

**WAC 137-24-050 Determination of competency.** (1) Whenever, as a preliminary matter, the offender of the community corrections officer raises the issue of the offender's competency, or there is a reason to doubt his/her competency, the hearing officer shall request a county mental health professional or a qualified expert within the department to examine the offender and report upon the mental condition and competency of the offender to participate in the hearing.

(2) Once the report is delivered to the hearing officer, the hearing shall be reconvened. Based on all evidence, including the competency evaluation, the hearing officer shall determine whether the offender is competent to participate in the hearing and shall determine the appropriate disposition.

#### NEW SECTION

**WAC 137-24-060 Appeals.** (1) Within seven calendar days of the hearing, the offender may appeal the decision of the hearing officer to the appeal panel. The request for review shall be submitted in writing and shall identify the specific issues on appeal.

(2) The sanction may be reversed or modified if a majority of the panel determines that the sanction is not reasonably related to the infraction behavior.

(3) The appeals panel will also examine evidence presented at the hearing and reverse any finding of a violation based solely on unconfirmed or unconfirmable allegations.

**AMENDATORY SECTION** (Amending WSR 05-24-009 and 06-02-038, filed 11/28/05 and 12/28/05, effective 5/1/06)

**WAC 137-25-020 Definitions.** For the purposes of this chapter, the following words have the following meanings:

Abusive sexual contact - an incident in which the contact occurs without his/her consent or he/she was unable to consent or refuse. Abusive sexual contact includes one or more of the following behaviors:

- Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of the victim. It does not include kicking, grabbing or punching genitals when the intent is to harm or debilitate rather than to sexually exploit.

Adult correctional institution and institution - a facility identified in RCW 72.01.050(2) and any similar facility hereinafter established.

Aggravated assault - an assault resulting in physical injury and requiring medical care (see definition of medical care).

Assault - a physical attack upon the body of another person. The attack may be made with any instrument including, but not limited to, weapons, body parts, food products, or bodily secretions.

Attempted suicide - an unsuccessful attempt to kill oneself as determined by a medical or mental health professional.

Attempt - putting forth an effort to commit any infraction shall be considered the same as commission of the infraction. However, attempted aggravated assault shall be considered an attempted assault.

Bodily harm - physical pain or injury, illness, or impairment of physical condition.

Cell tag - if contraband or other violation is discovered in an area under control of the inmate (such as within the confines or contents of a cell), the contraband or other violation shall be constructively attributed to the inmate(s) assigned to that area, unless the inmate(s) can establish a lack of involvement in the infraction at the disciplinary hearing.

Conspiracy - an agreement between two or more persons to commit an infraction. Conspiracy to commit an infraction shall be considered the same as commission of the infraction.

Deputy secretary - the deputy secretary of the office of correctional operations of the Washington state department of corrections, or the deputy secretary's designee.

Discovery - when a staff member discovers that an infraction has occurred or when an investigation into the incident is concluded.

Earned time - means that portion of time an offender is eligible to earn for program participation approved by the classification process and consistent with his/her case management plan.

Earned release time - means the combined earned time and good conduct time credit an offender is eligible to earn

off the minimum term established by the indeterminate sentence review board or the sentencing court.

Good conduct time credits - that portion of an inmate's potential reduction to minimum term which is authorized by RCW 9.95.070 and 72.09.130 and which may be lost by receiving serious infractions.

Hearing officer - staff member(s) designated by the superintendent or hearings program administrator to conduct disciplinary hearings.

Infraction - commission of, attempt to commit, or conspiracy with another to commit any violation of rules as enumerated in this code. Aiding or abetting another to commit an infraction will be considered the same as commission of the infraction.

Infraction review officer - staff member(s) designated by the superintendent to review a serious infraction.

Lesser included offense - any infraction that must necessarily have been committed in order to commit another infraction.

Medical care - any care conducted in a medical facility/treatment center by medical staff to treat a documented, physical injury, including, but not limited to, bandaging, suturing, surgery, etc. An examination conducted by medical staff to determine whether an injury has been sustained shall not be considered medical care.

Mental health professional - an individual with a unique set of knowledge, skills and abilities that makes him/her competent in either development, research, administration, assessment, prevention, treatment, education or training aimed at affecting the onset, occurrence, and maintenance of mental, behavioral and in some cases physical health disorders.

Mitigating factors - factors to be considered by the infracting officer in deciding whether to charge a #328 general infraction rather than a #728 serious infraction. Also, factors to be considered by the infraction review officer, hearings officer, and superintendent for the purpose of deciding whether a #728 serious infraction should be reduced to a #328 general infraction. Mitigating factors may include the seriousness of the sexually explicit material involved, whether the inmate has been convicted of a sexually motivated crime, the treatment needs of the inmate, the prior history of similar behavior, and the source of the material.

Possession - established when an item(s) is found on a person or in an area which is under the control of the individual(s) charged.

Promptly - to act as soon as reasonably possible, consistent with institutional goals of safety, security, and rehabilitation.

Secretary - the secretary of the Washington state department of corrections, or the secretary's designee.

Sexual harassment - any word, action, gesture or other behavior that is sexual in nature and that would be offensive to a reasonable person.

Sexual assault - an incident in which the act occurs against the will of the victim (without his/her consent and/or he/she is unable to consent or refuse) as the result of the threat of the force or force used to obtain compliance. A sexual assault includes one or more of the following behaviors:

- Contact between the penis and the vagina or the penis and the anus involving penetration. It does not include kicking, grabbing or punching genitals when the intent is to harm or debilitate rather than to sexually exploit:

- Contact between the mouth and the penis, vagina and/or anus;

- Penetration of the anal or genital opening of another person by hand, finger or other object.

Sexually explicit - means a depiction of one of the following:

- One of the participants in the sexual act is, or appears to be, nonconsenting;

- One of the participants in the sexual act appears to be forceful, threatening, or violent;

- One of the partners in the sexual act is dominating one of the other participants and one of the individuals is obviously in a submissive role or one of the participants is degraded, humiliated, or willingly engages in behavior that is degrading or humiliating;

- One of the participants in the sexual act is a minor, or appears to be a minor, or a minor alone is depicted in a sexually suggestive way;

- Actual penetration, be it penile/vaginal-oral, penile-anal, or penile-vaginal; digital-anal; digital-vaginal; or insertion of any inanimate object in the vaginal or anal cavity, and the depiction in the context presented is deemed to be a threat to legitimate penological objectives;

- Any bodily excretory function which is sexual in nature;

- Bestiality, sadomasochistic behavior, bondage; or
- Material reasonably deemed to be a threat to legitimate penological objectives.

Staff member - for purposes of this chapter includes employees of the department of corrections, contract employees, and volunteers.

Superintendent - superintendent of an adult correctional institution or the superintendent's designee.

Working days - Monday through Friday, excluding weekends and holidays.

AMENDATORY SECTION (Amending WSR 05-24-009 and 06-02-038, filed 11/28/05 and 12/28/05, effective 5/1/06)

**WAC 137-25-030 Serious infractions.**

**Category A**

501 - Committing homicide.
502 - Aggravated assault on another offender.
507 - Committing <u>an act that would constitute a felony and that is not otherwise included in these rules.</u>
511 - Aggravated assault on a visitor or community member.
521 - Taking or holding any person hostage.
550 - Escape ( <del>or attempted escape</del> ).
601 - Possession, manufacture, or introduction of an explosive device or any ammunition, or any components of an explosive device or ammunition.

**Category A**

602 - Possession, manufacture, or introduction of any gun, firearm, weapon, sharpened instrument, knife, or poison or any component thereof.
603 - Possession, introduction, use or transfer of any narcotic, controlled substance, illegal drug, unauthorized drug, mind altering substance, or drug paraphernalia.
604 - Aggravated assault on a staff member.
611 - ( <del>Nonconsensual</del> ) Sexual assault on a staff member.
612 - Attempted ( <del>nonconsensual</del> ) sexual assault of staff.
613 - Abusive sexual contact with staff.
635 - ( <del>Nonconsensual</del> ) Sexual assault on another offender.
636 - Attempted ( <del>nonconsensual</del> ) sexual assault of another offender.
637 - Abusive sexual contact with another offender.
650 - Rioting.
651 - Inciting others to riot.

~~((Category B~~

<del>762 - Failing to comply with DOSA requirements.))</del>
--

**Category B - Level 1**

504 - Engaging in sexual acts with others within the facility with the exception of approved conjugal visits.
553 - Setting a fire.
560 - Unauthorized possession of items or materials likely to be used in an escape attempt.
<del>((588 - Causing a valid and documented threat of transmission of a contagious disease to any person due to intentional, negligent or reckless action.))</del>
633 - Assault on another offender.
704 - Assault on a staff member.
711 - Assault on a visitor or community member.
744 - Making a bomb threat.

**Category B - Level 2**

505 - Fighting with any person.
556 - Refusing to submit or cooperate in a search when ordered to do so by a staff member.
607 - Refusing to submit to a urinalysis and/or failure to provide a urine sample when ordered to do so by a staff member within the allotted time frame.
608 - Refusing or failing to submit to a breathalyzer or other standard sobriety test when ordered to do so by a staff member.
609 - Refusing or failing to submit to testing required by policy, statute, or court order, such as DNA blood tests when ordered to do so by a staff member.

**Category B - Level 2**

652 - Engaging in or inciting a group demonstration.
655 - Making intoxicants, alcohol, controlled substances, narcotics, or possession of ingredients, equipment, items, formulas, or instructions that are used in making intoxicants, alcohol, controlled substances, or narcotics.
682 - Engaging in or inciting an organized work stoppage.
707 - Possession, introduction, or transfer of any alcoholic or intoxicating beverage <u>or substance</u> .
716 - Unauthorized use of <del>((prescribed or over the counter medication))</del> <u>an over the counter medication or failure to take as prescribed medication was required when administered under supervision.</u>
736 - Possession, manufacture or introduction of unauthorized keys.
750 - Indecent exposure.
752 - Receiving a positive test for use of unauthorized drugs, alcohol, or other intoxicants.
830 - Any escape from work release with voluntary return within 24 hours.

**Category B - Level 3**

503 - Extortion, blackmail, demanding or receiving money or anything of value in return for protection against others, or under threat of informing.
506 - Threatening another with bodily harm or with any offense against another person, property, or family.
509 - Refusing a direct order by any staff member to proceed to or disperse from a particular area.
525 - Violating conditions of a furlough.
<del>((557 - Refusing to participate in an available education or work program or other mandatory programming assignment.))</del>
558 - Interfering with staff members, medical personnel, fire fighters, or law enforcement personnel in the performance of their duties.
600 - Tampering with, damaging, blocking, or interfering with any locking or security device.
605 - Impersonating any staff member, contracted staff member, volunteer, other offenders or visitor.
653 - Causing an inaccurate count or interfering with count by means of unauthorized absence, hiding, concealing oneself, or other form of deception or distraction.
654 - Counterfeiting, forgery, altering, falsification, or unauthorized reproduction of any document, article <del>((-or))</del> <u>of identification, money, security, or official paper.</u>
660 - Unauthorized possession of money or other negotiable instruments the value of which is five dollars or more.

**Category B - Level 3**

709 - Out-of-bounds: Being in another offender's cell or <del>((other area in the facility where not assigned or authorized.))</del> being in an area in the facility with one or more offenders without authorization.
738 - Possession of clothing of a staff member.
739 - Possession of personal information about currently employed staff, contractors, or volunteers, or their immediate family members, not voluntarily given to the offender by the individual involved; including, but not limited to: Social Security numbers, unpublished home addresses or telephone numbers, driver's license numbers, medical, personnel, financial, or real estate records, bank or credit card numbers, or other like information not authorized by the court or the superintendent.
745 - Refusing a transfer to another institution.
746 - Engaging in or inciting an organized hunger strike.
<u>762 - Failing to complete, or administrative termination from, DOSA substance abuse treatment program. Note: This infraction must be initiated by authorized staff and heard by a community corrections hearing officer in accordance with chapter 137-24 WAC.</u>
777 - Causing injury to another person by resisting orders, resisting assisted movement or physical efforts to restrain.
813 - Unauthorized/unaccounted time in the community or being in an unauthorized location in the community.
814 - <u>While in work release, violation of an imposed special condition.</u>
831 - While in work release, failure to return from an authorized sign out.
879 - Operating a motor vehicle without permission <u>or in an unauthorized manner or location.</u>

**Category C - Level 1**

508 - Throwing objects, materials, substances, or spitting <del>((at staff, visitors, or other offenders))</del> <u>in the direction of another person(s).</u>
517 - Committing <u>any act that would constitute a misdemeanor and that is not otherwise included in these rules.</u>
555 - Theft of property or possession of stolen property.
<u>557 - Refusing to participate in an available education or work program or other mandatory programming assignment.</u>
563 - Making a false fire alarm or tampering with, damaging, blocking, or interfering with fire alarms, fire extinguishers, fire hoses, fire exits, or other fire fighting equipment or devices.
610 - Unauthorized <del>((accumulation))</del> <u>possession</u> of prescribed medication greater than a single or daily dose.

**Category C - Level 1**

620 - Receipt or possession of contraband during participation in off-grounds or outer perimeter activity or work detail.
659 - Sexual harassment.
663 - Using physical force, intimidation or coercion against any person.
702 - Possession, manufacture or introduction of an unauthorized tool.
708 - Organizing or participating in unauthorized group activity or meeting.
714 - Giving, selling, borrowing, lending, or trading money or anything of value to, or accepting or purchasing money or anything of value from, another offender or that offender's friend(s) or family, the value of which is ten dollars or more.
717 - Causing a threat of injury to another person by resisting orders, resisting assisted movement or physical efforts to restrain.
720 - Flooding a cell or other area of the institution/facility.
724 - Refusing a cell or housing assignment.
734 - Participating or engaging in the activities of any unauthorized club, organization, gang or security threat group; or wearing or possessing the symbols of an unauthorized club, organization, gang or security threat group.
<u>810 - Failure to seek/maintain employment or training or maintain oneself financially or being terminated from a job for negative or substandard performance.</u>

**Category C - Level 2**

552 - Causing an innocent person to be penalized or proceeded against by providing false information.
554 - <del>((Mutilating, altering, defacing.))</del> <u>Damaging or destroying state property or any other item the value of which is ten dollars or more and that is not the personal property of the offender.</u>
559 - Gambling; possession of gambling paraphernalia.
656 - Giving, receiving, or offering any person a bribe or anything of value for an unauthorized favor or service.
706 - Giving false information when proposing a release plan.
710 - Being tattooed while incarcerated, tattooing another, or possessing tattoo paraphernalia.
718 - Use of mail or telephone in violation of court order or local, state, or federal law.
726 - Telephoning or sending written communication or otherwise initiating communication with a minor without the approval of that minor's parent or guardian.
727 - Telephoning or sending written communications to any person contrary to previous written warnings <u>or direction</u> and/or documented disciplinary action.

**Category C - Level 2**

728 - Possession of any <del>((written photographic or hand-drawn))</del> <u>sexually explicit material(s), ((that depicts sexually explicit acts)) as defined ((in)) by department policy and/or WAC 137-25-020.</u>
740 - Fraud, embezzlement, or obtaining goods, services, money, or anything of value under false pretense.
742 - A pattern of creating a false emergency by feigning illness.
778 - Providing a <del>((false and/or adulterated urine sample))</del> <u>urine specimen that has been diluted, substituted or altered in any way.</u>

**Category C - Level 3**

551 - Providing false information to the disciplinary hearings officer or on a disciplinary appeal.
606 - Possession, introduction, or transfer of any tobacco, tobacco products, matches, or tobacco paraphernalia.
657 - Being found guilty of four or more general infractions arising out of separate incidents within a 90-day period.
658 - Failing to comply with any administrative or post-hearing sanction imposed for committing any general or serious infraction.
662 - Soliciting goods or services for which the provider would expect payment when the offender knows or should know that no funds are available to pay for those goods or services.
712 - Attempted suicide as determined by mental health staff.
713 - Self-mutilation or self-harm.
741 - Theft of food the value of which is more than five dollars.
755 - Misuse or waste of issued supplies, goods, services, or property the replacement value of which is ten dollars or more.
<del>((810 - Willful failure to seek/maintain employment or training oneself financially or being terminated from a job for negative or substandard performance.))</del>
811 - Entering into an unauthorized contract.
812 - Failure to report/turn in all earnings income.
<del>((854 - Destroying or damaging state property, or the property of another person.))</del>
861 - Performing or taking part in an unauthorized marriage.

~~((Definitions: Attempting to commit or aiding another person to commit a serious infraction - such action shall be considered the same as commission of the offense itself.)) (1) In determining whether a #728 infraction or a #328 infraction pursuant to WAC 137-25-030 should be charged, the infracting officer shall consider mitigating factors as defined in WAC 137-25-020.~~



(2) Attempts to commit infraction #611 or #635 are now separate infractions #612 and #636 for the Prison Rape Elimination Act (PREA) reporting purposes only and do not impact the definition in WAC 137-25-020 which includes "attempts."

AMENDATORY SECTION (Amending WSR 02-12-023, filed 5/28/02, effective 6/28/02)

**WAC 137-28-220 General infractions.** (1) Any of the following types of behavior may constitute a general infraction:

**Unauthorized possession/theft**

- 051 - Unauthorized possession of money, stamps or negotiable instruments the total value of which is less than five dollars.
- 053 - Possession of anything not authorized for retention or receipt by an inmate and/or not issued to an inmate by regular institutional channels.
- 255 - Misuse or waste of issued supplies, goods, services or property, the replacement value of which is less than ten dollars.
- 310 - Pretending or failing to take prescribed medication that the inmate has accepted by concealing or retaining a single or daily dose.
- 354 - Theft of food, the value of which is five dollars or less.
- 356 - Possession of unauthorized amount of otherwise authorized clothing, bedding, or issued supplies.

**Loaning/trading**

- 052 - Loaning of property for profit.
- 351 - Giving, selling, borrowing, lending, or trading money or anything of value to, or accepting or purchasing money or anything of value from, another inmate or that inmate's friend(s) or family the value of which is less than ten dollars.

**Altering/destroying property**

- 055 - Mutilating, altering, defacing or destroying any item valued at less than ten dollars and that is not the personal property of the inmate.

**Disruptive behavior/lying**

- 202 - Abusive language, harassment or other offensive behavior directed to or in the presence of staff, visitors, inmates, or other persons or groups.
- 203 - Lying to a staff member.
- 244 - Unauthorized displays of sexual affection with another inmate.
- 353 - Disruptive behavior.

- 355 - Horseplay, roughhousing or any other unauthorized physical contact between inmates.
- 357 - Unauthorized demonstration, practice or use of martial arts.

**Failure to follow rules and orders**

- 102 - Failure to follow any written rules or policies adopted by the institution and not specified within this chapter or in local disciplinary rules.
- 103 - Refusing or failing to obey an order, oral or written, of any staff member.
- 210 - Out of bounds; being in an area where the presence of the inmate is unauthorized.
- 214 - Interfering or failing to comply with count procedures.
- 251 - Smoking and possession of tobacco products where prohibited.
- 301 - Failure to keep your person or your quarters in accordance with institution rules or policies.
- ~~((307 - Performing or taking part in an unauthorized marriage.))~~

**Unauthorized communication/visitor contact**

- 303 - Unauthorized use of mail or telephone.
- 304 - Unwanted written and telephonic communications to any person.
- 305 - Correspondence or conduct with a visitor in violation of published or posted rules and policies.
- 309 - Unauthorized display of affection with a visitor.

**Inappropriate use of equipment**

- 212 - Using any equipment or machinery when not specifically authorized or contrary to instructions or safety standards.
- ~~((213 - Using any equipment or machinery contrary to instructions or safety standards.))~~

**Unexcused absence/feigning illness**

- 104 - Unexcused absence from work or any assignment, scheduled meeting, appointment, or call out.
- 352 - Pretending to be ill or injured contrary to medical/mental health screening results.

**Inappropriate sexual behavior**

- 328 - Possession of any written, photographic or hand-drawn material that depicts a sexually explicit act as defined in WAC 137-28-160.

(2) In determining whether a #328 infraction or a #728 infraction pursuant to WAC ~~((137-28-260))~~ 137-25-030 should be charged, the infracting officer shall consider mitigating factors as defined in WAC 137-28-160.

AMENDATORY SECTION (Amending WSR 95-15-044, filed 7/13/95, effective 8/15/95)

**WAC 137-28-250 Appeals.** (1) The sanctions for a finding of guilty of a general infraction may be appealed by the inmate to the major hearing officer of the institution.

(a) The appeal must be in writing and must include the reason why the inmate believes the action taken was incorrect.

(b) The appeal must be delivered to the hearing officer within twenty-four hours after the inmate receives notice of the action taken.

(c) Failure to follow appeal procedures will be deemed a waiver of the appeal.

(2) Within ten working days after receipt of the appeal, unless the time is extended by the superintendent, the hearing officer will decide either to:

(a) Schedule a hearing on the appeal; or

(b) Affirm, modify downward, or reverse the finding of guilty without a hearing.

(3) Once a decision of the hearing officer is made, the inmate shall be notified within seventy-two hours, unless the time period is extended by the superintendent.

(4) Sanctions are not stayed upon appeal.

AMENDATORY SECTION (Amending WSR 02-12-023, filed 5/28/02, effective 6/28/02)

**WAC 137-28-310 Decision of hearing officer.** (1) A report of the hearing shall be made.

(a) The report shall include:

(i) The charge;

(ii) Names of witnesses;

(iii) Inmate plea(s);

(iv) Summary of the testimony and cross-examination;

(v) A description of the physical evidence used;

(vi) Reasons for denying witnesses or the fact that written witness statements were not returned to the hearing officer; and

(vii) The decisions and reasons.

(b) The written report shall be placed in the inmate's institutional file if he/she is found guilty.

(c) All reports and attachments shall be maintained by the clerk as part of the hearing officer's permanent records. A complete taped record of the hearing shall be taken but the tape shall not become a part of the inmate's file, and may be destroyed (~~one hundred twenty days after the date of the hearing~~) in accordance with the department's archive retention schedule unless the hearing officer becomes aware that an appeal or court proceeding is pending.

(2) In reaching a decision on the guilt or innocence of the inmate, the hearing officer must rely solely on evidence considered at the hearing. However, during the dispositional stage of the hearing, other factors, such as the inmate's institutional file, prior conduct, mental status, and overall institution adjustment, may be considered.

(3) The hearing officer may not find an inmate guilty of committing a #328 or #728 infraction if the inmate possesses sexually explicit materials depicting **only** actual penetration and such sexually explicit material was screened and approved by a mail room staff member prior to delivery to the

inmate. Nothing herein shall be construed to limit the ability to remove such material from the inmate's possession and cell.

(4) The hearing officer shall consider mitigating factors in determining whether to reduce a #728 serious infraction to a #328 general infraction.

(5) The hearing officer is authorized to find an inmate guilty of a lesser included offense without issuing a new infraction report or conducting a new hearing.

(6) Where the evidence suggests an inmate is guilty of an offense not charged and which is not a lesser included offense to a charged offense, the hearing officer may recommend that new charges be filed to address such offenses. The inmate may waive the right to a separate hearing on the new charges and may allow the hearing officer to enter a finding of guilty or not guilty and impose sanctions.

(7) The inmate shall be informed of the decision of the hearing officer in writing within three working days of the hearing, unless extended by the superintendent.

(8) The inmate shall be informed of his/her right to appeal the decision of the hearing officer to the superintendent.

AMENDATORY SECTION (Amending WSR 02-12-023, filed 5/28/02, effective 6/28/02)

**WAC 137-28-380 Appeal to superintendent.** (1) An inmate or the inmate's staff advisor may appeal the decision of the hearing officer to the superintendent by filing a written request for review with his/her reasons with the clerk within fifteen days, exclusive of weekends and holidays, after receiving notice of the decision of the hearing officer. The superintendent may consider appeals filed beyond the fifteen-day period.

(2) The clerk shall promptly transmit the appeal and the hearing record to the superintendent.

(3) The superintendent shall act on the appeal within ten working days of its receipt. The superintendent may affirm the decision of the hearing officer; reduce the charge to a lesser included offense; reduce a #728 serious infraction to a #328 general infraction based upon mitigating factors; reduce the severity of the sanctions imposed; vacate the judgment of the hearing officer; or remand the matter for a new hearing. Any new hearing may not result in an increase in the severity of the sanctions originally imposed unless the inmate is charged with related or additional offenses.

(4) The inmate shall be notified promptly of the decision of the superintendent.

(5) Sanctions are not stayed upon appeal.

AMENDATORY SECTION (Amending WSR 00-10-079, filed 5/2/00, effective 6/2/00)

**WAC 137-28-420 Continuances.** (1) At any time during the disciplinary process, the hearing officer may continue the hearing for any reasons, including the following:

(a) To determine the inmate's mental status or competency.

(b) To appoint a staff advisor.

(c) To obtain an interpreter.

(d) To obtain witnesses or witness statements.

(e) ~~((To order an investigation into the incident.~~

~~(f))~~ To correct errors.

~~((g))~~ (f) To obtain a replacement hearing officer.

~~((h))~~ (g) To obtain crime lab reports or other documentation.

~~((i))~~ (h) Due to the inmate's and/or witness' unavailability.

~~((j))~~ (i) Because the inmate is on escape, court-ordered custody, at a non-DOC facility, in transit, etc.

~~((k))~~ (j) A reasonable request by the inmate.

~~((l))~~ (k) To determine restitution costs.

(2) Continuances shall be for no longer than necessary, but shall not exceed twenty working days, unless approved by the superintendent.

(3) Hearings for inmates on escape status, court-ordered custody, in transit at a nondepartment of corrections' facility or otherwise unavailable may be continued up to a period not to exceed twenty working days after their return to the facility where the infraction originated.

**WSR 06-18-067**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FINANCIAL INSTITUTIONS**

[Filed September 5, 2006, 8:41 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-12-059.

Title of Rule and Other Identifying Information: Regulating mortgage brokers and loan originators licensed under chapter 19.146 RCW and implementing chapter 19, Laws of 2006.

Hearing Location(s): State of Washington, House of Representatives, John L. O'Brien Building, Hearing Room C, Olympia, Washington, 98504-0600, on October 26, 2006, at 1:00 - 3:00 p.m.

Date of Intended Adoption: November 21, 2006.

Submit Written Comments to: Jeannette Terry, P.O. Box 41200, 150 Israel Road, Olympia, WA 98504-1200, e-mail [jterry@dfi.wa.gov](mailto:jterry@dfi.wa.gov), fax (360) 586-5068, by October 25, 2006.

Assistance for Persons with Disabilities: Contact Jeannette Terry, P.O. Box 41200, 150 Israel Road, Olympia, WA 98504-1200, by October 9, 2006, TTY (360) 664-8126 or (360) 902-8786.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rules repeal the old rules. The proposed rules implement the changes to the existing law by chapter 19, Laws of 2006. The new law goes into effect January 1, 2007. Some of the key changes include:

- Mortgage broker licenses will expire annually and must be renewed.
- Mortgage brokers must annually report the number and dollar volume of loans made in Washington each year.

- The responsibility of designated brokers to oversee company and loan originator activity is specifically established in the new law.
- Loan originators must have a license to originate loans; the license expires annually.
- Loan originators must complete continuing education courses annually.
- The department may examine mortgage brokers' books and records within the first five years of licensing, including branch offices.
- The director is authorized to investigate for violations or complaints.

These changes will assist licensees in operating their businesses in compliance with the new law. The changes will assist loan originators in receiving and maintaining their licenses. The annual expiration of mortgage broker and loan originator licenses will assist the department in tracking the licensees' annual requirements of continuing education, and the reporting of loan numbers and volumes. The new rules will assist mortgage brokers in understanding and preparing for an examination.

Reasons Supporting Proposal: Chapter 19, Laws of 2006, changed the existing law; the proposed rules implement the changes.

Statutory Authority for Adoption: RCW 43.320.040, 19.146.223, chapter 19, Laws of 2006.

Statute Being Implemented: Chapter 19, Laws of 2006.

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 department intends to implement these rules prior to the effective date of the act to facilitate the timely licensing of loan originators.

Name of Proponent: Department of financial institutions, governmental.

Name of Agency Personnel Responsible for Drafting: Cindy Fazio, Catherine Mele-Hetter, Deb Bortner, 150 Israel Road, Olympia, WA, (360) 902-8800; Implementation and Enforcement: Chuck Cross, 150 Israel Road, Olympia, WA, (360) 902-8786.

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

**Small Business Economic Impact Statement**

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-050 for appearance in this issue of the Register. It will appear in the 06-19 issue of the register.

A copy of the statement may be obtained by contacting Jeannette Terry, P.O. Box 41200, 150 Israel Road, Olympia, WA 98504-1200, phone (360) 902-8786, fax (360) 586-5068, e-mail [jterry@dfi.wa.gov](mailto:jterry@dfi.wa.gov).

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable to the proposed rules.

September 1, 2006

Chuck Cross

Director, Consumer Services

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 06-19 issue of the Register.

**WSR 06-18-070**  
**PROPOSED RULES**  
**DEPARTMENT OF LICENSING**

[Filed September 5, 2006, 9:12 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-15-042.

Title of Rule and Other Identifying Information: Chapter 196-09 WAC, Board practices and procedures.

Hearing Location(s): Department of Licensing, Business and Professions Division, Conference Room #209, 405 Black Lake Boulevard, Olympia, WA 98502, on October 10, 2006, at 9:00 a.m.

Date of Intended Adoption: October 11, 2006.

Submit Written Comments to: George A. Twiss, PLS, Board of Engineers and Land Surveyors, P.O. Box 9025, Olympia, WA 98507-9025, e-mail engineers@dol.wa.gov, fax (360) 664-2551, by October 6, 2006.

Assistance for Persons with Disabilities: Contact Kim King by October 6, 2006, TTY (360) 664-8885 or (360) 664-1564.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Implementation of rules to clarify ethical issues for board members when working as private consultants.

Reasons Supporting Proposal: To give board members guidance on how to avoid conflict of interest.

Statutory Authority for Adoption: RCW 43.24.086.

Statute Being Implemented: Chapter 18.43 RCW.

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

Name of Proponent: Board of registration for professional engineers and land surveyors, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: George Twiss, 405 Black Lake Boulevard, Olympia, WA 98502, (360) 664-1566.

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

A cost-benefit analysis is not required under RCW 34.05.328. See statement regarding the small business economic impact statement above.

September 5, 2006  
George A. Twiss  
Executive Director

**Chapter 196-09 WAC**

**BOARD PRACTICES AND PROCEDURES**  
**(Formerly chapter 196-08 WAC)**

NEW SECTION

**WAC 196-09-130 Board member limitations—Contract selection** (1) When a member of the Board of Registration for Professional Engineers and Land Surveyors (Board) is beneficially interested, directly or indirectly, in a contract, sale, lease, purchase or grant that may be made by, through, or is under the supervision of the Board in whole or in part, or when the member accepts, directly or indirectly, any com-

pensation, gratuity, or reward from any other person beneficially interested in such contract, sale, lease, purchase or grant, the member must:

(a) Exclude him or herself from the Board discussion regarding the specific contract, sale, lease, purchase or grant;

(b) Exclude him or herself from the Board vote on the specific contract, sale, lease, purchase or grant; and

(c) Refrain from attempting to influence the remaining Board members in their discussion and vote regarding the specific contract, sale, lease, purchase or grant.

(2) The prohibition against discussion set forth in sections (a) and (c) may not prohibit the member of the Board from using his or her general expertise to educate and provide general information on the subject area to the other members.

(3) Under subsection (1), "any other person" has a beneficial interest in a contract, sale, lease, purchase or grant when the other person bids or otherwise seeks to be awarded the contract, sale, lease, purchase or grant.

**EXAMPLE:**

The Board is composed of licensed professional engineers (PE) and professional land surveyors (PLS). A licensed PE member of the Board is employed by a company, which conducts forensic evaluations for the purpose of determining whether an engineering design was properly performed. The Board is in the process of selecting a contractor to conduct an evaluation of said engineering design for the Board's use during disciplinary activities. The company that employs the PE member of the Board has responded to the Board's RFP.

The PE member of the Board may use his general expertise regarding the performance of forensic evaluations to educate the Board as to the general elements of such review. The member is prohibited from participating in the Board's discussion, decision and vote for selecting a contractor.

NEW SECTION

**WAC 196-09-131 Board member limitations—Transactions** (1) When a member of the Board of Registration for Professional Engineers and Land Surveyors (Board) either owns a beneficial interest in or is an officer, agent, employee or member of an entity or individual, which is engaged in a transaction involving the Board, the member must:

(a) Exclude him or herself from the Board discussion regarding the specific transaction;

(b) Exclude him or herself from the Board vote on the specific transaction; and

(c) Refrain from attempting to influence the remaining Board members in their discussion and vote regarding the specific transaction.

(2) The prohibition against discussion and voting set forth in sections (a) and (c) may not prohibit the member of the Board from using his or her general expertise to educate and provide general information on the subject area to the other members.

(3)(a) "Transaction" involving the Board means a proceeding, application, submission, request for a ruling or other determination, contract, claim, case, or other similar matter

that the member in question believes, or has reason to believe:

- (i) Is, or will be, the subject of board action; or
- (ii) Is one to which the Board is or will be a party; or
- (iii) Is one in which the Board has a direct and substantial proprietary interest.

(b) "Transaction" involving the Board does not include the following: Preparation, consideration, or enactment of legislation, including appropriation of moneys in a budget, or the performance of legislative duties by a member; or a claim, case, lawsuit, or similar matter if the member did not participate in the underlying transaction involving the Board that is the basis for the claim, case, or lawsuit. Rulemaking is not a "transaction" as described in this subsection.

(4) "Board action" means any action on the part of the Board including, but not limited to:

(a) A decision, determination, finding, ruling, or order; and

(b) A grant, payment, award, license, contract, transaction, sanction, or approval, or the denial thereof, or failure to act with respect to a decision, determination, finding, ruling, or order.

**EXAMPLE:**

The Board may discipline engineers or land surveyors for incompetence in their practice in Washington. The Board is conducting an investigation involving questionable surveying services provided by a county engineer's office. One of the members of the Board sits on that county's planning commission. The member must exclude him or herself from any Board investigation, discussion, deliberation and vote with respect to disciplinary actions arising from the investigation.

NEW SECTION

**WAC 196-09-135 Reporting of board member recusal** (1) If exclusion occurs pursuant to WAC 196-09-130 or WAC 196-09-131, the member of the Board should disclose to the public the reasons for his or her recusal from any Board action whenever recusal occurs. The Board staff should record each exclusion and the basis for the exclusion in the minutes of the Board meetings.

**WSR 06-18-071**

**PROPOSED RULES**

**DEPARTMENT OF LICENSING**

[Filed September 5, 2006, 9:13 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-09-047.

Title of Rule and Other Identifying Information: Chapter 196-25 WAC, Business practices.

Hearing Location(s): Department of Licensing, Business and Professions Division, Conference Room #209, 405 Black Lake Boulevard, Olympia, WA 98502, on October 10, 2006, at 9:00 a.m.

Date of Intended Adoption: October 11, 2006.

Submit Written Comments to: George A. Twiss, Executive Director, Board of Registration for Professional Engineers and Land Surveyors, P.O. Box 9025, Olympia, WA 98507-9025, e-mail [engineers@dol.wa.gov](mailto:engineers@dol.wa.gov), fax (360) 664-2551, by October 6, 2006.

Assistance for Persons with Disabilities: Contact Kim King by October 6, 2006, TTY (360) 664-8885 or (360) 664-1564.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To move sections into chapter 196-25 WAC that were repealed from chapter 196-23 WAC.

Reasons Supporting Proposal: This is needed as part of an effort to better organize these existing rules under an existing chapter heading that is more applicable to the subject matter.

Statutory Authority for Adoption: RCW 43.24.086.

Statute Being Implemented: Chapter 18.43 RCW.

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

Name of Proponent: Board of registration for professional engineers and land surveyors, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: George A. Twiss, 405 Black Lake Boulevard, Olympia, WA 98502, (360) 664-1565.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There is no economic impact to the licensees.

A cost-benefit analysis is not required under RCW 34.05.328. There is no economic impact to licensees.

September 5, 2006

George A. Twiss

Executive Director

**Chapter 196-25  
BUSINESS PRACTICES**

NEW SECTION

**WAC 196-25-070 Providing direct supervision.** **Direct supervision** is a combination of activities by which a licensee maintains control over those decisions that are the basis for the finding, conclusions, analysis, rationale, details, and judgments that are embodied in the development and preparation of engineering or land surveying plans, specifications, plats, reports, and related activities. **Direct supervision** requires providing personal direction, oversight, inspection, observation and supervision of the work being certified.

Communications between the licensee and those persons who are performing the work include, but are not limited to, use of any of the following ways: Direct face-to-face communications; written communications; U.S. mail; electronic mail; facsimiles; telecommunications, or other current technology: Provided, That the licensee retains, maintains, and asserts continuing control and judgement.

NEW SECTION

**WAC 196-25-080 Practice by businesses, organizations or public agencies.** When a business, organization or public agency offers or performs engineering or land surveying services as defined in RCW 18.43.020, the business, organization or public agency shall perform its duties and responsibilities in accordance with chapter 18.43 RCW and applicable rules.

**WSR 06-18-072**  
**PROPOSED RULES**  
**DEPARTMENT OF LICENSING**

[Filed September 5, 2006, 9:14 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-09-045.

Title of Rule and Other Identifying Information: Chapter 196-23 WAC, Stamping and seals.

Hearing Location(s): Department of Licensing, Business and Professions Division, Conference Room #209, 405 Black Lake Boulevard, Olympia, WA 98502, on October 10, 2006, at 9:00 a.m.

Date of Intended Adoption: October 11, 2006.

Submit Written Comments to: George A. Twiss, Executive Director, Board of Registration for Professional Engineers and Land Surveyors, P.O. Box 9025, Olympia, WA 98507-9025, e-mail [engineers@dol.wa.gov](mailto:engineers@dol.wa.gov), fax (360) 664-2551, by October 6, 2006.

Assistance for Persons with Disabilities: Contact Kim King by October 6, 2006, TTY (360) 664-8885 or (360) 664-1564.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To repeal WAC 196-23-030 and 196-23-050 and move them to chapter 196-25 WAC, Business practices.

Reasons Supporting Proposal: This is needed as part of an effort to better organize these existing rules under another existing chapter heading that is more applicable to the subject matter.

Statutory Authority for Adoption: RCW 43.24.086.

Statute Being Implemented: Chapter 18.43 RCW.

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

Name of Proponent: Board of registration for professional engineers and land surveyors, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: George A. Twiss, 405 Black Lake Boulevard, Olympia, WA 98502, (360) 664-1565.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There is no economic impact to the licensees.

A cost-benefit analysis is not required under RCW 34.05.328. There is no economic impact to licensees.

September 5, 2006  
 George A. Twiss  
 Executive Director

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 196-23-030 Providing direct supervision.

WAC 196-23-050 Practice by businesses, organizations or public agencies.

**WSR 06-18-073**  
**PROPOSED RULES**  
**DEPARTMENT OF LICENSING**

[Filed September 5, 2006, 9:15 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 05-17-052.

Title of Rule and Other Identifying Information: Chapter 196-23 WAC, Stamping and seals.

Hearing Location(s): Department of Licensing, Business and Professions Division, Conference Room #209, 405 Black Lake Boulevard, Olympia, WA 98502, on October 10, 2006, at 9:00 a.m.

Date of Intended Adoption: October 11, 2006.

Submit Written Comments to: George A. Twiss, Executive Director, Board of Registration for Professional Engineers and Land Surveyors, P.O. Box 9025, Olympia, WA 98507-9025, e-mail [engineers@dol.wa.gov](mailto:engineers@dol.wa.gov), fax (360) 664-2551, by October 6, 2006.

Assistance for Persons with Disabilities: Contact Kim King by October 6, 2006, TTY (360) 664-8885 or (360) 664-1564.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To allow professional engineers that have completed the requirements for licensure in structural engineering to put the letters S.E. following their name.

Reasons Supporting Proposal: To let those licensees that have completed the structural requirements use the title "S.E." after their name, so that reviewers of their documents can easily determine that they are licensed in the branch of structural engineering.

Statutory Authority for Adoption: RCW 43.24.086.

Statute Being Implemented: Chapter 18.43 RCW.

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

Name of Proponent: Board of registration for professional engineers and land surveyors, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: George A. Twiss, 405 Black Lake Boulevard, Olympia, WA 98502, (360) 664-1565.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There is no economic impact to the licensees.

A cost-benefit analysis is not required under RCW 34.05.328. There is no economic impact to licensees.

September 5, 2006  
George A. Twiss  
Executive Director

#### NEW SECTION

**WAC 196-23-040 Use of the title S.E.** Only professional engineers who have completed the State of Washington's requirements for licensure in structural engineering are permitted to use the title of S.E. when representing his or her licensing credential, as in, *James Smith, P.E., S.E.* Use of the title S.E. by an individual who is not licensed in structural engineering as provided in Chapter 18.43 RCW, is subject to disciplinary action by the Board in accordance with Chapter 18.43 RCW and/or Chapter 18.235 RCW.

#### **WSR 06-18-074**

#### **PROPOSED RULES**

#### **DEPARTMENT OF LICENSING**

[Filed September 5, 2006, 9:16 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-10-011.

Title of Rule and Other Identifying Information: Chapter 196-23 WAC, Stamping and seals.

Hearing Location(s): Department of Licensing, Business and Professions Division, Conference Room #209, 405 Black Lake Boulevard, Olympia, WA 98502, on October 10, 2006, at 9:00 a.m.

Date of Intended Adoption: October 11, 2006.

Submit Written Comments to: George A. Twiss, Executive Director, Board of Registration for Professional Engineers and Land Surveyors, P.O. Box 9025, Olympia, WA 98507-9025, e-mail [engineers@dol.wa.gov](mailto:engineers@dol.wa.gov), fax (360) 664-2551, by October 6, 2006.

Assistance for Persons with Disabilities: Contact Kim King by October 6, 2006, TTY (360) 664-8885 or (360) 664-1564.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To address how the stamp/seal should be used on various documents, and how the stamp/seal must be affixed, and signed.

Reasons Supporting Proposal: To make the language regarding seal/stamp usage clearer.

Statutory Authority for Adoption: RCW 43.24.086.

Statute Being Implemented: Chapter 18.43 RCW.

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

Name of Proponent: Board of registration for professional engineers and land surveyors, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: George A. Twiss, 405 Black Lake Boulevard, Olympia, WA 98502, (360) 664-1565.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There is no economic impact to the licensees.

A cost-benefit analysis is not required under RCW 34.05.328. There is no economic impact to licensees.

September 5, 2006  
George A. Twiss  
Executive Director

#### **Chapter 196-23 WAC STAMPING AND SEALS**

AMENDATORY SECTION (Amending WSR 99-15-058, filed 7/15/99)

**WAC 196-23-010 Seals.** All individuals licensed in accordance with chapter 18.43 RCW shall procure a seal/stamp that conforms to the design as authorized by the board. It is the responsibility of the licensee to maintain control over the use of his/her stamp/seal. The impression or image of the seal/stamp shall conform to the below-illustrated design and be of a size that assures full legibility of the following required information:

- (1) State of Washington;
- (2) Registered professional engineer or registered professional land surveyor;
- (3) Certificate number;
- (4) Licensee's name as shown on wall certificate;
- (5) Date of license expiration. (Expiration date to be handwritten by Licensee)



EXPIRES



EXPIRES

AMENDATORY SECTION (Amending WSR 99-15-055, filed 7/15/99)

**WAC 196-23-020 Seal/stamp usage.** The use of the seal/stamp shall be in accordance with chapter 18.43 RCW or as otherwise described herein:

- (1) Final documents are those documents that are prepared and distributed for filing with public officials, use for construction, final agency approvals or use by clients. Any final document must contain the seal/stamp, handwritten license expiration date by the licensee, ~~((and))~~ signature and date of signature of the licensee who prepared or directly supervised the work. For the purpose of this section "document" is defined as plans, specifications, plats, surveys as-built documents prepared by the licensee, and reports.

(2) Preliminary documents are those documents not considered final as defined herein, but are released or distributed by the licensee. Preliminary documents must be clearly identified as "PRELIMINARY" or contain such wording so it may be differentiated from a final document. Preliminary documents ~~((shall))~~ must be stamped, ~~((and dated,))~~ but need not be signed or dated by the licensee.

(3) Plan sets: Every page of a plan set must contain the seal/stamp, ~~((and))~~ signature of the licensee(s) who prepared or who had direct supervision over the preparation of the work, and date of signature.

(a) Plans/plats containing work prepared by or under the direct supervision of more than one licensee ~~((shall))~~ should be sealed/stamped/dated by each licensee and shall clearly note the extent of each licensee's responsibility.

(b) As provided for in subsections (1) and (2) of this section, each page of a plan set must contain the seal/stamp of the licensee who prepared or who had direct supervision over the preparation of the work, and may contain the signature of the licensee depending on whether the plan set is final or preliminary.

(c) Plan/plat sheets containing and/or depicting background and/or supporting information that is duplicated from other plans need only be sealed/stamped by the licensee(s) who prepared or was in direct supervision of the design, ~~((on that plan sheet. Whenever possible, t))~~ The origin of the background information shall ~~((should))~~ be noted on the plan sheet.

(d) All design revisions to final plan/plat sheets shall ~~((be performed by qualified licensees and shall be done in accordance with the provisions of RCW 18.43.070. The revised plan/plat sheets))~~ clearly identify on each sheet; the revisions made and shall contain the name and seal of the licensee, and signature of the licensee with the date the ~~((revision was made))~~ sheet was sealed.

(4) Specifications: Specifications that are prepared by or under the direct supervision of a licensee shall contain the seal/stamp, ~~((and))~~ signature of the licensee and the date of signature. If the specifications prepared by a licensee are a portion of a bound specification document that contains specifications other than that of an engineering or land surveying nature, the licensee need only seal/stamp that portion or portions of the documents for which the licensee is responsible. Nothing herein should be construed to require that each page of an engineering or land surveying specification be sealed/stamped by the licensee.

(5) Document review: When a licensee is required to review work prepared by another professional engineer or land surveyor, the reviewing licensee shall fully review those documents and shall prepare a report that discusses the findings of the review with any supporting calculations and sketches. The reviewing licensee would then seal/stamp, ~~((and))~~ sign and date the report. The report would make reference to and/or be attached to the subject document(s) reviewed.

**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.

**Reviser's note:** RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published

above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending WSR 04-04-01 [04-04-001], filed 1/21/04)

**WAC 196-23-070 Signature.** The terms "signature or signed," as used in chapter 18.43 RCW and/or Title 196 WAC, shall mean the following:

(1) A handwritten identification that represents the act of putting one's name on a document to attest to its validity. The handwritten identification must be:

(a) Original and written by hand;

(b) Permanently affixed to the document(s) being certified;

(c) Applied to the document by the identified ~~((registrant))~~ licensee;

(d) Placed directly over the seal/stamp of the licensee.

(2) A digital identification that is an electronic authentication process attached to or logically associated with an electronic document. The digital identification must be:

(a) Unique to the ~~((registrant))~~ licensee using it;

(b) Capable of independent verification;

(c) Under the exclusive control of the ~~((registrant))~~ licensee using it;

(d) Linked to a document in such a manner that the digital identification is invalidated if any data in the document is changed.

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

**Reviser's note:** The bracketed material preceding the section above was supplied by the code reviser's office.

## WSR 06-18-075

### PROPOSED RULES

### DEPARTMENT OF LICENSING

[Filed September 5, 2006, 9:17 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-08-062.

Title of Rule and Other Identifying Information: Chapter 196-24 WAC, General.

Hearing Location(s): Department of Licensing, Business and Professions Division, Conference Room #209, 405 Black Lake Boulevard, Olympia, WA 98502, on October 10, 2006, at 9:00 a.m.

Date of Intended Adoption: October 11, 2006.

Submit Written Comments to: George A. Twiss, Board of Engineers and Land Surveyors, P.O. Box 9025, Olympia, WA 98507-9025, e-mail [engineers@dol.wa.gov](mailto:engineers@dol.wa.gov), fax (360) 664-2551, by October 6, 2006.

Assistance for Persons with Disabilities: Contact Kim King by October 6, 2006, TTY (360) 664-8885 or (360) 664-1564.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To repeal chapter



196-24 WAC, and place existing section into new chapter that better explains subject matter.

Reasons Supporting Proposal: To move sections out of a rule titled "general" and move to a rule titled "professional practices" so that it better explains the subject matter.

Statutory Authority for Adoption: RCW 43.24.086.

Statute Being Implemented: Chapter 18.43 RCW.

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

Name of Proponent: Board of registration for professional engineers and land surveyors, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: George A. Twiss, 405 Black Lake Boulevard, Olympia, WA 98502, (360) 664-1565.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There is no economic impact to the licensees.

A cost-benefit analysis is not required under RCW 34.05.328. See statement regarding small business economic impact statement above.

September 5, 2006

George A. Twiss  
Executive Director

#### REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 196-24-110 Land surveying standards.

#### **WSR 06-18-076**

#### **PROPOSED RULES**

#### **DEPARTMENT OF LICENSING**

[Filed September 5, 2006, 9:18 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-08-061.

Title of Rule and Other Identifying Information: New chapter 196-29 WAC, Professional practices.

Hearing Location(s): Department of Licensing, Business and Professions Division, Conference Room #209, 405 Black Lake Boulevard, Olympia, WA 98502, on October 10, 2006, at 9:00 a.m.

Date of Intended Adoption: October 11, 2006.

Submit Written Comments to: George A. Twiss, Executive Director, Board of Registration for Professional Engineers and Land Surveyors, P.O. Box 9025, Olympia, WA 98507-9025, e-mail [engineers@dol.wa.gov](mailto:engineers@dol.wa.gov), fax (360) 664-2551, by October 6, 2006.

Assistance for Persons with Disabilities: Contact Kim King by October 6, 2006, TTY (360) 664-8885 or (360) 664-1564.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To better organize existing and future rules that pertain to the professional prac-

tices of professional engineers and professional land surveyors under one chapter heading.

Reasons Supporting Proposal: To create a rule titled "professional practices" so that it better explains subject matter.

Statutory Authority for Adoption: RCW 43.24.086.

Statute Being Implemented: Chapter 18.43 RCW.

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

Name of Proponent: Board of registration for professional engineers and land surveyors, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: George A. Twiss, 405 Black Lake Boulevard, Olympia, WA 98502, (360) 664-1565.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There is no economic impact to the licensees.

A cost-benefit analysis is not required under RCW 34.05.328. There is no economic impact to licensees.

September 5, 2006

George A. Twiss  
Executive Director

#### **NEW CHAPTER**

#### **WAC 196-29**

#### **PROFESSIONAL PRACTICES**

#### NEW SECTION

**WAC 196-29-110 Land surveying practice standards.** Failure by any registrant to comply with the provisions of the Survey Recording Act, chapter 58.09 RCW and the survey standards, chapter 332-130 WAC shall be considered misconduct or malpractice as defined by RCW 18.43-105(11).

The following standards shall also apply:

(1) The monumentation, posting, and/or the marking of a boundary line between two existing corner monuments constitutes the "practice of land surveying" as defined in chapter 18.43 RCW and chapter 196-16 WAC, and consequently requires said work to be performed under the direct supervision of a registered professional land surveyor.

(2) The field survey work performed to accomplish the monumentation, posting, and marking of a boundary line between two existing corner monuments shall meet the minimum standards imposed by chapter 332-130 WAC.

(3) The monumentation, posting, and/or marking of a boundary line between two existing corner monuments involves a determination of the accuracy and validity of the existing monuments by the use of standard survey methods and professional judgment.

(4) The monumentation, posting, and marking of a boundary line between two existing corner monuments shall require the filing of a record of survey according to chapter 58.09 RCW unless both corners satisfy one or both of the following requirements:

(a) The corner(s) are shown as being established on a properly recorded or filed survey according to chapter 58.09 RCW and are accurately and correctly shown thereon.

(b) The corner(s) are described correctly, accurately, and properly on a land corner record according to chapter 58.09 RCW if their establishment was by a method not requiring the filing of a record of survey.

**Reviser's note:** The spelling error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 06-18-077**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed September 5, 2006, 9:54 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-09-067.

Title of Rule and Other Identifying Information: Chapter 296-46B WAC, Electrical safety standards, administration, and installation.

Hearing Location(s): Department of Labor and Industries, 7273 Linderson Way S.W., Room S117, Tumwater, WA, on October 12, 2006, at 10:00 a.m.

Date of Intended Adoption: November 21, 2006.

Submit Written Comments to: Sally Elliott, P.O. Box 44400, Olympia, WA 98504-4400, e-mail [yous235@lni.wa.gov](mailto:yous235@lni.wa.gov), fax (360) 902-5292, by October 12, 2006.

Assistance for Persons with Disabilities: Contact Sally Elliott by October 1, 2006, at [yous235@lni.wa.gov](mailto:yous235@lni.wa.gov) or (360) 902-6411.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department reviewed the electrical rule for additions and revisions. The electrical rules are reviewed on an annual basis to ensure the rules are consistent with the national consensus standards, industry practice, to clarify the rules, and for fee changes.

The rule making will:

- Incorporate SHB 1841, which requires electrical trainees to show sixteen hours of trainee continuing education prior to being allowed to renew their training certificate (two-year renewal).
- Incorporate SSB 6225, which requires the plumbing program to create specialties for domestic water and farm irrigation systems plumbers.
- Incorporate the language from the emergency rule filed on May 31 regarding coordinated systems for new and existing buildings or structures.
- Reduce the cost of electrical permits and licenses by 5% due to a positive fund balance. The permit reduction will be reduced for one year, the reduction for contractors, trainees, and telecom administrator licenses will be reduced for two years, and reduction for electricians will be reduced for three years.
- Reformat and relocate certain technical sections to allow easier adoption by city jurisdictions.

Reasons Supporting Proposal: See Purpose above.

Statutory Authority for Adoption: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201,

19.28.211, 19.28.241, 19.28.251, 19.28.281, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551.

Statute Being Implemented: Chapter 19.28 RCW.

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

Name of Proponent: Department of labor and industries, governmental.

Name of Agency Personnel Responsible for Drafting: Ron Fuller, Tumwater, Washington, (360) 902-5249; Implementation and Enforcement: Patrick Woods, Tumwater, Washington, (360) 902-6348.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule is specifically exempt from the small business economic impact statement requirement because since the proposed changes are updating the rule based upon Washington state statutes (see RCW 34.05.328 (5)(b)(iii)) and the amendments will clarify rule language without changing its effect (see RCW 34.05.328 (5)(b)(iv)).

A cost-benefit analysis is not required under RCW 34.05.328. This rule is specifically exempt from the cost-benefit analysis requirement because the proposed changes are exempted by law since the proposed changes are updating the rule based upon Washington state statutes (see RCW 34.05.310 (4)(c)) and the amendments will clarify rule language without changing its effect (see RCW 34.05.310 (4)(d)).

September 5, 2006

Gary Weeks

Director

AMENDATORY SECTION (Amending WSR 06-05-028, filed 2/7/06, effective 5/1/06)

**WAC 296-46B-010 General. Adopted standards - inspectors - city inspection - variance.**

((+)) The 2005 edition of the National Electrical Code (NFPA 70 - 2005) including Annex A, B, and C; the 2003 edition of standard for the Installation of Stationary Pumps for Fire Protection (NFPA 20 - 2003); the 2002 edition of standard for Emergency and Standby Power Systems (NFPA 110 - 2002); Commercial Building Telecommunications Cabling Standard (ANSI/TIA/EIA 568-B.1-May 2001 including Annex 1 through 5); Commercial Building Standard for Telecommunications Pathway and Spaces (ANSI/TIA/EIA 569-A-7 December 2001 including Annex 1 through 4); Commercial Building Grounding and Bonding Requirements for Telecommunications (ANSI/TIA/EIA 607 - A - 2002); Residential Telecommunications Cable Standard (ANSI/TIA/EIA 570-A-December 2001); American Railroad Engineering and Maintenance of Way Association - 2005 Communications and Signal Manual; and the National Electrical Safety Code (NESC C2-2002 excluding Appendixes A and B) are hereby adopted by reference as part of this chapter. Other codes, manuals, and reference works referred to in this chapter are available for inspection and review in the Olympia office of the electrical section of the department during business hours.

The requirements of this chapter will be observed where there is any conflict between this chapter and the National

Electrical Code (NFPA 70), Centrifugal Fire Pumps (NFPA 20), the Emergency and Standby Power Systems (NFPA 110), ANSI/TIA/EIA 568-B, ANSI/TIA/EIA 569-A, ANSI/TIA/EIA 607, ANSI/TIA/EIA 570, or the NESC C2-2002.

The National Electrical Code will be followed where there is any conflict between standard for Installation of Stationary Pumps for Fire Protection (NFPA 20), standard for Emergency and Standby Power Systems (NFPA 110), ANSI/TIA/EIA 568-B, ANSI/TIA/EIA 569-A, ANSI/TIA/EIA 607, ANSI/TIA/EIA 570, or the NESC C2-2002 and the National Electrical Code (NFPA 70).

~~((2) Electrical inspectors will give information as to the interpretation or application of the standards in this chapter, but will not lay out work or act as consultants for contractors, owners, or users.~~

~~(3) The department may enforce city electrical ordinances where those governmental agencies do not make electrical inspections under an established program.~~

~~(4) A variance from the electrical installation requirements of chapter 19.28 RCW or this chapter may be granted by the department when it is assured that equivalent objectives can be achieved by establishing and maintaining effective safety.~~

~~(a) Any electrical permit holder may request a variance.~~

~~(b) The permit holder must make the request in writing, using a form provided by the department, to the chief electrical inspector. The request must include:~~

~~(i) A description of the installation as installed or proposed;~~

~~(ii) A detailed list of the applicable code violations;~~

~~(iii) A detailed list of safety violations;~~

~~(iv) A description of the proposal for meeting equivalent objectives for code and/or safety violations; and~~

~~(v) Appropriate variance application fee as listed in WAC 296-46B-905.~~

**Inspection:**

~~(5) Electrical wiring or equipment subject to this chapter must be sufficiently accessible, at the time of inspection, to allow the inspector to visually inspect the installation to verify conformance with the NEC and any other electrical requirements of this chapter.~~

~~(6) Cables or raceways, fished according to the NEC, do not require visual inspection.~~

~~(7) All required equipment grounding conductors installed in concealed cable or flexible conduit systems must be completely installed and made up at the time of the rough-in cover inspection.~~

~~(8) The installation of all structural elements and mechanical systems (e.g., framing, plumbing, ducting, etc.) must be complete in the area(s) where electrical inspection is requested. Prior to completion of an exterior wall cover inspection, either:~~

~~(a) The exterior shear panel/sheathing nail inspection must be completed by the building code inspector; or~~

~~(b) All wiring and device boxes must be a minimum of 63 mm (2 1/2") from the exterior surface of the framing member; or~~

~~(c) All wiring and device boxes must be protected by a steel plate a minimum of 1.6 mm (1/16") thick and of appro-~~

~~prate width and height installed to cover the area of the wiring or box.~~

~~(9) In order to meet the minimum electrical safety standards for installations, all materials, devices, appliances, and equipment, not exempted in chapter 19.28 RCW, must conform to applicable standards recognized by the department, be listed, or field evaluated. Other than as allowed in WAC 296-46B-030(3), equipment must not be energized until such standards are met unless specific permission has been granted by the chief electrical inspector.~~

~~(10) The department will recognize the state department of transportation as the inspection authority for telecommunications systems installation within the rights-of-way of state highways provided the department of transportation maintains and enforces an equal, higher or better standard of construction and of materials, devices, appliances and equipment than is required for telecommunications systems installations by chapter 19.28 RCW and this chapter.~~

**Inspection—move on buildings and structures:**

~~(11) All buildings or structures relocated into or within the state:~~

~~(a) Other than residential, wired inside the United States (U.S.) must be inspected to ensure compliance with current requirements of chapter 19.28 RCW and the rules developed by the department.~~

~~(b) Wired outside the U.S. or Canada must be inspected to ensure compliance with all current requirements of chapter 19.28 RCW and the rules developed by the department.~~

~~(12) Residential buildings or structures wired in the U.S., to NEC requirements, and moved into or within a county, city, or town must be inspected to ensure compliance with the NEC requirements in effect at the time and place the original wiring was made. The building or structure must be inspected to ensure compliance with all current requirements of chapter 19.28 RCW and the rules developed by the department if:~~

~~(a) The original occupancy classification of the building or structure is changed as a result of the move; or~~

~~(b) The building or structure has been substantially remodeled or rehabilitated as a result of the move.~~

~~(13) Residential buildings or structures wired in Canada to Canadian Electrical Code (CEC) standards and moved into or within a county, city, or town, must be inspected to ensure compliance with the following minimum safety requirements:~~

~~(a) Service, service grounding, and service bonding must comply with the current chapter 19.28 RCW and rules adopted by the department.~~

~~(b) Canadian Standards Association (CSA) listed Type NMD cable is allowed with the following qualifications:~~

~~(i) CSA listed Type NMD cable, American Wire Gauge #10 and smaller installed after 1964 utilizing an equipment grounding conductor smaller than the phase conductors, must be:~~

~~(A) Replaced with a cable utilizing a full-size equipment grounding conductor; or~~

~~(B) Protected by a ground fault circuit interrupter protection device.~~

~~(ii) CSA listed Type NMD cable, #8 AWG and larger, must:~~

(A) Utilize an equipment grounding conductor sized according to the requirements of the NEC in effect at the time of the installation;

(B) Be protected by a ground fault circuit interrupter protection device; or

(C) Be replaced.

(e) Other types of wiring and cable must be:

(i) Replaced with wiring listed or field evaluated in accordance with U.S. standards by a laboratory approved by the department; or

(ii) Protected by a ground fault circuit interrupter protection device and are fault circuit protection device.

(d) Equipment, other than wiring or panelboards, manufactured and installed prior to 1997 must be listed and identified by laboratory labels approved by the department or CSA labels.

(e) All panelboards must be listed and identified by testing laboratory labels approved by the department with the following qualifications:

(i) CSA listed panelboards labeled "Suitable for Use as Service Equipment" will be considered to be approved as "Suitable for Use only as Service Equipment."

(ii) CSA listed panelboards must be limited to a maximum of 42 circuits.

(iii) CSA listed panelboards used as lighting and appliance panelboards as described in the NEC, must meet all current requirements of the NEC and this chapter.

(f) Any wiring or panelboards replaced or changed as a result of the move must meet current requirements of chapter 19.28 RCW and this chapter.

(g) The location, type, and ground fault circuit interrupter protection of receptacles and equipment in a bathroom, kitchen, basement, garage, or outdoor area must meet the Washington requirements in effect at the time the wiring was installed.

(h) 4, 15-ampere, kitchen small appliance circuits will be accepted in lieu of 2, 20-ampere, kitchen small appliance circuits. Receptacles will not be required to be added on kitchen peninsular or island counters.

(i) Spacing requirements for all other receptacles must meet the Washington requirements in effect at the time the wiring was installed.

(j) Receptacles installed above baseboard or fixed wall space heaters must be removed and the outlet box covered with a blank cover. The receptacle is required to be relocated as closely as possible to the existing location.

(k) Lighting outlet and switch locations must meet the Washington requirements in effect at the time the wiring was installed.

(l) Dedicated 20-ampere small appliance circuits are not required in dining rooms.

(m) Electric water heater branch circuits must be adequate for the load.

(n) The location, type, and circuit protection of feeders must meet the Washington requirements in effect at the time the wiring was installed.

#### **Classification or definition of occupancies.**

(14) Occupancies are classified and defined as follows:

(a) Educational facility refers to a building or portion of a building used primarily for educational purposes by six or

more persons at one time for twelve hours per week or four hours in any one day. Educational occupancy includes: Schools (preschool through grade twelve), colleges, academies, universities, and trade schools.

(b) Institutional facility refers to a building or portion of a building used primarily for detention and correctional occupancies where some degree of restraint or security is required for a time period of twenty-four or more hours. Such occupancies include, but are not restricted to: Penal institutions, reformatories, jails, detention centers, correctional centers, and residential restrained care.

(c) Health or personal care facility. Health or personal care facility refers to buildings or parts of buildings that contain, but are not limited to, facilities that are required to be licensed by the department of social and health services or the department of health (e.g., hospitals, nursing homes, private alcoholism hospitals, private psychiatric hospitals, boarding homes, alcoholism treatment facilities, maternity homes, birth centers or childbirth centers, residential treatment facilities for psychiatrically impaired children and youths, and renal hemodialysis clinics) and medical, dental or chiropractic offices or clinics, outpatient or ambulatory surgical clinics, and such other health care occupancies where patients who may be unable to provide for their own needs and safety without the assistance of another person are treated.

(i) "Hospital" means any institution, place, building, or agency providing accommodations, facilities and services over a continuous period of twenty-four hours or more, for observation, diagnosis, or care of two or more individuals not related to the operator who are suffering from illness, injury, deformity, or abnormality, or from any other condition for which obstetrical, medical, or surgical services would be appropriate for care or diagnosis.

(ii) "Nursing home," "nursing home unit" or "long-term care unit" means a group of beds for the accommodation of patients who, because of chronic illness or physical infirmities, require skilled nursing care and related medical services but are not acutely ill and not in need of the highly technical or specialized services ordinarily a part of hospital care.

(iii) "Boarding home" means any home or other institution, however named, which is advertised, announced, or maintained for the express or implied purpose of providing board and domiciliary care to seven or more aged persons not related by blood or marriage to the operator. It must not include any home, institution, or section thereof which is otherwise licensed and regulated under the provisions of state law providing specifically for the licensing and regulation of such home, institution, or section thereof.

(iv) "Private alcoholism hospital" means an institution, facility, building, or equivalent designed, organized, maintained, and operated to provide diagnosis, treatment, and care of individuals demonstrating signs or symptoms of alcoholism, including the complications of associated substance use and other medical diseases that can be appropriately treated and cared for in the facility and providing accommodations, medical services, and other necessary services over a continuous period of twenty-four hours or more for two or more individuals unrelated to the operator, provided that this chapter will not apply to any facility, agency, or other entity which is owned and operated by a public or governmental body.

(v) "Alcoholism treatment facility" means a private place or establishment, other than a licensed hospital, operated primarily for the treatment of alcoholism.

(vi) "Private psychiatric hospital" means a privately owned and operated establishment or institution which provides accommodations and services over a continuous period of twenty-four hours or more, and is expressly and exclusively for observing, diagnosing, or caring for two or more individuals with signs or symptoms of mental illness, who are not related to the licensee.

(vii) "Maternity home" means any home, place, hospital, or institution in which facilities are maintained for the care of four or more women, not related by blood or marriage to the operator, during pregnancy or during or within ten days after delivery. Provided, however, that this definition will not apply to any hospital approved by the American College of Surgeons, American Osteopathic Association or its successor.

(viii) "Birth center" or "childbirth center" means a type of maternity home which is a house, building, or equivalent organized to provide facilities and staff to support a birth service, provided that the birth service is limited to low-risk maternal clients during the intrapartum period.

(ix) "Ambulatory surgical facility" means a facility, not a part of a hospital, providing surgical treatment to patients not requiring inpatient care in a hospital. This term does not include a facility in the offices of private physicians or dentists, whether for individual or group practice, if the privilege of using such facility is not extended to physicians or dentists outside the individual or group practice. (NEC; Ambulatory Health Care Center.)

(x) "Hospice care center" means any building, facility, place, or equivalent, organized, maintained, and operated specifically to provide beds, accommodations, facilities, and services over a continuous period of twenty-four hours or more for palliative care of two or more individuals, not related to the operator, who are diagnosed as being in the latter stages of an advanced disease which is expected to lead to death.

(xi) "Renal hemodialysis clinic" means a facility in a building or part of a building which is approved to furnish the full spectrum of diagnostic, therapeutic, and rehabilitative services required for the care of renal dialysis patients (including inpatient dialysis furnished directly or under arrangement). (NEC; Ambulatory Health Care Center.)

(xii) "Medical, dental, and chiropractic clinic" means any clinic or physicians' office where patients are not regularly kept as bed patients for twenty-four hours or more. Electrical plan review not required.

(xiii) "Residential treatment facility for psychiatrically impaired children and youth" means a residence, place, or facility designed and organized to provide twenty-four-hour residential care and long-term individualized, active treatment for clients who have been diagnosed or evaluated as psychiatrically impaired.

(xiv) "Adult residential rehabilitation center" means a residence, place, or facility designed and organized primarily to provide twenty-four-hour residential care, crisis and short-term care and/or long-term individualized active treatment and rehabilitation for clients diagnosed or evaluated as psy-

chiatrically impaired or chronically mentally ill as defined herein or in chapter 71.24 RCW.

(xv) "Group care facility" means a facility other than a foster family home maintained and operated for the care of a group of children on a twenty-four-hour basis.

(d) Licensed day care centers.

(i) "Child day care center" means a facility providing regularly scheduled care for a group of children one month of age through twelve years of age for periods less than twenty-four hours; except, a program meeting the definition of a family child care home will not be licensed as a day care center without meeting the requirements of WAC 388-150-020(5).

(ii) "School-age child care center" means a program operating in a facility other than a private residence accountable for school-age children when school is not in session. The facility must meet department of licensing requirements and provide adult supervised care and a variety of developmentally appropriate activities.

(iii) "Family child day care home" means the same as "family child care home" and "a child day care facility" licensed by the state, located in the family abode 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. Electrical plan review not required.

**Plan review for educational, institutional or health care facilities and other buildings.**

(15) Plan review is a part of the electrical inspection process; its primary purpose is to determine:

- (a) That service/feeder conductors are calculated and sized according to the proper NEC or WAC article or section;
- (b) The classification of hazardous locations; and
- (c) The proper design of emergency and standby systems.

(16) Electrical plan review.

(a) Electrical plan review is not required for:

(i) Lighting specific projects that result in an electrical load reduction on each feeder involved in the project;

(ii) Low voltage systems;

(iii) Modifications to existing electrical installations where all of the following conditions are met:

- Service or distribution equipment involved is rated not more than 400 amperes and does not exceed 250 volts;

- Does not involve emergency systems other than listed unit equipment per NEC 700.12(F);

- Does not involve branch circuits or feeders of an essential electrical system as defined in NEC 517.2; and

- Service and feeder load calculations are increased by 5% or less.

(iv) Stand-alone utility fed services that do not exceed 250 volts, 400 amperes where the project's distribution system does not include:

- Emergency systems other than listed unit equipment per NEC 700.12(F);

- Critical branch circuits or feeders as defined in NEC 517.2; or

- A required fire pump system.

(b) Electrical plan review is required for all other new or altered electrical projects in educational, institutional, or health care occupancies classified or defined in this chapter.

(c) If a review is required, the electrical plan must be submitted for review and approval before the electrical work is begun.

(d) Electrical plans.

(i) The plan must be submitted for plan review prior to beginning any electrical inspection. If a plan is rejected during the plan review process, no electrical inspection(s) may proceed until the plan is resubmitted and a conditional acceptance is granted.

(ii) The submitted plan will receive a preliminary review within seven business days after receipt by the department.

(iii) If the submitted plan:

Is rejected at the preliminary review, no inspection(s) will be made on the project.

Receives conditional acceptance, the permit holder may request a preliminary inspection(s) in writing to the department. The request must note that the preliminary inspection(s) is conditional and subject to any alterations required from the final plan review process.

(iv) Once the submitted plan has plan review approval, the approved plan must be available on the job site for use by the electrical inspector.

(v) The approved plan must be available on the job site, for use by the electrical inspector, prior to the final electrical inspection.

(vi) If the approved plan requires changes from the conditionally accepted plan, alterations to the project may be required to make the project comply with the approved plan.

(e) All electrical plans for educational facilities, hospitals and nursing homes must be prepared by, or under the direction of, a consulting engineer registered under chapter 18.43 RCW, and chapters 246-320, 180-29, and 388-97 WAC and stamped with the engineer's mark and signature.

(f) Refer plans for department review to the Electrical Section, Department of Labor and Industries, P.O. Box 44460, Olympia, Washington 98504-4460.

(g) Plans for projects within cities that perform electrical inspections within their jurisdiction, and provide an electrical plan review program that equals or exceeds the department's program in plans examiner minimum qualifications per chapter 19.28 RCW, must be submitted to that city for review, unless the agency regulating the installation specifically requires review by the department.

(h) Plans to be reviewed by the department must be legible, identify the name and classification of the facility, clearly indicate the scope and nature of the installation and the person or firm responsible for the electrical plans. The plans must clearly show the electrical installation or alteration in floor plan view, include switchboard and/or panelboard schedules and when a service or feeder is to be installed or altered, must include a riser diagram, load calculation, fault current calculation and interrupting rating of equipment. Where existing electrical systems are to supply additional loads, the plans must include documentation that proves adequate capacity and ratings. The plans must be submitted with a plan review submittal form available from the department. Plan review fees are not required to be paid until

the review is completed. Plans will not be returned until all fees are paid. Fees will be calculated based on the date the plans are received by the department.

(i) The department may perform the plan review for new or altered electrical installations of other types of construction when the owner or electrical contractor makes a voluntary request for review.

(j) For existing structures where additions or alterations to feeders and services are proposed, Article 220.35(1) NEC may be used. If Article 220.35(1) NEC is used, the following is required:

(i) The date of the measurements.

(ii) A statement attesting to the validity of the demand data, signed by a professional electrical engineer or the electrical administrator of the electrical contractor performing the work.

(iii) A diagram of the electrical system identifying the point(s) of measurement.

(iv) Building demand measured continuously on the highest loaded phase of the feeder or service over a thirty-day period, with demand peak clearly identified. (Demand peak is defined as the maximum average demand over a fifteen-minute interval.)

**Wiring methods for designated building occupancies:**

(17) Wiring methods, equipment and devices for health or personal care, educational and institutional facilities as defined or classified in this chapter and for places of assembly for one hundred or more persons must comply with Tables 010-1 and 010-2 of this chapter and the notes thereto. The local building authority will determine the occupant load of places of assembly.

(18) Listed tamper-resistant receptacles or listed tamper-resistant receptacle cover plates are required in all licensed day care centers, all licensed children group care facilities and psychiatric patient care facilities where accessible to children five years of age and under. Listed tamper-resistant receptacles are required in psychiatric patient care facilities where accessible to psychiatric patients over five years of age.

**Notes to Tables 010-1 and 010-2:**

1. Wiring methods in accordance with the NEC unless otherwise noted.

2. Metallic or nonmetallic raceways, MI, MC, or AC cable, except that in places of assembly located within educational or institutional facilities, wiring methods must conform to NEC 518.4(a). Places of assembly located within educational or institutional facilities may not be wired according to NEC 518.4 (b) or (c).

3. Limited energy system may use wiring methods in accordance with the NEC.

**Table 010-1 Health or Personal Care Facilities**

Health or Personal Care Facility Type(1)	Plan Review Required
Hospital	YES
Nursing home unit or long-term care unit	YES
Boarding home or assisted living facility	YES
Private alcoholism hospital	YES
Alcoholism treatment facility	YES
Private psychiatric hospital	YES
Maternity home	YES

**Table 010-1 Health or Personal Care Facilities**

Health or Personal Care Facility Type(1)	Plan Review Required
Birth center or childbirth center	NO
Ambulatory surgery facility	YES
Hospice care center	NO
Renal hemodialysis clinic	YES
Medical, dental, and chiropractic clinic	NO
Residential treatment facility for psychiatrically impaired children and youth	YES
Adult residential rehabilitation center	YES
Group care facility	NO

**Table 010-2 Educational and Institutional Facilities, Places of Assembly or Other Facilities**

Educational, Institutional or Other-Facility Type	Plan Review Required
Educational(2)(3)	YES
Institutional(2)(3)	YES
Places of assembly for 100 or more persons(1)	NO
Child day care center(1)	NO
School-age child care center(1)	NO
Family child day care home, family child care home, or child day care facility(1)	NO))

**NEW SECTION**

**WAC 296-46B-100 General definitions.** (1) All definitions listed in the National Electrical Code and chapter 19.28 RCW are recognized in this chapter unless other specific definitions are given in this chapter.

(2) "Accreditation" is a determination by the department that a laboratory meets the requirements of this chapter and is therefore authorized to evaluate electrical products that are for sale in the state of Washington.

(3) "Administrative law judge" means an administrative law judge (ALJ) appointed pursuant to chapter 34.12 RCW and serving in board proceedings pursuant to chapter 19.28 RCW and this chapter.

(4) "ANSI" means American National Standards Institute. Copies of ANSI standards are available from the National Conference of States on Building Codes and Standards, Inc.

(5) "Appeal" is a request for review of a department action by the board as authorized by chapter 19.28 RCW.

(6) "Appellant" means any person, firm, partnership, corporation, or other entity that has filed an appeal or request for board review.

(7) "Appliance" means household appliance.

(8) "ASTM" means the American Society for Testing and Materials. Copies of ASTM documents are available from ASTM International.

(9) "AWG" means American Wire Gauge.

(10) "Basement" means that portion of a building that is partly or completely below grade plane. A basement shall be considered as a story above grade plane and not a basement where the finished surface of the floor above the basement is:

(a) More than 1829 mm (six feet) above grade plane;

(b) More than 1829 mm (six feet) above the finished ground level for more than 50% of the total building perimeter; or

(c) More than 3658 mm (twelve feet) above the finished ground level at any point. Also see "mezzanine" and "story."  
 (11) "Board" means the electrical board established and authorized under chapter 19.28 RCW.

(12) "Chapter" means chapter 296-46B WAC unless expressly used for separate reference.

(13) "Category list" is a list of nonspecific product types determined by the department.

(14) A "certified electrical product" is an electrical product to which a laboratory, accredited by the state of Washington, has the laboratory's certification mark attached.

(15) A "certification mark" is a specified laboratory label, symbol, or other identifying mark that indicates the manufacturer produced the product in compliance with appropriate standards or that the product has been tested for specific end uses.

(16) "Certificate of competency" includes the certificates of competency for master journeyman electrician, master specialty electrician, journeyman, and specialty electrician.

(17) A laboratory "certification program" is a specified set of testing, inspection, and quality assurance procedures, including appropriate implementing authority, regulating the evaluation of electrical products for certification marking by an electrical products certification laboratory.

(18) A "complete application" includes the submission of all appropriate fees, documentation, and forms.

(19) "Construction," for the purposes of chapter 19.28 RCW, means electrical construction.

(20) "Coordination (selective)" as defined in NEC 100 shall be determined and documented by a professional engineer registered under chapter 18.43 RCW.

(21) "Department" means the department of labor and industries of the state of Washington.

(22) "Director" means the director of the department, or the director's designee.

(23) "Electrical equipment" includes electrical conductors, conduit, raceway, apparatus, materials, components, and other electrical equipment not exempted by RCW 19.28.006 (9). Any conduit/raceway of a type listed for electrical use is considered to be electrical equipment even if no wiring is installed in the conduit/raceway at the time of the conduit/raceway installation.

(24) An "electrical products certification laboratory" is a laboratory or firm accredited by the state of Washington to perform certification of electrical products.

(25) An "electrical products evaluation laboratory" is a laboratory or firm accredited by the state of Washington to perform on-site field evaluation of electrical products for safety.

(26) "Exit, and unobstructed (as applied to NEC 110.26 (C)(2)(a))" means an exit path that allows a worker to travel to the exit from any other area in the room containing the equipment described in NEC 110.26 (C)(2) without having to pass through that equipment's required working space.

(27) "Field evaluated" means an electrical product to which a field evaluation mark is attached. Field evaluation must include job site inspection unless waived by the depart-

ment, and may include component sampling and/or laboratory testing.

(28) "Field evaluation mark" is a specified laboratory label, symbol, or other identifying mark indicating the manufacturer produced the product in essential compliance with appropriate standards or that the product has been evaluated for specific end uses.

(29) A "field evaluation program" is a specified set of testing, inspection, and quality assurance procedures, including appropriate implementing authority regulating the testing and evaluation of electrical products for field evaluation marking.

(30) The "filing" is the date the document is actually received in the office of the chief electrical inspector.

(31) "Final judgment" means any money that is owed to the department under this chapter, including fees and penalties, or any money that is owed to the department as a result of an individual's or contractor's unsuccessful appeal of a citation.

(32) "Fished wiring" is when cable or conduit is installed within the finished surfaces of an existing building or building structure (e.g., wall, floor or ceiling cavity).

(33) "Household appliance" means utilization equipment installed in a dwelling unit that is built in standardized sizes or types and is installed or connected as a unit to perform one or more functions such as cooking and other equipment installed in a kitchen, clothes drying, clothes washing, portable room air conditioning units and portable heaters, etc. Fixed electric space-heating equipment covered in NEC 424 (furnaces, baseboard and wall heaters, electric heat cable, etc.) and fixed air-conditioning/heat pump equipment (NEC 440) are not household appliances. Household appliance does not mean any utilization equipment that:

(a) Supplies electrical power, other than Class 2, to other utilization equipment; or

(b) Receives electrical power, other than Class 2, through other utilization equipment.

(34) HVAC/refrigeration specific definitions:

(a) "HVAC/refrigeration" means heating, ventilation, air conditioning, and refrigeration.

(b) "HVAC/refrigeration component" means electrical power and limited energy components within the "HVAC/refrigeration system," including, but not limited to: Pumps, compressors, motors, heating coils, controls, switches, thermostats, humidistats, low-voltage damper controls, outdoor sensing controls, outside air dampers, stand-alone duct smoke detectors, air monitoring devices, zone control valves and equipment for monitoring of HVAC/refrigeration control panels and low-voltage connections. This definition excludes equipment and components of non-"HVAC/refrigeration control systems."

(c) "HVAC/refrigeration control panel" means an enclosed, manufactured assembly of electrical components designed specifically for the control of a HVAC/refrigeration system. Line voltage equipment that has low voltage, NEC Class 2 control or monitoring components incidental to the designed purpose of the equipment is not an HVAC/refrigeration control panel (e.g., combination starters).

(d) "HVAC/refrigeration control system" means a network system regulating and/or monitoring a HVAC/refrigeration

system. Equipment of a HVAC/refrigeration control system includes, but is not limited to: Control panels, data centers, relays, contactors, sensors, and cables related to the monitoring and control of a HVAC/refrigeration system(s).

(e) "HVAC/refrigeration equipment" means the central unit primary to the function of the "HVAC/refrigeration system." HVAC/refrigeration includes, but is not limited to: Heat pumps, swamp coolers, furnaces, compressor packages, and boilers.

(f) "HVAC/refrigeration system" means a system of HVAC/refrigeration: Wiring, equipment, and components integrated to generate, deliver, or control heated, cooled, filtered, refrigerated, or conditioned air. This definition excludes non-HVAC/refrigeration control systems (e.g., fire alarm systems, intercom systems, building energy management systems, and similar non-HVAC/refrigeration systems) (see Figure 920-1 and Figure 920-2).

(35) "IBC" means the International Building Code. Copies of the IBC are available from the International Code Council.

(36) An "individual" or "party" or "person" means an individual, firm, partnership, corporation, association, government subdivision or unit thereof, or other entity.

(37) An "installation" includes the act of installing, connecting, repairing, modifying, or otherwise performing work on an electrical system, component, equipment, or wire except as exempted by WAC 296-46B-925.

(38) An "identification plate" is a phenolic or metallic plate or other similar material engraved in block letters at least 1/4" (6 mm) high unless specifically required to be larger by this chapter, suitable for the environment and application. The letters and the background must be in contrasting colors. Screws, rivets, or methods specifically described in this chapter must be used to affix an identification plate to the equipment or enclosure.

(39) "License" means a license required under chapter 19.28 RCW.

(40) "Labeled" means an electrical product that bears a certification mark issued by a laboratory accredited by the state of Washington.

(41) A "laboratory" may be either an electrical product(s) certification laboratory or an electrical product(s) evaluation laboratory.

(42) A "laboratory operations control manual" is a document to establish laboratory operation procedures and may include a laboratory quality control manual.

(43) "Like-in-kind" means having similar characteristics such as voltage requirement, current draw, circuit overcurrent and short circuit characteristics, and function within the system and being in the same location. Like-in-kind also includes any equipment component authorized by the manufacturer as a suitable component replacement part.

(44) "Lineman" is a person employed by a serving electrical utility or employed by a licensed general electrical contractor who carries, on their person, evidence that they:

(a) Have graduated from a department-approved lineman's apprenticeship course; or

(b) Are currently registered in a department-approved lineman's apprenticeship course and are working under the direct one hundred percent supervision of a journeyman elec-



trician or a graduate of a lineman's apprenticeship course approved by the department. The training received in the lineman's apprenticeship program must include training in applicable articles of the currently adopted National Electrical Code.

(45) "Listed" means equipment has been listed and identified by a laboratory approved by the state of Washington for the appropriate equipment standard per this chapter.

(46) "Low voltage" means:

(a) NEC, Class 1 power limited circuits at 30 volts maximum.

(b) NEC, Class 2 circuits powered by a Class 2 power supply as defined in NEC 725.41(A).

(c) NEC, Class 3 circuits powered by a Class 3 power supply as defined in NEC 725.41(A).

(d) Circuits of telecommunications systems as defined in chapter 19.28 RCW.

(47) "Mezzanine" is the intermediate level or levels between the floor and ceiling of any story with an aggregate floor area of not more than one-third of the area of the room or space in which the level or levels are located. Also see "basement" and "story."

(48) "NEC" means National Electrical Code. Copies of the NEC are available from the National Fire Protection Association.

(49) "NEMA" means National Electrical Manufacturer's Association. Copies of NEMA standards are available from the National Electrical Manufacturer's Association.

(50) "NESC" means National Electrical Safety Code. Copies of the NESC are available from the Institute of Electrical and Electronics Engineers, Inc.

(51) "NETA" means International Electrical Testing Association, Inc. Copies of the NETA standards and information are available from the International Electrical Testing Association, Inc.

(52) "NFPA" means the National Fire Protection Association. Copies of NFPA documents are available from the National Fire Protection Association.

(53) "NRTL" means Nationally Recognized Testing Laboratory accredited by the federal Occupational Safety and Health Administration (OSHA) after meeting the requirements of 29 CFR 1910.7.

(54) "Point of contact" for utility work, means the point at which a customer's electrical system connects to the serving utility system.

(55) "Proceeding" means any matter regarding an appeal before the board including hearings before an administrative law judge.

(56) "Public area or square" is an area where the public has general, clear, and unrestricted access.

(57) A "quality control manual" is a document to maintain the quality control of the laboratory's method of operation. It consists of specified procedures and information for each test method responding to the requirements of the product standard. Specific information must be provided for portions of individual test methods when needed to comply with the standard's criteria or otherwise support the laboratory's operation.

(58) "RCW" means the Revised Code of Washington. Copies of electrical RCWs are available from the department and the office of the code reviser.

(59) A "stand-alone amplified sound or public address system" is a system that has distinct wiring and equipment for audio signal generation, recording, processing, amplification, and reproduction. This definition does not apply to telecommunications installations.

(60) "Service" or "served" means that as defined in RCW 34.05.010(19) when used in relation to department actions or proceedings.

(61) "Story" is that portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. Next above means vertically and not necessarily directly above. Also see "basement" and "mezzanine."

(62) "Structure," for the purposes of this chapter and in addition to the definition in the NEC, means something constructed either in the field or factory that is used or intended for supporting or sheltering any use or occupancy as defined by the IBC.

(63) A "telecommunications local service provider" is a regulated or unregulated (e.g., by the Federal Communications Commission or the utilities and transportation commission as a telephone or telecommunications provider) firm providing telecommunications service ahead of the telecommunications network demarcation point to an end-user's facilities.

(64) "TIA/EIA" means the Telecommunications Industries Association/Electronic Industries Association which publishes the TIA/EIA Telecommunications Building Wiring Standards. Standards and publications are adopted by TIA/EIA in accordance with the American National Standards Institute (ANSI) patent policy.

(65) A "training school" is a public community or technical college or not-for-profit nationally accredited technical or trade school licensed by the work force training and education coordinating board under chapter 28C.10 RCW.

(66) "Under the control of a utility" for the purposes of RCW 19.28.091 and 19.28.101 is when electrical equipment is not owned by a utility and:

(a) Is located in a vault, room, closet, or similar enclosure that is secured by a lock or seal so that access is restricted to the utility's personnel; or

(b) The utility is obligated by contract to maintain the equipment and the contract provides that access to the equipment is restricted to the utility's personnel or other qualified personnel.

(67) "UL" means Underwriters Laboratory.

(68) "Utility" means an electrical utility.

(69) "Utility system" means electrical equipment owned by or under the control of a serving utility that is used for the transmission or distribution of electricity from the source of supply to the point of contact.

(70) "Utilization voltage" means the voltage level employed by the utility's customer for connection to lighting fixtures, motors, heaters, or other electrically operated equipment other than power transformers.

(71) "Variance" is a modification of the electrical requirements as adopted in chapter 19.28 RCW or any other

requirements of this chapter that may be approved by the chief electrical inspector if assured that equivalent objectives can be achieved by establishing and maintaining effective safety.

(72) "WAC" means the Washington Administrative Code. Copies of this chapter of the WACs are available from the department and the office of the code reviser.

AMENDATORY SECTION (Amending WSR 06-05-028, filed 2/7/06, effective 5/1/06)

**WAC 296-46B-110 General—Requirements for electrical installations.**

**012 Mechanical execution of work.**

(1) Unused openings. Unused openings in boxes, raceways, auxiliary gutters, cabinets, cutout boxes, meter socket enclosures, equipment cases, or housings shall be effectively closed to afford protection substantially equivalent to the wall of the equipment. Where metallic plugs or plates are used with nonmetallic enclosures, they shall be recessed at least 6 mm (1/4") from the outer surface of the enclosure. Unused openings do not include weep holes, unused mounting holes, or any other opening with less than .15 square inches of open area.

**016 Flash protection.**

(2) The flash protection marking required by NEC 110.16 must be an identification plate or label approved by the electrical inspector and may be installed either in the field or in the factory. The plate or label may be mounted using adhesive.

**022 Identification of disconnecting means.**

(3) For the purposes of legibly marking a disconnecting means, as required in NEC 110.22, an identification plate is required unless the disconnect is a circuit breaker/fused switch installed within a panelboard and the circuit breaker/fused switch is identified by a panelboard schedule. In other than dwelling units, the identification plate must include the identification designation of the circuit source panelboard that supplies the disconnect.

(4) Where electrical equipment is installed to obtain a series combination rating, the identification as required by NEC 110.22, must be in the form of an identification plate that is substantially yellow in color. The words "CAUTION - SERIES COMBINATION RATED SYSTEM" must be on the label in letters at least 13 mm (1/2") high.

**030 Over 600 volts - general.**

(5) Each cable operating at over 600 volts and installed on customer-owned systems must be legibly marked in a permanent manner at each termination point and at each point the cable is accessible. The required marking must use phase designation, operating voltage, and circuit number if applicable.

**~~((Class B basic electrical inspection.~~**

~~(6) Only licensed electrical/telecommunication contractors can use the Class B basic electrical inspection - random inspection process. Health care, large commercial, or industrial facilities using an employee who is a certified electrician(s) can use the Class B basic electrical inspection - random inspection process after permission from the chief electrical inspector.~~

~~(7) If the Class B basic electrical inspection - random inspection process is used, the following requirements must be met:~~

~~(a) The certified electrician/telecommunications worker performing the installation must affix a Class B installation label on the cover of the panelboard or overcurrent device supplying power to the circuit or equipment prior to beginning the work.~~

~~(b) The job site portion of the label must include the following:~~

~~(i) Date of the work;~~

~~(ii) Electrical/telecommunication contractor's name;~~

~~(iii) Electrical/telecommunication contractor's license number;~~

~~(iv) Installing electrician's certificate number, except for telecommunication work; and~~

~~(v) Short description of the work.~~

~~(c) The contractor portion of the label must include the following:~~

~~(i) Date of the work;~~

~~(ii) Electrical/telecommunication contractor's license number;~~

~~(iii) Installing electrician's certificate number, except for telecommunication work;~~

~~(iv) Job site address;~~

~~(v) Contact telephone number for the job site (to be used to arrange inspection); and~~

~~(vi) Short description of the work.~~

~~(d) The label must be filled in using sunlight and weather resistant ink.~~

~~(e) The electrical/telecommunication contractor must return the contractor's portion of the label to the Department of Labor & Industries, Electrical Section, Chief Electrical Inspector, P.O. 4460, Olympia, WA 98506-4460 within fifteen working days after the job site portion of the Class B installation label is affixed.~~

~~(8) Class B basic installation labels will be sold in blocks. Installations where a Class B basic installation label is used will be inspected on a random basis as determined by the department.~~

~~(a) If any such random inspection fails, a subsequent label in the block must be inspected.~~

~~(b) If any such subsequent installation fails inspection, another label in the block must be inspected until a label is approved without a correction(s).~~

~~(c) A fee is required for any inspection required when a correction(s) is issued as a result of the inspection of any Class B label or if an inspection is required because of (a) or (b) of this subsection. See WAC 296-46B-905(15) for fees.~~

~~(9) Any electrical/telecommunication contractor or other entity using the Class B basic electrical inspection - random inspection process may be audited for compliance with the provisions for purchasing, inspection, reporting of installations, and any other requirement of usage.~~

~~(10) Class B basic electrical work means work other than Class A basic electrical work. See WAC 296-46B-900(8) for Class A definition.~~

~~(a) Class B basic electrical work includes the following:~~

(i) Extension of not more than one branch electrical circuit limited to one hundred twenty volts and twenty amps each where:

(A) No cover inspection is necessary. For the purposes of this section, cover inspection does not include work covered by any surface that may be removed for inspection without damaging the surface; and

(B) The extension does not supply more than two devices or outlets as defined by the NEC. A device allowed in an extended circuit includes: General use snap switches/receptacles, luminaires, thermostats, speakers, etc., but does not include wiring/cabling systems, isolating switches, magnetic contactors, motor controllers, etc.

(ii) Like in kind replacement of:

(A) A single luminaire not exceeding two hundred seventy-seven volts and twenty amps; or

(B) A motor larger than ten horsepower; or

(C) The internal wiring of a furnace, air conditioner, refrigeration unit or household appliance; or

(D) An electric/gas/oil furnace not exceeding 240 volts and 100 amps when the furnace is connected to an existing branch circuit. For the purposes of this section, a boiler is not a furnace; or

(E) An individually controlled electric room heater (e.g., baseboard, wall, fan forced air, etc.), air conditioning unit or refrigeration unit not exceeding 240 volts, 30 minimum circuit amps when the unit is connected to an existing branch circuit; or

(F) Circuit modification required to install not more than five residential load control devices in a residence where installed as part of an energy conservation program sponsored by an electrical utility and where the circuit does not exceed 240 volts and 30 amps.

(iii) The following low voltage systems:

(A) Repair and replacement of devices not exceeding one hundred volt-amperes in Class 2, Class 3, or power limited low voltage systems in one and two family dwellings; or

(B) Repair and replacement of devices not exceeding one hundred volt-amperes in Class 2, Class 3, or power limited low voltage systems in other buildings, provided the equipment is not for fire alarm or nurse call systems and is not located in an area classified as hazardous by the NEC; or

(C) The installation of device(s) or wiring for Class 2 or 3 thermostat, audio, security, burglar alarm, intercom, amplified sound, public address, or access control systems. This does not include fire alarm, nurse call, lighting control, industrial automation/control or energy management systems; or

(D) Telecommunications cabling and equipment requiring inspection in RCW 19.28.470;

(iv) The replacement of not more than ten standard receptacles with GFCI receptacles;

(v) The conversion of not more than ten snap switches to dimmers for the use of controlling a luminaire(s) conversion.

(b) Class B basic electrical work does not include any work in:

(i) Areas classified as Class (I), Class (II), Class (III), or Zone locations per NEC 500; or

(ii) Areas regulated by NEC 517 or 680; or

(iii) Any work where electrical plan review is required; or

(iv) Fire alarm, nurse call, lighting control, industrial automation/control or energy management systems.)

AMENDATORY SECTION (Amending WSR 06-05-028, filed 2/7/06, effective 5/1/06)

**WAC 296-46B-210 Wiring and protection—Branch circuits. 008B Other than dwelling units - GFCI requirements.**

(1) GFCI requirements.

All 125-volt, 15- and 20-ampere receptacles installed in wet locations must have Class A ground-fault circuit interrupter protections for personnel.

**011 Branch circuits.**

(2) Circuits must be taken to all unfinished spaces adaptable to future dwelling unit living areas that are not readily accessible to the service or branch circuit panelboard. The circuits must terminate in a suitable box(es). The box must contain an identification of the intended purpose of the circuit(s). The branch circuit panelboard must have adequate space and capacity for the intended load(s).

**012 Arc-fault circuit-interrupter protection.**

(3) For the purpose of NEC 210.12(B), Dwelling Unit Bedroom spaces that:

(a) Are accessed only through the bedroom;

(b) Are ancillary to the bedroom's function; and

(c) Contain branch circuits that supply 125-volt, 15- and 20-ampere, outlets must be protected by an arc-fault circuit interrupter listed to provide protection per NEC 210.12.

For the purposes of this section, such spaces will include, but not be limited to, spaces such as closets and sitting areas, but will not include bathrooms.

**025 Common area branch circuits.**

(4) For the purpose of NEC 210.25, loads for septic or water well systems that are shared by no more than two dwelling units may be supplied from either of the two dwelling units if approved by the local building official and local health department.

**051(B)(5) Receptacle outlet locations.**

((4)) (5) Receptacle outlets installed in appliance garages may be counted as a required countertop outlet.

**052(A)(2) Dwelling unit receptacle outlets.**

((5)) (6) For the purpose of NEC 210.52 (A)(2)(1), "similar openings" include the following configurations that are a permanent part of the dwelling configuration or finish:

(a) Window seating; and

(b) Bookcases or cabinets that extend from the floor to a level at least 1.7 meters (five (5) feet six (6) inches) above the floor.

Any outlets eliminated by such window seating, bookcases, or cabinets must be installed elsewhere within the room.

**052(C) Countertops.**

((6)) (7) A receptacle(s) is not required to be installed in the area directly behind a sink or range as shown in NEC 210.52, Figure 210.52. Outlets must be installed within 24" on either side of a sink or range as shown in Figure 210.52.

~~((7))~~ (8) If it is impracticable to install the outlet(s) required in NEC 21.52 (C)(3), a receptacle is not required on any peninsular counter surface as required by NEC 210.52 (C)(3) so long as the peninsular counter area extends no farther than 6' from the face of the adjoining countertop. Any outlet(s) eliminated using this subsection must be installed in the wall space at the point where the peninsula connects to the wall countertop in addition to the outlets required by NEC 210.52 (C)(1).

AMENDATORY SECTION (Amending WSR 05-10-024, filed 4/26/05, effective 6/30/05)

**WAC 296-46B-230 Wiring and protection—Services.**

**001 General service requirements.**

(1) The owner, the owner's agent, or the electrical contractor making the installation must consult the serving utility regarding the utility's service entrance requirements for equipment location and meter equipment requirements before installing the service and equipment. Provisions for a meter and related equipment, an attachment of a service drop, or an underground service lateral must be made at a location acceptable to the serving utility. The point of contact for a service drop must permit the clearances required by the NEC.

(2) A firewall must have a minimum two-hour rating as defined by the local building official to be considered a building separation in accordance with Article 100 NEC.

(3) The height of the center of the service meter must be as required by the serving utility. Secondary instrument transformer metering conductor(s) are not permitted in the service raceway.

**028 Service or other masts.**

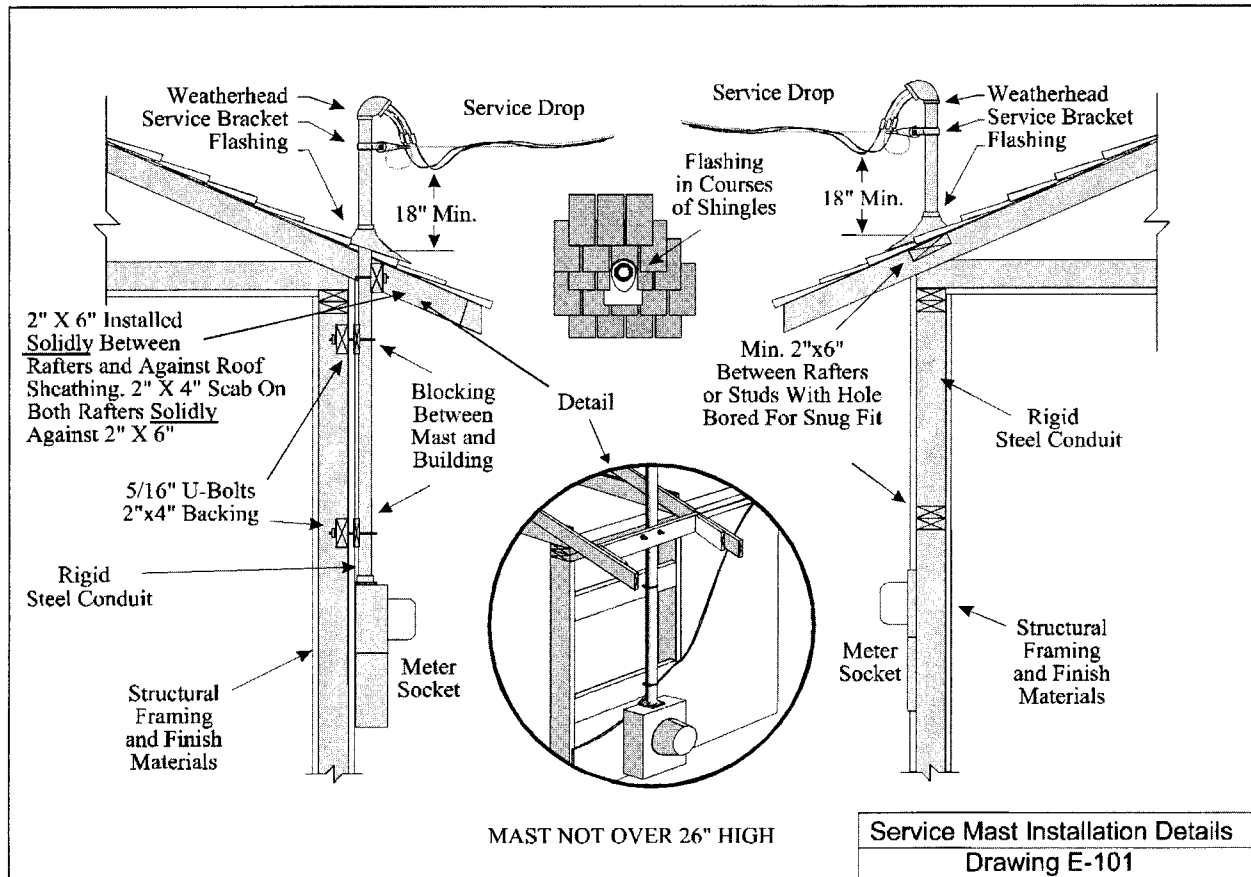
(4) Conduit extended through the roof to provide means of attaching:

(a) All overhead drops for service, feeder, or branch circuits exceeding #1 AWG aluminum or #3 AWG copper must be rigid steel galvanized conduit no smaller than two inches.

(b) All overhead drops for service, feeder or branch circuits not exceeding #1 AWG aluminum or #3 AWG copper must be rigid steel galvanized conduit no smaller than one and one-quarter inch. The installation must comply with drawings E-101 and/or E-102, or must provide equivalent strength by other approved means. Masts for altered or relocated installations will be permitted to comply with drawing E-103.

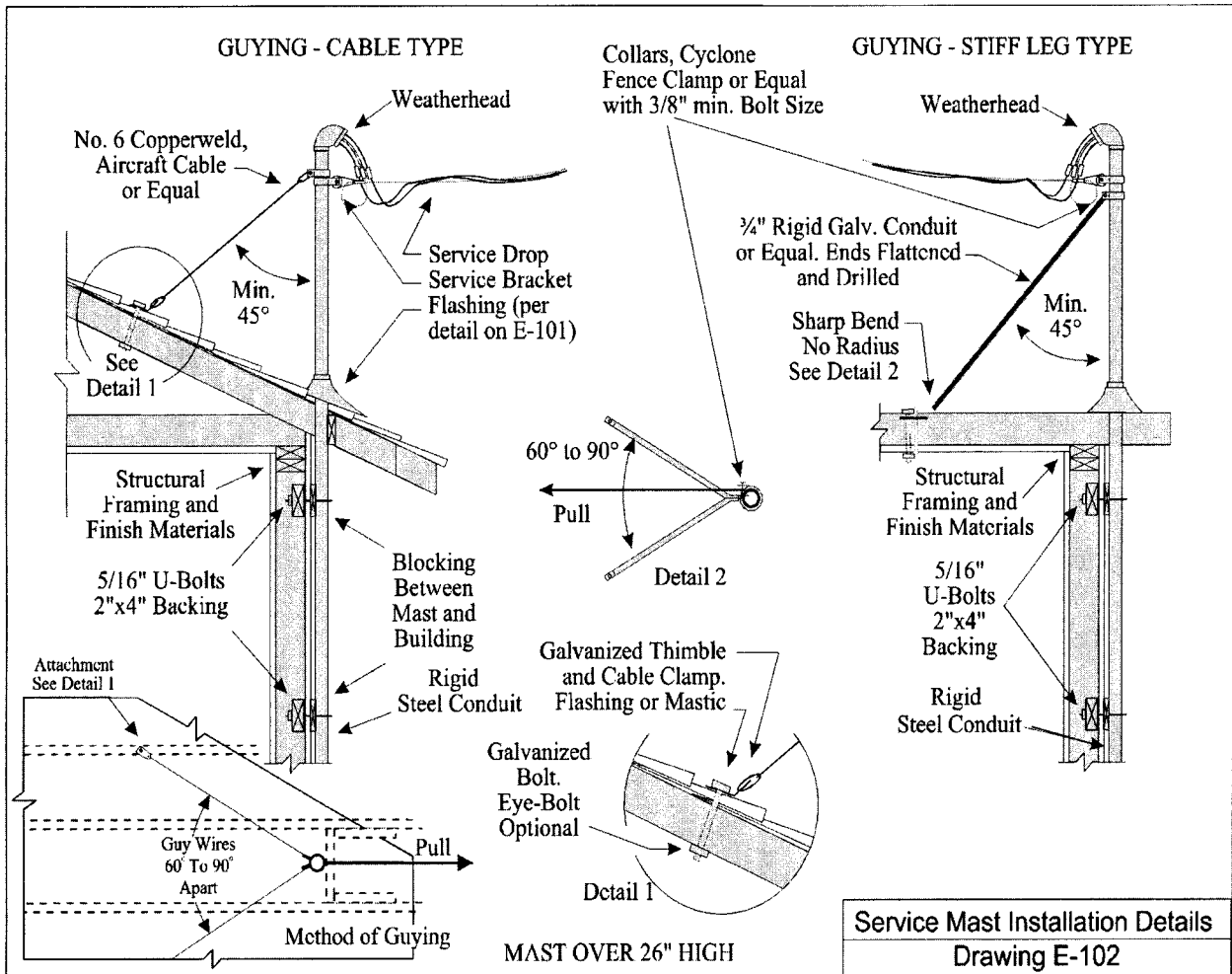
(c) For the purposes of NEC 225.19 and 230.24, a residential patio cover, that is not over one story and not over twelve feet in height and is used only for recreation or outdoor living purposes and not as a carport, garage, storage room or habitable room as described in Appendix Chapter 1 in the IBC and Appendix Chapter H in the IRC, is not considered a roof. Overhead conductor spans must maintain a minimum 900 mm (36") clearance above these covers.

((STRICKEN GRAPHIC



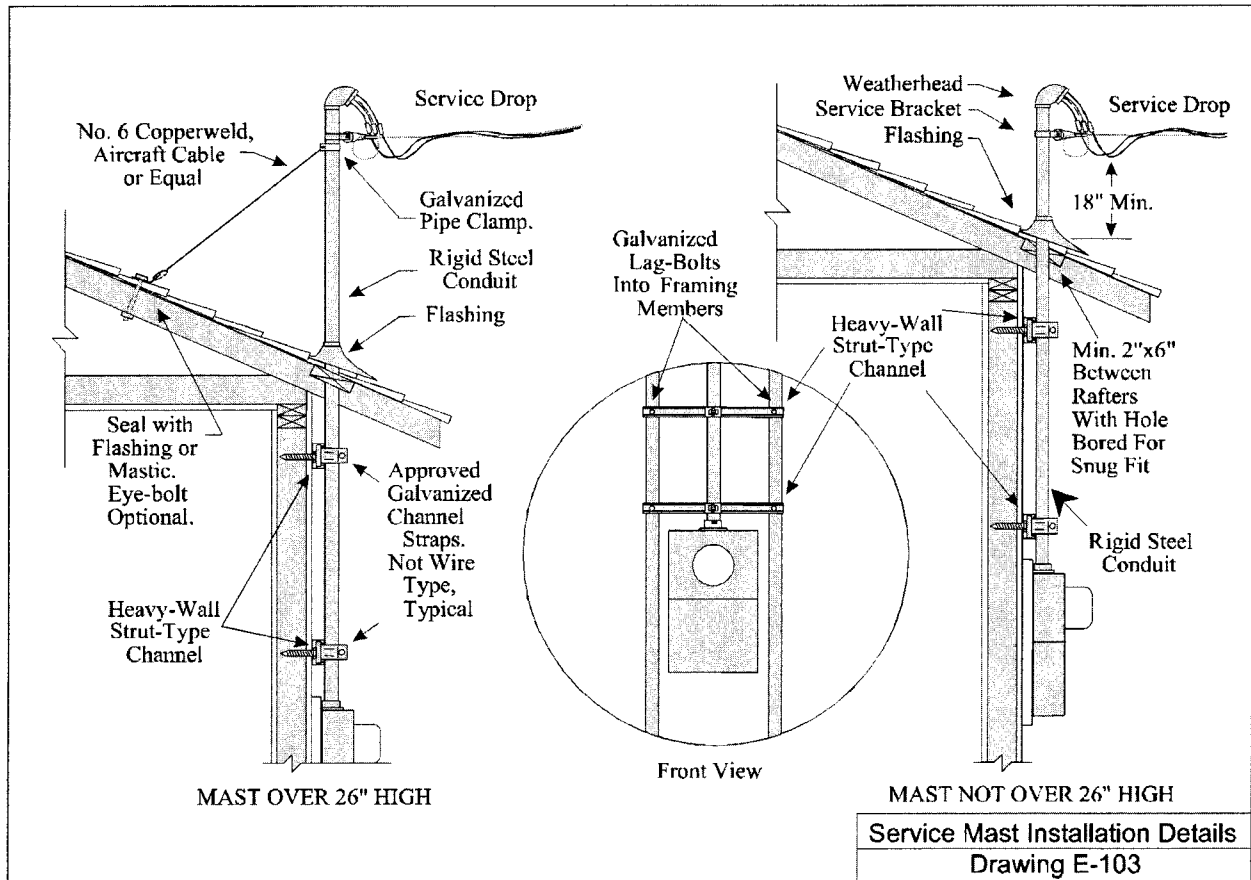
STRICKEN GRAPHIC))

((STRICKEN GRAPHIC

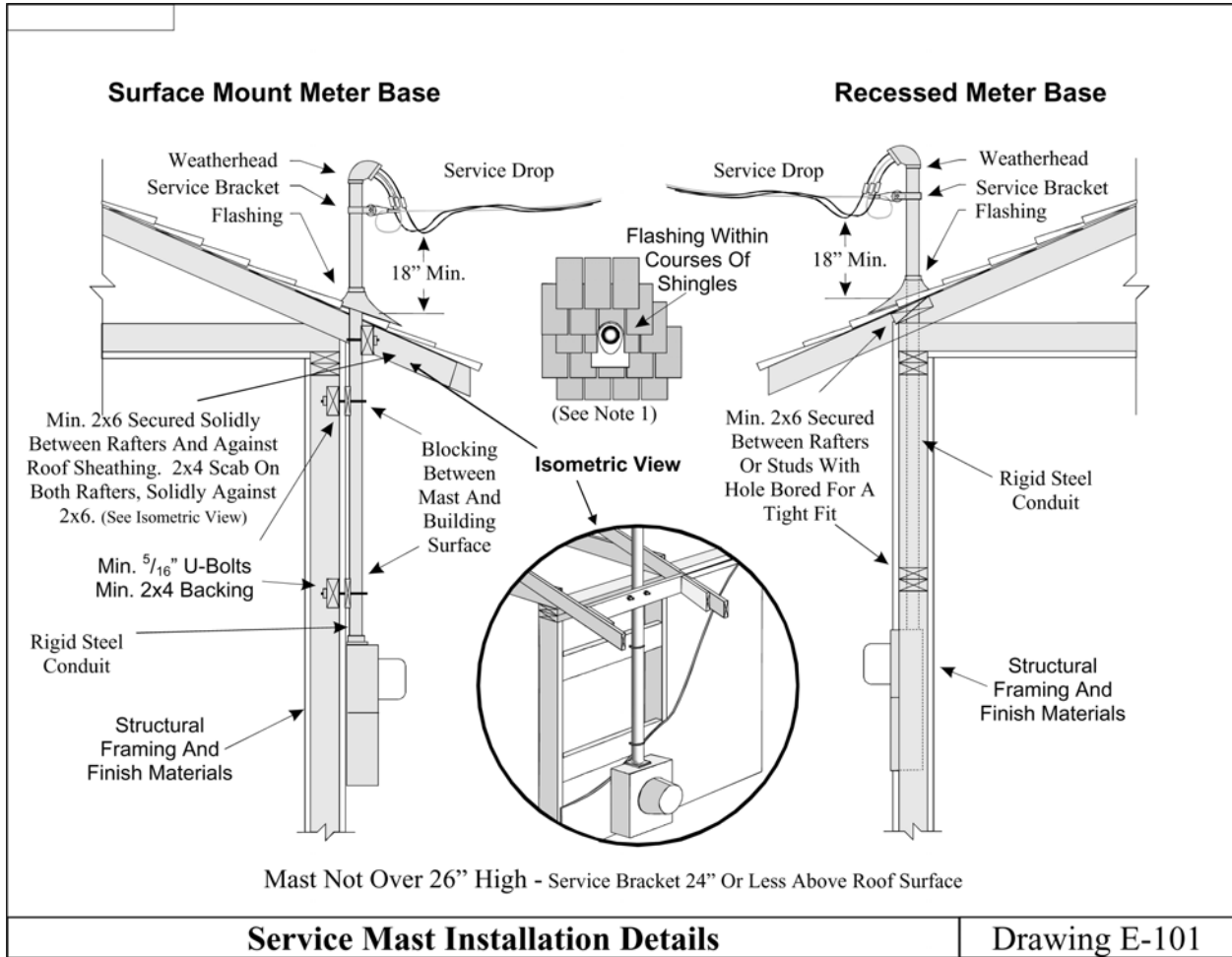


STRICKEN GRAPHIC))

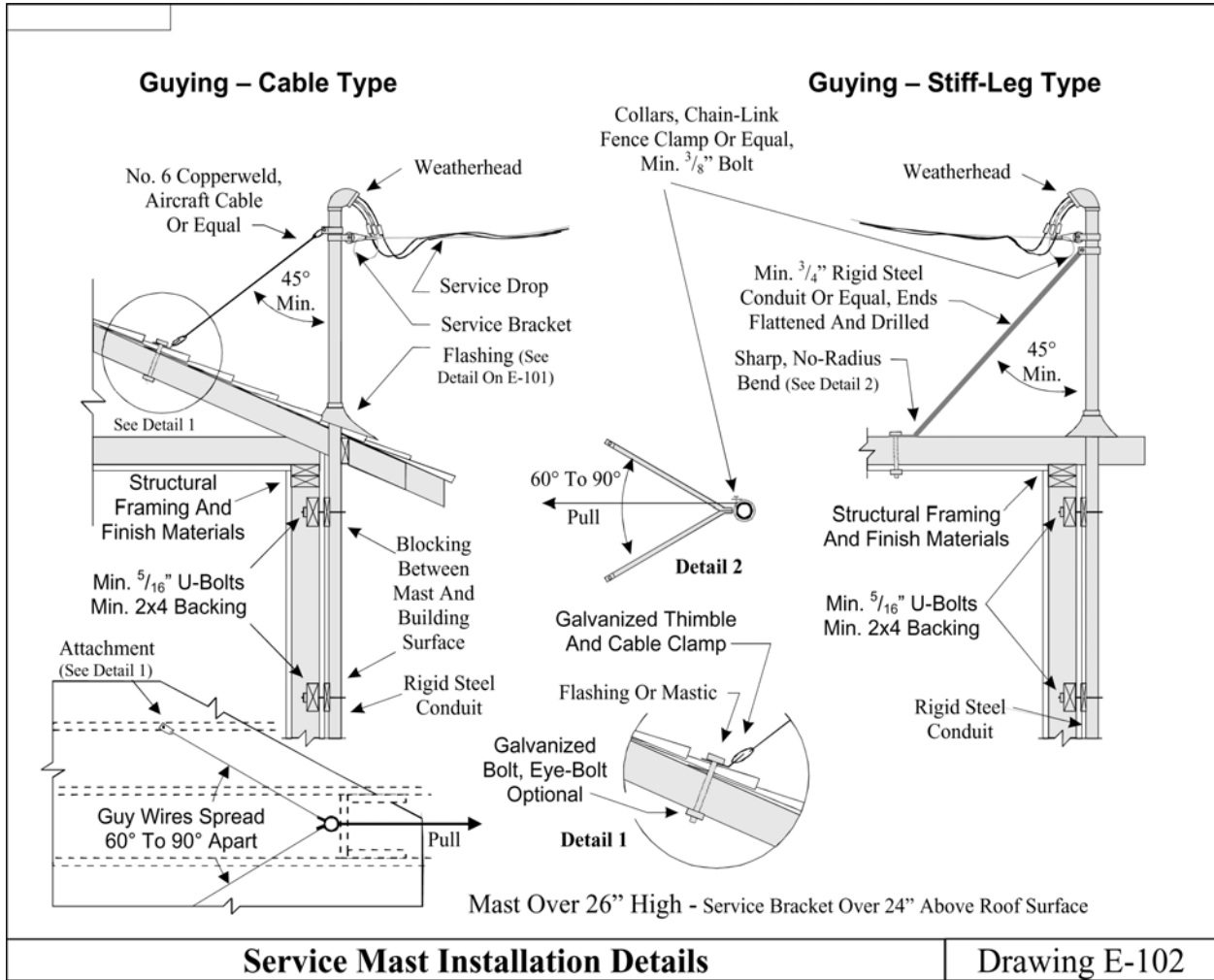
((STRICKEN GRAPHIC

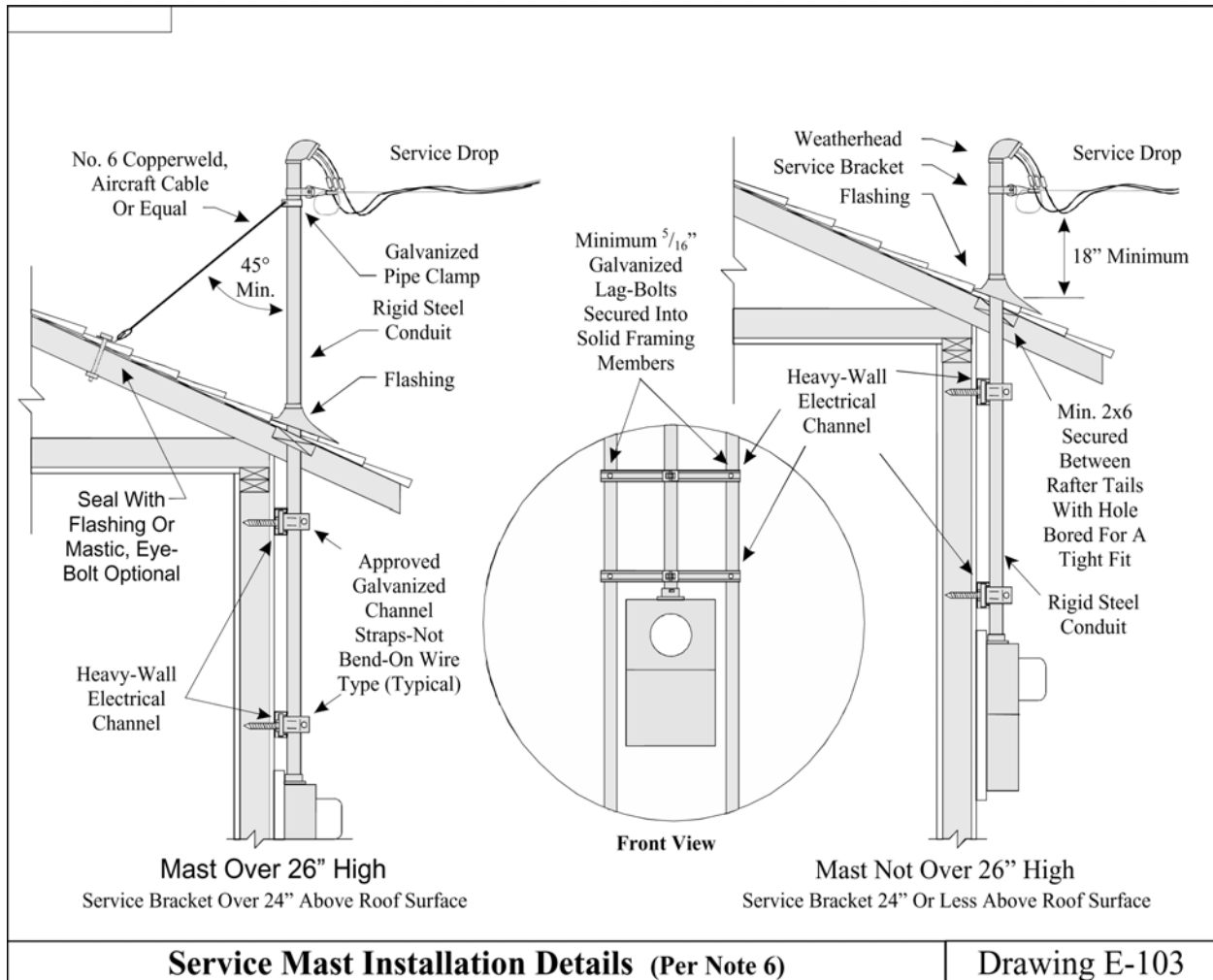


STRICKEN GRAPHIC))









**Notes to drawings E-101, E-102, and E-103**

- (1) An approved roof flashing must be installed on each mast where it passes through a roof. Plastic, nonhardening mastic must be placed between lead-type flashings and the conduit. Neoprene type flashings will also be permitted to be used.
- (2) Masts must be braced, secured, and supported in such a manner that no pressure from the attached conductors will be exerted on a roof flashing, meter base, or other enclosures.
- (3) Utilization of couplings for a mast are permitted only below the point the mast is braced, secured, or supported.
- (4) Except as otherwise required by the serving utility, service mast support guys must be installed if the service drop attaches to the mast more than twenty-four inches above the roof line or if the service drop is greater than one hundred feet in length from the pole or support. Masts for support of other than service drops must comply with this requirement as well.

(5) Intermediate support masts must be installed in an approved manner with methods identical or equal to those required for service masts.

(6) For altered services, where it is impractical to install U bolt mast supports due to interior walls remaining closed, it will be permissible to use other alternate mast support methods such as heavy gauge, galvanized, electrical channel material that is secured to two or more wooden studs with five-sixteenths inch diameter or larger galvanized lag bolts.

(7) Conductors must extend at least eighteen inches from all mastheads to permit connection to the connecting overhead wiring.

**040 Service conductors - two-family and multiple-occupancy buildings.**

(5) Two-family and multiple-occupancy buildings. A second or additional service drop or lateral to a building having more than one occupancy will be permitted to be installed at a location separate from other service drops or laterals to the building provided that all the following conditions are complied with:

(a) Each service drop or lateral must be sized in accordance with the NEC for the calculated load to be served by the conductors;

(b) Each service drop or lateral must terminate in listed metering/service equipment;

(c) Each occupant must have access to the occupant's service disconnecting means;

(d) No more than six service disconnects may be supplied from a single transformer;

(e) All service drops or laterals supplying a building must originate at the same transformer or power supply;

(f) A permanent identification plate must be placed at each service disconnect location that identifies all other service disconnect locations in or on the building, the area or units served by each, the total number of service disconnecting means on the building/structure and the area or units served. If a structure consists of multiple buildings (i.e., by virtue of fire separation), all service disconnects in or on the entire structure must be labeled to identify all service disconnects in or on the structure; and

(g) A permanent identification plate must be placed at each feeder disconnecting means identifying the area or units served if the feeder disconnecting means is remote from the area or unit served.

#### **042 Service conductor - size and rating.**

(6) If the service conductors have a lesser ampacity than the overcurrent protection or the equipment rating that they terminate in or on, an identification plate showing the ampacity of the conductors must be installed on the service equipment.

#### **043 Wiring methods for 600 volts, nominal or less.**

(7) The installation of service conductors not exceeding 600 volts, nominal, within a building or structure is limited to the following methods: Galvanized or aluminum rigid metal conduit; galvanized intermediate metal conduit; wireways; busways; auxiliary gutters; rigid nonmetallic conduit; cablebus; or mineral-insulated, metal-sheathed cable (type MI).

(8) Electrical metallic tubing must not be installed as the wiring method for service entrance conductors inside a building. Existing electrical metallic tubing, installed prior to October 1984, which is properly grounded and used for service entrance conductors may be permitted to remain if the conduit is installed in a nonaccessible location and is the proper size for the installed conductors.

(9) In addition to methods allowed in the NEC, the grounded service conductor is permitted to be identified with a yellow jacket or with one or more yellow stripes.

#### **062 Service equipment - general.**

(10) Service equipment, subpanels, and similar electrical equipment must be installed so that they are readily accessible and may not be installed in bathrooms, clothes closets, or shower rooms. All indoor service equipment and subpanel equipment must have adequate working space and be adequately illuminated.

(11) Temporary construction service equipment may only be used for construction purposes and must be disconnected when the permanent service is connected unless the department grants an extension of time.

#### **070 Service disconnecting means.**

(12) The service disconnecting means must be installed at a readily accessible location in accordance with (a) or (b) of this subsection.

(a) Outside location: Service disconnecting means will be permitted on the building or structure or within sight and within fifteen feet of the building or structure served. The building disconnecting means may supply only one building/structure. The service disconnecting means must have an identification plate with one-half-inch high letters identifying:

(i) The building/structure served; and

(ii) Its function as the building/structure main service disconnect(s).

(b) Inside location: When the service disconnecting means is installed inside the building or structure, it must be located so that the service raceway extends no more than fifteen feet inside the building/structure.

#### **095 Ground-fault protection of equipment.**

(13) Equipment ground-fault protection systems required by the NEC must be tested prior to being placed into service to verify proper installation and operation of the system as determined by the manufacturer's published instructions. This test or a subsequent test must include all service voltage feeders. A firm having qualified personnel and proper equipment must perform the tests required. A copy of the manufacturer's performance testing instructions and a written performance acceptance test record signed by the person performing the test must be provided for the inspector's records at the time of inspection. The performance acceptance test record must include test details including, but not limited to, all trip settings and measurements taken during the test.

#### **200 Wiring methods exceeding 600 volts.**

(14) The installation of service conductors exceeding 600 volts, nominal, within a building or structure must be limited to the following methods: Galvanized rigid metal conduit, galvanized intermediate metal conduit, schedule 80 rigid nonmetallic conduit, metal-clad cable that is exposed for its entire length, cablebus, or busways.

(15) In addition to methods allowed in the NEC, the grounded service conductor is permitted to be identified with a yellow jacket or with one or more yellow stripes.

AMENDATORY SECTION (Amending WSR 06-05-028, filed 2/7/06, effective 5/1/06)

### **WAC 296-46B-250 Wiring and protection—Grounding and bonding.**

#### **032 Two or more buildings or structures.**

(1) Effective August 1, 2003, an equipment grounding conductor must be installed with the circuit conductors between buildings and/or structures. A grounded conductor (i.e., neutral) is not permitted to be used in place of a separate equipment grounding conductor between buildings and/or structures.

#### **052 Grounding electrodes.**

(2) If a ground resistance test is not performed to ensure a resistance to ground of twenty-five ohms or less, two or more electrodes as specified in NEC 250.52 must be installed a minimum of six feet apart. However, a temporary construc-

tion service is not required to have more than one made electrode.

(3) If a concrete encased electrode is installed, inspection may be accomplished by the following methods:

(a) At the time of inspection of other work on the project, providing the concrete encased electrode is accessible for a visual inspection:

(b) At the time of the service inspection providing the installer has provided a method so the inspector can verify the continuity of the electrode conductor along its entire length (e.g., attaching a length of copper wire to one end of the electrode that reaches the location of the grounding electrode conductor that will enable the inspector to measure the resistance with a standard resistance tester). The concrete encased electrode does not have to be accessible for a visual inspection; or

(c) Other method when prior approval, on a job site basis, is given by the inspector.

If a special inspection trip is required to inspect a grounding electrode conductor, a trip fee will be charged for that inspection in addition to the normal permit fee.

#### **056 Resistance of rod, pipe, and plate electrodes.**

(4) For services only, when multiple buildings or structures are located adjacent, but structurally separate from each other, any installed rod, pipe, or plate electrodes used for those services must be installed so that each building's or structure's electrodes are not less than 1.8 m (6 ft) apart from the adjacent building's or structure's electrodes.

#### **090 Bonding.**

~~((3))~~ (5) Metallic stubs or valves used in nonmetallic plumbing systems are not required to be bonded to the electrical system unless required by an electrical equipment manufacturer's instructions.

~~((4))~~ (6) Hot and cold water plumbing lines are not required to be bonded together if, at the time of inspection, the inspector can determine the lines are mechanically and electrically joined by one or more metallic mixing valves.

#### **184 Solidly grounded neutral systems over 1 kV.**

~~((5))~~ (7) In addition to the requirements of NEC 250.184(A), the following applies for:

(a) Existing installations.

(i) The use of a concentric shield will be allowed for use as a neutral conductor for extension, replacement, or repair, if all of the following are complied with:

(A) The existing system uses the concentric shield as a neutral conductor;

(B) Each individual conductor contains a separate concentric shield sized to no less than thirty-three and one-half percent of the ampacity of the phase conductor for three-phase systems or one hundred percent of the ampacity of the phase conductor for single-phase systems;

(C) The new or replacement cable's concentric shield is enclosed inside an outer insulating jacket; and

(D) Existing cable (i.e., existing cable installed directly in the circuit between the work and the circuit's overcurrent device) successfully passes the following tests:

- A cable maintenance high potential dielectric test. The test must be performed in accordance with the cable manufacturer's instruction or the 2001 NETA maintenance test specifications; and

- A resistance test of the cable shield. Resistance must be based on the type, size, and length of the conductor used as the cable shield using the conductor properties described in NEC Table 8 Conductor Properties.

An electrical engineer must provide a specific certification to the electrical plan review supervisor in writing that the test results of the maintenance high potential dielectric test and the resistance test have been reviewed by the electrical engineer and that the cable shield is appropriate for the installation. The electrical engineer must stamp the certification document with the engineer's stamp and signature. The document may be in the form of a letter or electrical plans.

Testing results are valid for a period of seven years from the date of testing. Cable will not be required to be tested at a shorter interval.

(ii) A concentric shield used as a neutral conductor in a multigrounded system fulfills the requirements of an equipment grounding conductor.

(b) New installations.

(i) New installations do not include extensions of existing circuits.

(ii) The use of the concentric shield will not be allowed for use as a neutral conductor for new installations. A listed separate neutral conductor meeting the requirements of NEC 250.184(A) must be installed.

AMENDATORY SECTION (Amending WSR 05-10-024, filed 4/26/05, effective 6/30/05)

### **WAC 296-46B-300 Wiring methods and materials—Wiring methods.**

#### **001 Wiring methods.**

(1) Cables and raceways for telecommunications, power limited, NEC Class 2 and Class 3 conductors must be installed in compliance with Chapter 3 NEC unless other methods are specifically allowed elsewhere in the NEC, chapter 19.28 RCW, or this chapter.

#### **005 Underground installations.**

(2) Induction loops.

See WAC ~~((296-46B-040))~~ 296-46B-901(23) for induction detection loops that are made in a public roadway and regulated by a governmental agency.

~~((The department will inspect induction loops that are not installed in public roadways regulated by a governmental agency. These))~~ Other induction loops must comply with the following requirements:

(a) General:

(i) A preformed direct burial induction loop is designed to be installed within the road surface base (e.g., concrete or asphalt) or below the road surface of a road with an unpaved surface (e.g., gravel or brick pavers);

(ii) A saw-cut induction detection loop is designed to be installed into a groove saw-cut into an existing paved road surface (e.g., concrete or asphalt);

(iii) The loop system includes the loop and the lead-in conductor;

(iv) The loop system must be:

(A) Tested to assure that at 500 volts DC, the resistance between the conductor and ground equals or exceeds 50 megohms; and

(B) Without splice; or

(C) If spliced, the splice must be soldered and appropriately insulated;

(v) The lead-in conductor must comply with the following:

(A) Must be stranded and have a lay (i.e., twist) of two turns per foot; and

(B) If installed in an electrical raceway;

• Are not required to be listed or suitable for wet locations; and

• Must have a burial cover of at least 6"; or

(C) If direct buried;

• Must be listed for the use; and

• Must have a burial cover of at least 18".

(b) Preformed direct burial induction detection loops must conform with the following:

(i) The loop conductor must be rated for direct burial and be a minimum of No. 16 AWG;

(ii) The loop design must not allow movement of the loop conductor within the outer jacket. The outer jacket containing the loop conductor is not required to be listed;

(iii) The loop yoke casing (i.e., the location where the lead-in conductor is connected to the loop):

(A) Includes any device used to house the "loop to lead-in splice" or to otherwise couple the loop with the lead-in electrical raceway;

(B) Is not required to be listed; and

(C) Must have a coupler that will create a waterproof bond with the electrical raceway, containing the lead-in conductor, or a direct buried lead-in conductor.

(c) Saw-cut induction detection loops:

(i) The loop conductor must be cross-linked polyethylene or EPR Type USE insulation and be a minimum of No. 18 AWG stranded;

(ii) The saw-cut groove must not cut into rebar installed within the roadway.

#### **011 Support of raceways, cables, or boxes in suspended ceilings.**

(3) NEC power limited, Class 2, and Class 3 cables must be secured in compliance with NEC 334.30 and must be secured to boxes in compliance with NEC 314.17.

(4) Telecommunications cables must be secured in a manner that will not cause damage to the cables and at intervals not exceeding five feet. Cables are considered adequately supported when run through holes in building structural elements or other supporting elements. Telecommunications cables may be fished into inaccessible hollow spaces of finished buildings. Clamps or fittings are not required where telecommunications cables enter boxes.

(5) Optical fiber cables must be secured in a manner that will not cause damage to the cables and at intervals not exceeding five feet. Cables are considered adequately supported when run through holes in building structural elements or other supporting elements. Optical fiber cables may be fished into inaccessible hollow spaces of finished buildings. Supports must allow a bending radius that will not cause damage to the cables.

(6) Where not restricted by the building code official or Article 300 NEC, the wires required in NEC 300.11(A) may

support raceways, cables, or boxes under the following conditions:

(a) Raceways and/or cables are not larger than three-quarter-inch trade size;

(b) No more than two raceways or cables are supported by a support wire. The two-cable limitation does not apply to telecommunications cables, Class 2 cables, or Class 3 cables on support wires installed exclusively for such cables. The support wire must be adequate to carry the cable(s) weight and all attached cables must be secured with approved fittings; or

(c) Raceways and cables are secured to the support wires by fittings designed and manufactured for the purpose.

In addition to (a), (b), and (c) of this subsection, the following conditions must be complied with:

(d) The support wires are minimum #12 AWG and are securely fastened to the structural ceiling and to the ceiling grid system; and

(e) The raceways or cables serve equipment that is located within the ceiling cavity or is mounted on or supported by the ceiling grid system. Telecommunications cables, Class 2 cables, or Class 3 cables supported as required by this section, may pass through ceiling cavities without serving equipment mounted on or supported by the ceiling grid system.

#### **017 Conductors in raceway.**

(7) Cables will be permitted in all raceway systems if:

(a) The cable is appropriate for the environment; and

(b) The percentage fill does not exceed that allowed in NEC Chapter 9, Table 1.

AMENDATORY SECTION (Amending WSR 04-12-049, filed 5/28/04, effective 6/30/04)

#### **WAC 296-46B-430 Motors, motor circuits, and controllers. 007 Marking on motors and multimotor equipment.**

Except as required by the National Electrical Code, there is no requirement for motors to be identified for use or listed/field evaluated by a laboratory. All motors must be manufactured according to National Electrical Manufacturer's Association (NEMA) standards for motors except motors that:

(1) Are a component part of equipment listed or field evaluated by a laboratory; or

(2) Are a component part of industrial utilization equipment approved by the department per WAC ((~~296-46B-030~~) 296-46B-901).

AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 5/23/03)

#### **WAC 296-46B-517 Special occupancies—Health care facilities.**

##### **001 Health care facilities.**

In health care facilities, the following methods must be used to determine adequate capacity and ratings of equipment providing electrical power for the essential electrical systems defined in Article 517 NEC:

(1) Systems in new facilities:

(a) Emergency system: The emergency branch must consist of two branches known as:

(i) Life safety system: The feeder conductors and equipment used to supply electrical power to the life safety branch must be determined by summation of the connected loads as determined by Article 220 NEC and may not be subjected to any reduction due to the diversity of the loads. Feeder and equipment will be subject to a one hundred twenty-five percent multiplier for continuous loads in accordance with Article 220 NEC.

(ii) Critical branch system: The feeder conductors and equipment must be calculated in accordance with Article 220 NEC, including a level of diversity as determined by such article.

(b) Equipment branch: The feeder conductors and equipment used to supply electrical power to the equipment branch of the essential electrical system must be calculated in accordance with Article 220 NEC, including a level of diversity as determined by such article.

(c) Generator sizing: The rating of the generator(s) supplying electrical power to the essential system of a health care facility must meet or exceed the summation of the loads determined in (a) and (b) of this subsection with no additional demand factors applied. Momentary X-ray loads may be ignored if the generator is rated at least three hundred percent of the largest momentary X-ray load connected.

(2) Existing essential systems in facilities to which additional load is to be added:

(a) Existing loads: The existing loads of the separate branches of the essential electrical system may be determined by WAC ~~((296-46B-010(20)))~~ 296-46B-901 (15)(j).

(b) Added loads: Added loads to the separate branches of the essential electrical system must be determined by subsection (1) of this section.

(c) Generator sizing: The rating of the generator(s) supplying electrical power to the essential electrical system must meet or exceed the summation of the loads determined by (a) and (b) of this subsection with no additional demand factors applied.

AMENDATORY SECTION (Amending WSR 05-10-024, filed 4/26/05, effective 6/30/05)

**WAC 296-46B-700 ((Special conditions—))Emergency systems.**

**001 Emergency systems - general.**

(1) In all health or personal care facilities defined in this chapter, educational facilities, institutional facilities, hotels, motels, and places of assembly for one hundred or more persons, all exit and emergency lights must be installed in accordance with Article 700 NEC and located as required in standards adopted by the state building code council under chapter 19.27 RCW.

**009 Emergency systems - equipment identification.**

(2) All exit and emergency lights, whether or not required by the NEC, must be installed in accordance with Article 700 NEC.

(3) All boxes and enclosures, for Article 700 NEC systems, larger than six inches by six inches, including transfer switches, generators, and power panels for emergency sys-

tems and circuits must be permanently identified with an identification plate that is substantially orange in color. All other device and junction boxes for emergency systems and circuits must be substantially orange in color, both inside and outside.

**027 Coordination.**

(4) The requirements for selective coordination described in NEC 700.27 are not required where the emergency system was installed prior to June 1, 2006. For new emergency systems that are supplied from an existing emergency system installed prior to June 1, 2006, the new portion of the emergency system must comply with NEC 700.27. The ground fault sensing function of overcurrent protective devices will only be required to selectively coordinate with the ground fault sensing functions of other overcurrent protective devices.

NEW SECTION

**WAC 296-46B-701 Legally required standby systems.**

**018 Coordination.**

The requirements for selective coordination described in NEC 701.18 are not required where the legally required standby system was installed prior to June 1, 2006. For new legally required standby systems that are supplied from an existing legally required standby system installed prior to June 1, 2006, the new portion of the legally required standby system must comply with NEC 701.18. The ground fault sensing function of overcurrent protective devices will only be required to selectively coordinate with the ground fault sensing functions of other overcurrent protective devices.

AMENDATORY SECTION (Amending WSR 05-10-024, filed 4/26/05, effective 6/30/05)

**WAC 296-46B-800 Communications systems—Communications circuits.**

**001 Installation.**

(1) All telecommunications installations on an end-user's property, beyond the end-user's telecommunications network demarcation point, made by a telecommunications service provider, both inside and outside of a building or structure, must conform to all licensing, certification, installation, permitting, and inspection requirements described in chapter 19.28 RCW and this chapter.

~~((002 Designation of demarcation point.~~

~~(2) At the point of demarcation, the telecommunications installer must install an identification plate with the following information:~~

- ~~(a) "Point of demarcation";~~
- ~~(b) Name of telecommunications utility; and~~
- ~~(c) Name of customer/end user of the system.~~

~~(3) The telecommunications installer must confer with the telecommunications utility when determining the point of demarcation.)~~ (2) Telecommunications service providers including its subcontractors and agents must install and maintain points of demarcation in conformance with Code of Federal Regulations (CFR), Title 47, Chapter 1, Part 68, Subpart B, Sec. 68.105 and may not place a point of demarcation further than twelve inches within an end-user's occupied space.

(3) The telecommunications service provider must identify the telecommunications network demarcation point(s) with an identification plate or label having:

- (a) The provider's name;
- (b) Customer/end-user's name; and
- (c) If a CWSTP is used, the option type used.

(4) The CFR prescribes that telecommunications service providers must choose either a MPOE (minimum point of entry) or CWSTP (cable wire service termination policy) which regulates where demarcations are placed within a multi-tenant environment.

(5) A telecommunications service provider, including its subcontractors and agents provisioning service for a second provider who is not the end-user of the service, must place the point of demarcation no further than twelve inches from the nearest POP (point of presence), of the serving provider, to the eventual end-user.

(6) Telecommunications service providers must designate each building that they provide services to with labeling at the terminating point(s) of their facilities indicating:

- (a) Whether the building is under a MPOE policy; or
- (b) Which option of a CWSTP is in effect.

(7) The CWSTP options for demarcation placement are as follows:

(a) All telecommunications service provider facilities will terminate at one location, mutually agreed upon by the provider and the building owner or designee, upon entry into the building, normally at the lowest common serving point. All demarcations will be placed no more than twelve inches from this point. The building owner and/or tenants will provide, manage and maintain building wire and cable placed beyond this demarcation point location.

(b) The telecommunications service provider's facilities will terminate at common locations, mutually agreed upon by the provider and the building owner or designee, throughout the building (terminal rooms, utility closets, etc.). The telecommunications service provider will provide, manage and maintain the building cable and registration jacks that denote the demarcation points. The demarcation points will be placed at these locations and will be accessible to end-users at these locations. This (b) is not an option for single tenant buildings.

(c) The telecommunications service provider will terminate facilities and place demarcations at locations, mutually agreed upon by the provider and the building owner or designee, within the individually occupied units, within twelve inches or a similarly reasonable distance of cable/wire entry. The provider will provide, manage and maintain the building cable, network terminating wire and registration jacks that denote the demarcation point. This (c) is not an option for single tenant buildings.

(d) All telecommunications service provider facilities and demarcations will terminate at one location on the property, mutually agreed upon by the provider and the building owner or designee. The building owner and/or tenants will provide, manage and maintain building wire and cable placed beyond the demarcation point location.

(8) The telecommunications installer must confer with the telecommunications provider when determining the point of demarcation.

## **002 Definitions.**

(9) "CWSTP (cable, wire and service termination policy)" is the policy of the Federal Communications Commission (FCC) and the Washington utilities and transportation commission (WUTC) prescribed by tariff that governs negotiations between building owners and telecommunications service providers regarding the configuration of POP(s) and demarcation point(s) in multitenant buildings when a MPOE policy is not elected by the telecommunications service provider.

(10) "MPOE (minimum point of entry)" is a building wiring policy of the FCC and WUTC for multitenant environment locations that can be elected by telecommunications service providers. It prescribes that the telecommunications service provider will provide a single POP for access to its network and is located either at the closest practicable point to where a telecommunications service provider's facilities (fiber, coax, or copper) cross a property line or at the closest practicable point to where the wiring enters a multiunit building or buildings. All demarcations provided for customers and end-users by the provider will be placed within twelve inches of that POP.

(11) "POP (point-of-presence)," also called a "POT (point-of-termination)," is a designated point at or near a customer premise at which a telecommunications service provider's facilities for the provision of access service ends. This can be a fiber, coax, or copper connection point. Depending on the telecommunications service provider's CWSTP with the individual building owner, demarcations may be established at the POP or at other designated locations. When the customer of a telecommunications service provider is another carrier, the demarcation will be at the closest POP to the end-user. A telecommunications service provider may have multiple POPs within a multiple tenant environment.

## **NEW SECTION**

**WAC 296-46B-901 General inspections, inspectors, city inspection, variance.** (1) Electrical inspectors will give information as to the interpretation or application of the standards in this chapter, but will not lay out work or act as consultants for contractors, owners, or users.

(2) The department may enforce city electrical ordinances where those governmental agencies do not make electrical inspections under an established program.

(3) A variance from the electrical installation requirements of chapter 19.28 RCW or this chapter may be granted by the department when it is assured that equivalent objectives can be achieved by establishing and maintaining effective safety.

(a) Any electrical permit holder may request a variance.

(b) The permit holder must make the request in writing, using a form provided by the department, to the chief electrical inspector. The request must include:

(i) A description of the installation as installed or proposed;

(ii) A detailed list of the applicable code violations;

(iii) A detailed list of safety violations;

(iv) A description of the proposal for meeting equivalent objectives for code and/or safety violations; and

(v) Appropriate variance application fee as listed in WAC 296-46B-905.

**Inspection.**

(4) Electrical wiring or equipment subject to this chapter must be sufficiently accessible, at the time of inspection, to allow the inspector to visually inspect the installation to verify conformance with the NEC and any other electrical requirements of this chapter.

(5) Cables or raceways, fished according to the NEC, do not require visual inspection.

(6) All required equipment grounding conductors installed in concealed cable or flexible conduit systems must be completely installed and made up at the time of the rough-in cover inspection.

(7) The installation of all structural elements and mechanical systems (e.g., framing, plumbing, ducting, etc.) must be complete in the area(s) where electrical inspection is requested. Prior to completion of an exterior wall cover inspection, either:

(a) The exterior shear panel/sheathing nail inspection must be completed by the building code inspector; or

(b) All wiring and device boxes must be a minimum of 63 mm (2 1/2") from the exterior surface of the framing member; or

(c) All wiring and device boxes must be protected by a steel plate a minimum of 1.6 mm (1/16") thick and of appropriate width and height installed to cover the area of the wiring or box.

(8) In order to meet the minimum electrical safety standards for installations, all materials, devices, appliances, and equipment, not exempted in chapter 19.28 RCW, must conform to applicable standards recognized by the department, be listed, or field evaluated. Other than as allowed in subsection (20) of this section, equipment must not be energized until such standards are met unless specific permission has been granted by the chief electrical inspector.

(9) The department will recognize the state department of transportation as the inspection authority for telecommunications systems installation within the rights of way of state highways provided the department of transportation maintains and enforces an equal, higher or better standard of construction and of materials, devices, appliances and equipment than is required for telecommunications systems installations by chapter 19.28 RCW and this chapter.

**Inspection move on buildings and structures.**

(10) All buildings or structures relocated into or within the state:

(a) Other than residential, wired inside the United States (U.S.) must be inspected to ensure compliance with current requirements of chapter 19.28 RCW and the rules developed by the department.

(b) Wired outside the U.S. or Canada must be inspected to ensure compliance with all current requirements of chapter 19.28 RCW and the rules developed by the department.

(11) Residential buildings or structures wired in the U.S., to NEC requirements, and moved into or within a county, city, or town must be inspected to ensure compliance with the NEC requirements in effect at the time and place the original

wiring was made. The building or structure must be inspected to ensure compliance with all current requirements of chapter 19.28 RCW and the rules developed by the department if:

(a) The original occupancy classification of the building or structure is changed as a result of the move; or

(b) The building or structure has been substantially remodeled or rehabilitated as a result of the move.

(12) Residential buildings or structures wired in Canada to Canadian Electrical Code (CEC) standards and moved into or within a county, city, or town, must be inspected to ensure compliance with the following minimum safety requirements:

(a) Service, service grounding, and service bonding must comply with the current chapter 19.28 RCW and rules adopted by the department.

(b) Canadian Standards Association (CSA) listed Type NMD cable is allowed with the following qualifications:

(i) CSA listed Type NMD cable, American Wire Gauge #10 and smaller installed after 1964 utilizing an equipment grounding conductor smaller than the phase conductors, must be:

(A) Replaced with a cable utilizing a full-size equipment grounding conductor; or

(B) Protected by a ground fault circuit interrupter protection device.

(ii) CSA listed Type NMD cable, #8 AWG and larger, must:

(A) Utilize an equipment grounding conductor sized according to the requirements of the NEC in effect at the time of the installation;

(B) Be protected by a ground fault circuit interrupter protection device; or

(C) Be replaced.

(c) Other types of wiring and cable must be:

(i) Replaced with wiring listed or field evaluated in accordance with U.S. standards by a laboratory approved by the department; or

(ii) Protected by a ground fault circuit interrupter protection device and arc fault circuit protection device.

(d) Equipment, other than wiring or panelboards, manufactured and installed prior to 1997, must be listed and identified by laboratory labels approved by the department or CSA labels.

(e) All panelboards must be listed and identified by testing laboratory labels approved by the department with the following qualifications:

(i) CSA listed panelboards labeled "Suitable for Use as Service Equipment" will be considered to be approved as "Suitable for Use only as Service Equipment."

(ii) CSA listed panelboards must be limited to a maximum of 42 circuits.

(iii) CSA listed panelboards used as lighting and appliance panelboards as described in the NEC, must meet all current requirements of the NEC and this chapter.

(f) Any wiring or panelboards replaced or changed as a result of the move must meet current requirements of chapter 19.28 RCW and this chapter.

(g) The location, type, and ground fault circuit interrupter protection of receptacles and equipment in a bathroom,



kitchen, basement, garage, or outdoor area must meet the Washington requirements in effect at the time the wiring was installed.

(h) 4, 15-ampere, kitchen small appliance circuits will be accepted in lieu of 2, 20-ampere, kitchen small appliance circuits. Receptacles will not be required to be added on kitchen peninsular or island counters.

(i) Spacing requirements for all other receptacles must meet the Washington requirements in effect at the time the wiring was installed.

(j) Receptacles installed above baseboard or fixed wall space heaters must be removed and the outlet box covered with a blank cover. The receptacle is required to be relocated as closely as possible to the existing location.

(k) Lighting outlet and switch locations must meet the Washington requirements in effect at the time the wiring was installed.

(l) Dedicated 20-ampere small appliance circuits are not required in dining rooms.

(m) Electric water heater branch circuits must be adequate for the load.

(n) The location, type, and circuit protection of feeders must meet the Washington requirements in effect at the time the wiring was installed.

#### **Classification or definition of occupancies.**

(13) Occupancies are classified and defined as follows:

(a) Educational facility refers to a building or portion of a building used primarily for educational purposes by six or more persons at one time for twelve hours per week or four hours in any one day. Educational occupancy includes: Schools (preschool through grade twelve), colleges, academies, universities, and trade schools.

(b) Institutional facility refers to a building or portion of a building used primarily for detention and correctional occupancies where some degree of restraint or security is required for a time period of twenty-four or more hours. Such occupancies include, but are not restricted to: Penal institutions, reformatories, jails, detention centers, correctional centers, and residential-restrained care.

(c) Health or personal care facility. Health or personal care facility refers to buildings or parts of buildings that contain, but are not limited to, facilities that are required to be licensed by the department of social and health services or the department of health (e.g., hospitals, nursing homes, private alcoholism hospitals, private psychiatric hospitals, boarding homes, alcoholism treatment facilities, maternity homes, birth centers or childbirth centers, residential treatment facilities for psychiatrically impaired children and youths, and renal hemodialysis clinics) and medical, dental or chiropractic offices or clinics, outpatient or ambulatory surgical clinics, and such other health care occupancies where patients who may be unable to provide for their own needs and safety without the assistance of another person are treated.

(i) "Hospital" means any institution, place, building, or agency providing accommodations, facilities and services over a continuous period of twenty-four hours or more, for observation, diagnosis, or care of two or more individuals not related to the operator who are suffering from illness, injury, deformity, or abnormality, or from any other condition for

which obstetrical, medical, or surgical services would be appropriate for care or diagnosis.

(ii) "Nursing home," "nursing home unit" or "long-term care unit" means a group of beds for the accommodation of patients who, because of chronic illness or physical infirmities, require skilled nursing care and related medical services but are not acutely ill and not in need of the highly technical or specialized services ordinarily a part of hospital care.

(iii) "Boarding home" means any home or other institution, however named, which is advertised, announced, or maintained for the express or implied purpose of providing board and domiciliary care to seven or more aged persons not related by blood or marriage to the operator. It must not include any home, institution, or section thereof which is otherwise licensed and regulated under the provisions of state law providing specifically for the licensing and regulation of such home, institution, or section thereof.

(iv) "Private alcoholism hospital" means an institution, facility, building, or equivalent designed, organized, maintained, and operated to provide diagnosis, treatment, and care of individuals demonstrating signs or symptoms of alcoholism, including the complications of associated substance use and other medical diseases that can be appropriately treated and cared for in the facility and providing accommodations, medical services, and other necessary services over a continuous period of twenty-four hours or more for two or more individuals unrelated to the operator, provided that this chapter will not apply to any facility, agency, or other entity which is owned and operated by a public or governmental body.

(v) "Alcoholism treatment facility" means a private place or establishment, other than a licensed hospital, operated primarily for the treatment of alcoholism.

(vi) "Private psychiatric hospital" means a privately owned and operated establishment or institution which: Provides accommodations and services over a continuous period of twenty-four hours or more, and is expressly and exclusively for observing, diagnosing, or caring for two or more individuals with signs or symptoms of mental illness, who are not related to the licensee.

(vii) "Maternity home" means any home, place, hospital, or institution in which facilities are maintained for the care of four or more women, not related by blood or marriage to the operator, during pregnancy or during or within ten days after delivery: Provided, however, that this definition will not apply to any hospital approved by the American College of Surgeons, American Osteopathic Association or its successor.

(viii) "Birth center" or "childbirth center" means a type of maternity home which is a house, building, or equivalent organized to provide facilities and staff to support a birth service, provided that the birth service is limited to low-risk maternal clients during the intrapartum period.

(ix) "Ambulatory surgical facility" means a facility, not a part of a hospital, providing surgical treatment to patients not requiring inpatient care in a hospital. This term does not include a facility in the offices of private physicians or dentists, whether for individual or group practice, if the privilege of using such facility is not extended to physicians or dentists outside the individual or group practice. (NEC; Ambulatory Health Care Center.)

(x) "Hospice care center" means any building, facility, place, or equivalent, organized, maintained, and operated specifically to provide beds, accommodations, facilities, and services over a continuous period of twenty-four hours or more for palliative care of two or more individuals, not related to the operator, who are diagnosed as being in the latter stages of an advanced disease which is expected to lead to death.

(xi) "Renal hemodialysis clinic" means a facility in a building or part of a building which is approved to furnish the full spectrum of diagnostic, therapeutic, and rehabilitative services required for the care of renal dialysis patients (including inpatient dialysis furnished directly or under arrangement). (NEC; Ambulatory Health Care Center.)

(xii) "Medical, dental, and chiropractic clinic" means any clinic or physicians' office where patients are not regularly kept as bed patients for twenty-four hours or more. Electrical plan review not required.

(xiii) "Residential treatment facility for psychiatrically impaired children and youth" means a residence, place, or facility designed and organized to provide twenty-four-hour residential care and long-term individualized, active treatment for clients who have been diagnosed or evaluated as psychiatrically impaired.

(xiv) "Adult residential rehabilitation center" means a residence, place, or facility designed and organized primarily to provide twenty-four-hour residential care, crisis and short-term care and/or long-term individualized active treatment and rehabilitation for clients diagnosed or evaluated as psychiatrically impaired or chronically mentally ill as defined herein or in chapter 71.24 RCW.

(xv) "Group care facility" means a facility other than a foster-family home maintained and operated for the care of a group of children on a twenty-four-hour basis.

(d) Licensed day care centers.

(i) "Child day care center" means a facility providing regularly scheduled care for a group of children one month of age through twelve years of age for periods less than twenty-four hours; except, a program meeting the definition of a family child care home will not be licensed as a day care center without meeting the requirements of WAC 388-150-020(5).

(ii) "School-age child care center" means a program operating in a facility other than a private residence accountable for school-age children when school is not in session. The facility must meet department of licensing requirements and provide adult supervised care and a variety of developmentally appropriate activities.

(iii) "Family child day care home" means the same as "family child care home" and "a child day care facility" licensed by the state, located in the family abode 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. Electrical plan review not required.

**Plan review for educational, institutional or health care facilities and other buildings.**

(14) Plan review is a part of the electrical inspection process; its primary purpose is to determine:

(a) That service/feeder conductors are calculated and sized according to the proper NEC or WAC article or section;

(b) The classification of hazardous locations; and

(c) The proper design of emergency and standby systems.

(15) Electrical plan review.

(a) Electrical plan review is not required for:

(i) Lighting specific projects that result in an electrical load reduction on each feeder involved in the project;

(ii) Low voltage systems;

(iii) Modifications to existing electrical installations where all of the following conditions are met:

- Service or distribution equipment involved is rated not more than 400 amperes and does not exceed 250 volts;

- Does not involve emergency systems other than listed unit equipment per NEC 700.12(F);

- Does not involve branch circuits or feeders of an essential electrical system as defined in NEC 517.2; and

- Service and feeder load calculations are increased by 5% or less.

(iv) Stand-alone utility fed services that do not exceed 250 volts, 400 amperes where the project's distribution system does not include:

- Emergency systems other than listed unit equipment per NEC 700.12(F);

- Critical branch circuits or feeders as defined in NEC 517.2; or

- A required fire pump system.

(b) Electrical plan review is required for all other new or altered electrical projects in educational, institutional, or health care occupancies classified or defined in this chapter.

(c) If a review is required, the electrical plan must be submitted for review and approval before the electrical work is begun.

(d) Electrical plans.

(i) The plan must be submitted for plan review prior to beginning any electrical inspection. If a plan is rejected during the plan review process, no electrical inspection(s) may proceed until the plan is resubmitted and a conditional acceptance is granted.

(ii) The submitted plan will receive a preliminary review within seven business days after receipt by the department.

(iii) If the submitted plan:

- Is rejected at the preliminary review, no inspection(s) will be made on the project.

- Receives conditional acceptance, the permit holder may request a preliminary inspection(s) in writing to the department. The request must note that the preliminary inspection(s) is conditional and subject to any alterations required from the final plan review process.

(iv) Once the submitted plan has plan review approval, the approved plan must be available on the job site for use by the electrical inspector.

(v) The approved plan must be available on the job site, for use by the electrical inspector, prior to the final electrical inspection.

(vi) If the approved plan requires changes from the conditionally accepted plan, alterations to the project may be required to make the project comply with the approved plan.

(e) All electrical plans for educational facilities, hospitals and nursing homes must be prepared by, or under the direction of, a consulting engineer registered under chapter 18.43 RCW, and chapters 246-320, 180-29, and 388-97 WAC and stamped with the engineer's mark and signature.

(f) Refer plans for department review to the Electrical Section, Department of Labor and Industries, P.O. Box 44460, Olympia, Washington 98504-4460.

(g) Plans for projects within cities that perform electrical inspections within their jurisdiction, and provide an electrical plan review program that equals or exceeds the department's program in plans examiner minimum qualifications per chapter 19.28 RCW, must be submitted to that city for review, unless the agency regulating the installation specifically requires review by the department.

(h) Plans to be reviewed by the department must be legible, identify the name and classification of the facility, clearly indicate the scope and nature of the installation and the person or firm responsible for the electrical plans. The plans must clearly show the electrical installation or alteration in floor plan view, include switchboard and/or panel-board schedules and when a service or feeder is to be installed or altered, must include a riser diagram, load calculation, fault current calculation and interrupting rating of equipment. Where existing electrical systems are to supply additional loads, the plans must include documentation that proves adequate capacity and ratings. The plans must be submitted with a plan review submittal form available from the department. Plan review fees are not required to be paid until the review is completed. Plans will not be returned until all fees are paid. Fees will be calculated based on the date the plans are received by the department.

(i) The department may perform the plan review for new or altered electrical installations of other types of construction when the owner or electrical contractor makes a voluntary request for review.

(j) For existing structures where additions or alterations to feeders and services are proposed, Article 220.87(1) NEC may be used. If Article 220.87(1) NEC is used, the following is required:

- (i) The date of the measurements.
- (ii) A statement attesting to the validity of the demand data, signed by a professional electrical engineer or the electrical administrator of the electrical contractor performing the work.
- (iii) A diagram of the electrical system identifying the point(s) of measurement.

(iv) Building demand measured continuously on the highest-loaded phase of the feeder or service over a thirty-day period, with demand peak clearly identified. (Demand peak is defined as the maximum average demand over a fifteen-minute interval.)

**Wiring methods for designated building occupancies.**

(16) Wiring methods, equipment and devices for health or personal care, educational and institutional facilities as defined or classified in this chapter and for places of assembly for one hundred or more persons must comply with Tables 901-1 and 901-2 of this chapter and the notes thereto. The local building authority will determine the occupant load of places of assembly.

(17) Listed tamper-resistant receptacles or listed tamper-resistant receptacle cover plates are required in all licensed day care centers, all licensed children group care facilities and psychiatric patient care facilities where accessible to children five years of age and under. Listed tamper-resistant receptacles are required in psychiatric patient care facilities where accessible to psychiatric patients over five years of age.

Notes to Tables 901-1 and 901-2.
1. Wiring methods in accordance with the NEC unless otherwise noted.
2. Metallic or nonmetallic raceways, MI, MC, or AC cable, except that in places of assembly located within educational or institutional facilities, wiring methods must conform to NEC 518.4(A). Places of assembly located within educational or institutional facilities may not be wired according to NEC 518.4(B) or (C).
3. Limited energy system may use wiring methods in accordance with the NEC.

**Table 901-1 Health or Personal Care Facilities**

Health or Personal Care Facility Type <sup>(1)</sup>	Plan Review Required
Hospital	Yes
Nursing home unit or long-term care unit	Yes
Boarding home or assisted living facility	Yes
Private alcoholism hospital	Yes
Alcoholism treatment facility	Yes
Private psychiatric hospital	Yes
Maternity home	Yes
Birth center or childbirth center	No
Ambulatory surgery facility	Yes
Hospice care center	No
Renal hemodialysis clinic	Yes
Medical, dental, and chiropractic clinic	No
Residential treatment facility for psychiatrically impaired children and youth	Yes
Adult residential rehabilitation center	Yes
Group care facility	No

**Table 901-2 Educational and Institutional Facilities, Places of Assembly or Other Facilities**

Educational, Institutional or Other Facility Types	Plan Review Required
Educational <sup>(2)(3)</sup>	Yes
Institutional <sup>(2)(3)</sup>	Yes

**Table 901-2 Educational and Institutional Facilities, Places of Assembly or Other Facilities**

<b>Educational, Institutional or Other Facility Types</b>	<b>Plan Review Required</b>
Places of Assembly for 100 or more persons <sup>(1)</sup>	No
Child day care center <sup>(1)</sup>	No
School-age child care center <sup>(1)</sup>	No
Family child day care home, family child care home, or child day care facility <sup>(1)</sup>	No

**Industrial control panel and industrial utilization equipment inspection.**

(18) Specific definitions for this section:

(a) "Department evaluation" means a review in accordance with subsection (19)(c) of this section.

(b) "Engineering evaluation" means a review in accordance with subsection (19)(d) of this section.

(c) "Food processing plants" include buildings or facilities used in a manufacturing process, but do not include:

- (i) Municipal or other government facilities;
- (ii) Educational facilities or portions thereof;
- (iii) Institutional facilities or portions thereof;
- (iv) Restaurants;
- (v) Farming, ranching, or dairy farming operations;
- (vi) Residential uses; or
- (vii) Other installations not used for direct manufacturing purposes.

(d) In RCW 19.28.901, "industrial control panel" means a factory or user wired assembly of industrial control equipment such as motor controllers, switches, relays, power supplies, computers, cathode ray tubes, transducers, and auxiliary devices used in the manufacturing process to control industrial utilization equipment. The panel may include disconnecting means and motor branch circuit protective devices. Industrial control panels include only those used in a manufacturing process in a food processing or industrial plant.

(e) "Industrial plants" include buildings or facilities used in a manufacturing process or a manufacturing training facility (e.g., educational shop area in an educational or institutional facility), but do not include:

- (i) Municipal or other government facilities;
- (ii) Other educational facilities or portions thereof;
- (iii) Other institutional facilities or portions thereof;
- (iv) Restaurants;
- (v) Farming, ranching, or dairy farming operations;
- (vi) Residential uses; or
- (vii) Other installations not used for direct manufacturing purposes.

(f) "Industrial utilization equipment" means equipment directly used in a manufacturing process in a food processing or industrial plant, in particular the processing, treatment, moving, or packaging of a material. Industrial utilization equipment does not include: Cold storage, warehousing, or similar storage equipment.

(g) "Manufacturing process" means to make or process a raw material or part into a finished product for sale using

industrial utilization equipment. A manufacturing process does not include the storage of a product for future distribution (e.g., cold storage, warehousing, and similar storage activity).

(h) "Normal department inspection" is a part of the department electrical inspection process included with the general wiring inspection of a building, structure, or other electrical installation. Normal department inspection will only be made for equipment solely using listed or field evaluated components and wired to the requirements of the NEC. Fees for the normal department inspections required under this chapter are included in the electrical work permit fee calculated for the installation and are not a separate inspection fee. However, inspection time associated with such equipment is subject to the progress inspection rates in WAC 296-46B-905.

(i) For the purposes of this section, "panel" means a single box or enclosure containing the components comprising an industrial control panel. A panel does not include any wiring methods connecting multiple panels or connecting a panel(s) and other electrical equipment.

(19) Industrial control panels and industrial utilization equipment will be determined to meet the minimum electrical safety standards for installations by:

(a) Listing or field evaluation of the entire panel or equipment;

(b) Normal department inspection for compliance with codes and rules adopted under this chapter; or

(c) By engineer review (see (d) of this subsection) or through June 30, 2007, by department evaluation showing compliance with appropriate standards. Appropriate standards are NEMA, ANSI, NFPA 79, UL 508A, International Electrotechnical Commission 60204, or their equivalent. Industrial utilization equipment is required to conform to a nationally or internationally recognized standard applicable for the particular industrial utilization equipment. Compliance must be shown as follows:

(i) The equipment's manufacturer must document, by letter to the equipment owner, the equipment's conformity to an appropriate standard(s). The letter must state:

- (A) The equipment manufacturer's name;
- (B) The type of equipment;
- (C) The equipment model number;
- (D) The equipment serial number;
- (E) The equipment supply voltage, amperes, phasing;
- (F) The standard(s) used to manufacture the equipment.

Except for the reference of construction requirements to ensure the product can be installed in accordance with the National Electrical Code, the National Electrical Code is not considered a standard for the purposes of this section;

(G) Fault current interrupting rating of the equipment or the owner may provide documentation showing that the fault current available at the point where the building wiring connects to the equipment is less than 5,000 AIC; and

(H) The date the equipment was manufactured. Equipment that was manufactured prior to January 1, 1985, is not required to meet (c)(i)(F) of this subsection.

(ii) The equipment owner must document, by letter to the chief electrical inspector, the equipment's usage as industrial utilization equipment as described in this section and provide

a copy of the equipment manufacturer's letter described in (c)(i) of this subsection. The owner's letter must be accompanied by the fee required in WAC 296-46B-905(14).

For the purposes of this section, the owner must be a food processing or industrial plant as described in this section.

(iii) The chief electrical inspector will evaluate the equipment manufacturer's letter, equipment owner's letter, and the individual equipment.

If the equipment is determined to have had electrical modifications since the date of manufacture, the chief electrical inspector will not approve equipment using this method.

(iv) If required by the chief electrical inspector, the owner must provide the department with a copy, in English, of the standard(s) used and any documentation required by the chief electrical inspector to support the claims made in the equipment manufacturer's or owner's letter. At the request of the owner, the department will obtain a copy of any necessary standard to complete the review. If, per the owner's request, the department obtains the copy of the standard, the owner will be billed for all costs associated with obtaining the standard.

If the industrial utilization equipment has been determined to be manufactured to a standard(s) appropriate for industrial utilization equipment as determined by the chief electrical inspector per RCW 19.28.901(1), the equipment will be marked with a department label.

The department will charge a marking fee as required in WAC 296-46B-905(14). Once marked by the department, the equipment is suitable for installation anywhere within the state without modification so long as the equipment is being used as industrial utilization equipment. If payment for marking is not received by the department within thirty days of marking the equipment, the department's mark(s) will be removed and the equipment ordered removed from service.

(v) If the equipment usage is changed to other than industrial utilization equipment or electrical modifications are made to the equipment, the equipment must be successfully listed or field evaluated by a laboratory approved by the department.

(vi) The equipment must be permanently installed at the owner's facility and inspected per the requirements of RCW 19.28.101.

(d) An engineering review where an engineer, accredited by the department, shows the equipment to be in compliance with appropriate standards in (c) of this subsection. See WAC 296-46B-997 for the requirements to become an accredited engineer. Appropriate standards are NEMA, ANSI, NFPA 79, UL 508A, International Electrotechnical Commission 60204, or their equivalent. Industrial utilization equipment is required to conform to a nationally or internationally recognized standard applicable for the particular industrial utilization equipment. The engineer must:

(i) Document, by letter to the chief electrical inspector, the equipment's conformity to an appropriate standard(s) and the fault current interrupting rating of the equipment.

(ii) Affix a permanent label to the equipment showing:

(A) Engineer's name;

(B) Date of approval;

(C) Equipment serial number; and

(D) The following statement: "This equipment meets appropriate standards for industrial utilization equipment."

(20) The department may authorize, on a case-by-case basis, use of the industrial control panel or equipment, for a period not to exceed six months or as approved by the chief electrical inspector after use is begun, before its final inspection, listing, or evaluation.

**Traffic management systems.**

(21) The department will perform the electrical inspection and acceptance of traffic management systems within its jurisdiction. A traffic management system includes:

(a) Traffic illumination systems;

(b) Traffic signal systems;

(c) Traffic monitoring systems;

(d) The electrical service cabinet and all related components and equipment installed on the load side of the service cabinet supplying electrical power to the traffic management system; and

(e) Signalization system(s) necessary for the operation of a light rail system.

A traffic management system can provide signalization for controlling vehicular traffic, pedestrian traffic, or rolling stock.

(22) The department recognizes that traffic signal conductors, pole and bracket cables, signal displays, and traffic signal controllers/cabinets and associated components used in traffic management systems are acceptable for the purpose of meeting the requirements of chapter 19.28 RCW provided they conform with the following standards or are listed on the Washington state department of transportation (WSDOT) qualified products list.

(a) WSDOT/APWA Standard Specifications and Plans;

(b) WSDOT Design Manual;

(c) International Municipal Signal Association (IMSA);

(d) National Electrical Manufacturer's Association (NEMA);

(e) Federal Standards 170/Controller Cabinets;

(f) Manual for Uniform Road, Bridge, and Municipal Construction;

(g) Institute of Transportation Engineers (ITE); or

(h) Manual of Uniform Traffic Control Devices (MUTCD).

(23) Associated induction detection loop or similar circuits will be accepted by the department without inspection.

(24) For the licensing requirements of chapter 19.28 RCW, jurisdictions will be considered owners of traffic management systems when doing electrical work for other jurisdiction(s) under a valid interlocal agreement, as permitted by chapter 39.34 RCW. Interlocal agreements for traffic management systems must be filed with the department prior to work being performed for this provision to apply.

(25) Jurisdictions, with an established electrical inspection authority, and WSDOT may perform electrical inspection on their rights of way for each other by interlocal agreement. They may not perform electrical inspection on other rights of way except as allowed in chapter 19.28 or 39.34 RCW.

(26) Underground installations.

(a) In other than open trenching, raceways will be considered "fished" according to the NEC and do not require visual inspection.

(b) The department will conduct inspections in open trenching within its jurisdiction. The electrical work permit purchaser must coordinate the electrical inspection. A written request (e.g., letter, e-mail, fax, etc.) for inspection, made to the department office having the responsibility to perform the inspection, must be made a minimum of two working days prior to the day inspection is needed (e.g., two working days—10:00 a.m. Tuesday request for a 10:00 a.m. Thursday inspection, excluding holidays and weekends).

If, after proper written request, the department fails to make an electrical inspection at the time requested, underground conduit may be covered after inspection by the local government jurisdiction's project inspector/designee. Written documentation of a local government jurisdiction inspection must be provided to the department when requested. Written documentation will include:

- (i) Date and time of inspection;
- (ii) Location;
- (iii) Installing firm;
- (iv) Owner;
- (v) Type of conduit;
- (vi) Size of conduit;
- (vii) Depth of conduit; and
- (viii) Project inspector/designee name and contact information.

(27) Identification of traffic management system components. Local government jurisdictions or WSDOT may act as the certifying authority for the safety evaluation of all components.

(a) An electrical service cabinet must contain only listed components. The electrical service cabinet enclosure is not required to be listed but will conform to the standards in subsection (2) of this section.

(b) The local government jurisdiction must identify, as acceptable, the controller cabinet or system component(s) with an identification plate. The identification plate must be located inside the cabinet and may be attached with adhesive.

(28) Conductors of different circuits in same cable, enclosure, or raceway. All traffic management system circuits will be permitted to occupy the same cable, enclosure, or raceway without regard to voltage characteristics, provided all conductors are insulated for the maximum voltage of any conductor in the cable, enclosure, or raceway.

AMENDATORY SECTION (Amending WSR 06-05-028, filed 2/7/06, effective 5/1/06)

**WAC 296-46B-920 Electrical/telecommunications license/certificate types and scope of work.** (1) **General electrical (01):** A general electrical license and/or certificate encompasses all phases and all types of electrical and telecommunications installations and minor plumbing under RCW 18.106.150. For the purposes of RCW 18.106.150, the like-in-kind replacement includes the appliance or any component part of the appliance (e.g., such as, but not limited to, the thermostat in a water heater).

(2) All specialties listed in this subsection may perform the electrical work described within their specific specialty as allowed by the occupancy and location described within the specialty's scope of work. Except for residential (02), the scope of work for these specialties does not include plumbing work regulated under chapter 18.106 RCW. See RCW 18.106.150 for plumbing exceptions for the residential (02) specialty. For the purposes of RCW 18.106.150, the like-in-kind replacement includes the appliance or any component part of the appliance (e.g., such as, but not limited to, the thermostat in a water heater). **Specialty** (limited) electrical licenses and/or certificates are as follows:

(a) **Residential (02):** Limited to the telecommunications, low voltage, and line voltage wiring of one- and two-family dwellings, or multifamily dwellings not exceeding three stories above grade. All wiring is limited to nonmetallic sheathed cable, except for services and/or feeders, exposed installations where physical protection is required, and for wiring buried below grade.

(i) This specialty also includes the wiring for ancillary structures such as, but not limited to: Appliances, equipment, swimming pools, septic pumping systems, domestic water systems, limited energy systems (e.g., doorbells, intercoms, fire alarm, burglar alarm, energy control, HVAC/refrigeration, etc.), multifamily complex offices/garages, site lighting when supplied from the residence or ancillary structure, and other structures directly associated with the functionality of the residential units.

(ii) This specialty does not include wiring occupancies defined in WAC (~~(296-46B-010(14))~~) 296-46B-901(13), or commercial occupancies such as: Motels, hotels, offices, assisted living facilities, or stores.

(iii) See RCW 18.106.150 for plumbing exceptions for the residential (02) specialty.

(b) **Pump and irrigation (03):** Limited to the electrical connection of circuits, feeders, controls, low voltage, related telecommunications, and services to supply: Domestic and irrigation water pumps, circular irrigating system's pumps and pump houses.

This specialty may also perform the work defined in (c) of this subsection.

Also see RCW 18.106.010 (10)(c).

(c) **Domestic (~~well~~) pump (03A):** Limited to the extension of a branch circuit, which is supplied and installed by others, to signaling circuits, motor control circuits, motor control devices, and pumps which do not exceed 7 1/2 horsepower at 250 volts AC single phase input power, regardless of motor controller output or motor voltage/phase, used in residential potable water or residential sewage disposal systems.

Also see RCW 18.106.010 (10)(c).

(d) **Signs (04):** Limited to placement and connection of signs and outline lighting, the electrical supply, related telecommunications, controls and associated circuit extensions thereto; and the installation of a maximum 60 ampere, 120/240 volt single phase service to supply power to a remote sign only. This specialty may service, maintain, or repair exterior luminaires that are mounted on a pole or other structure with like-in-kind components.

(i) Electrical licensing/certification is not required to:

(A) Clean the nonelectrical parts of an electric sign;  
 (B) To form or pour a concrete pole base used to support a sign;

(C) To operate machinery used to assist an electrician in mounting an electric sign or sign supporting pole; or

(D) To assemble the structural parts of a billboard.

(ii) Electrical licensing/certification is required to: Install, modify, or maintain a sign, sign supporting pole, sign face, sign ballast, lamp socket, lamp holder, disconnect switch, or any other part of a listed electric sign.

(e) **Limited energy system (06):** Limited to the installation of signaling and power limited circuits and related equipment. This specialty is restricted to low-voltage circuits. This specialty includes the installation of telecommunications, HVAC/refrigeration low-voltage wiring, fire protection signaling systems, intrusion alarms, energy management and control systems, industrial and automation control systems, lighting control systems, commercial and residential amplified sound, public address systems, and such similar low-energy circuits and equipment in all occupancies and locations.

(i) For the purposes of this section, when a line voltage connection is removed and reconnected to a replacement component located inside the control cabinet, the replacement must be like-in-kind or replaced using the equipment manufacturer's authorized replacement component. The line voltage circuit is limited to 120 volts 20 amps maximum and must have a means of disconnect.

(ii) The limited energy systems (06) specialty may repair or replace line voltage connections terminated inside the cabinet to power supplies internal to the low voltage equipment provided there are no modifications to the characteristics of the branch circuit/feeder load being supplied by the circuit.

(iii) The limited energy systems (06) specialty may not replace or modify the line voltage circuit or cabling or alter the means of connection of the line voltage circuit to the power supply or to the control cabinet.

Limited energy electrical contractors may perform all telecommunications work under their specialty (06) electrical license and administrator's certificate.

**(f) HVAC/refrigeration systems:**

(i) See WAC ((296-46B-020)) 296-46B-100 for specific HVAC/refrigeration definitions.

(ii) For the purposes of this section when a component is replaced, the replacement must be like-in-kind or made using the equipment manufacturer's authorized replacement component.

(iii) The HVAC/refrigeration specialties described in (f)(v) and (vi) of this subsection may:

(A) Install HVAC/refrigeration: Telecommunications, Class 2 low-voltage control circuit wiring/components in all residential occupancies;

(B) Install, repair, replace, and maintain line voltage components within HVAC/refrigeration equipment. Such line voltage components include product illumination luminaires installed within and powered from the HVAC/refrigeration system (e.g., reach-in beverage coolers, frozen food cases, produce cases, etc.) and new or replaced factory authorized accessories such as internally mounted outlets;

(C) Repair, replace, or maintain the internal components of the HVAC/refrigeration equipment disconnecting means or controller so long as the disconnecting means or controller is not located within a motor control center or panelboard (see Figure 920-1 and Figure 920-2);

(D) Install, repair, replace, and maintain short sections of raceway to provide physical protection for low-voltage cables. For the purposes of this section a short section cannot mechanically interconnect two devices, junction boxes, or other equipment or components; and

(E) Repair, replace, or maintain line voltage flexible supply whips not over six feet in length, provided there are no modifications to the characteristics of the branch circuit/feeder load being supplied by the whip. There is no limitation on the whip raceway method (e.g., metallic replaced by nonmetallic).

(iv) The HVAC/refrigeration specialties described in (f)(v) and (vi) of this subsection may not:

(A) Install line voltage controllers or disconnect switches external to HVAC/refrigeration equipment;

(B) Install, repair, replace, or maintain:

- Integrated building control systems, other than HVAC/refrigeration systems;

- Single stand-alone line voltage equipment or components (e.g., heat cable, wall heaters, radiant panel heaters, baseboard heaters, contactors, motor starters, and similar equipment) unless the equipment or component:

Is exclusively controlled by the HVAC/refrigeration system and requires the additional external connection to a mechanical system(s) (e.g., connection to water piping, gas piping, refrigerant system, ducting for the HVAC/refrigeration system, gas fireplace flume, ventilating systems, etc. (i.e., as in the ducting connection to a bathroom fan)). The external connection of the equipment/component to the mechanical system must be required as an integral component allowing the operation of the HVAC/refrigeration system; or

Contains a HVAC/refrigeration mechanical system(s) (e.g., water piping, gas piping, refrigerant system, etc.) within the equipment (e.g., "through-the-wall" air conditioning units, self-contained refrigeration equipment, etc.);

- Luminaires that serve as a building or structure lighting source, even if mechanically connected to a HVAC/refrigeration system (e.g., troffer luminaire used as a return air device, lighting within a walk-in cooler/freezer used for personnel illumination);

- Raceway/conduit systems;

- Line voltage: Service, feeder, or branch circuit conductors. However, if a structure's feeder/branch circuit supplies HVAC/refrigeration equipment containing a supplementary overcurrent protection device(s), this specialty may install the conductors from the supplementary overcurrent device(s) to the supplemental HVAC/refrigeration equipment if the supplementary overcurrent device and the HVAC/refrigeration equipment being supplied are located within sight of each other (see Figure 920-2); or

- Panelboards, switchboards, or motor control centers external to HVAC/refrigeration system.

(v) HVAC/refrigeration (06A):

(A) This specialty is not limited by voltage, phase, or amperage.

(B) No unsupervised electrical trainee can install, repair, replace, or maintain any part of a HVAC/refrigeration system that contains any circuit rated over 600 volts whether the circuit is energized or deenergized.

(C) This specialty may:

• Install HVAC/refrigeration: Telecommunications, Class 2 low-voltage control circuit wiring/components in other than residential occupancies:

That have no more than three stories on/above grade; or

Regardless of the number of stories above grade if the installation:

- Does not pass between stories;
- Is made in a previously occupied and wired space; and
- Is restricted to the HVAC/refrigeration system;

• Repair, replace, and maintain HVAC/refrigeration: Telecommunications, Class 2 low-voltage control circuit wiring/components in all occupancies regardless of the number of stories on/above grade.

• Install a bonding conductor for metal gas piping to an existing accessible grounding electrode conductor or grounding electrode only when terminations can be made external to

electrical panelboards, switchboards, or other distribution equipment.

(D) This specialty may not install, repair, replace, or maintain: Any electrical wiring governed under article(s) 500, 501, 502, 503, 504, 505, 510, 511, 513, 514, 515, or 516 NEC (i.e., classified locations) located outside the HVAC/refrigeration equipment.

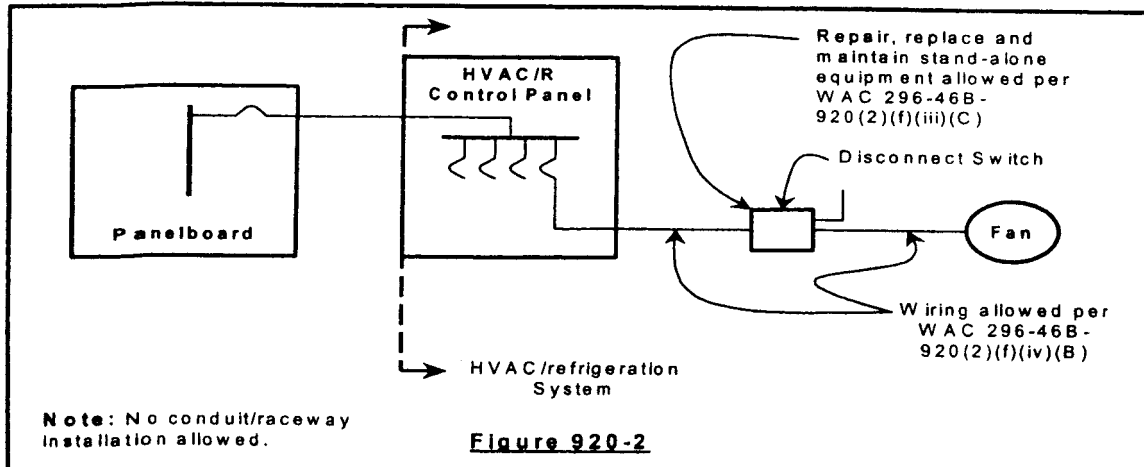
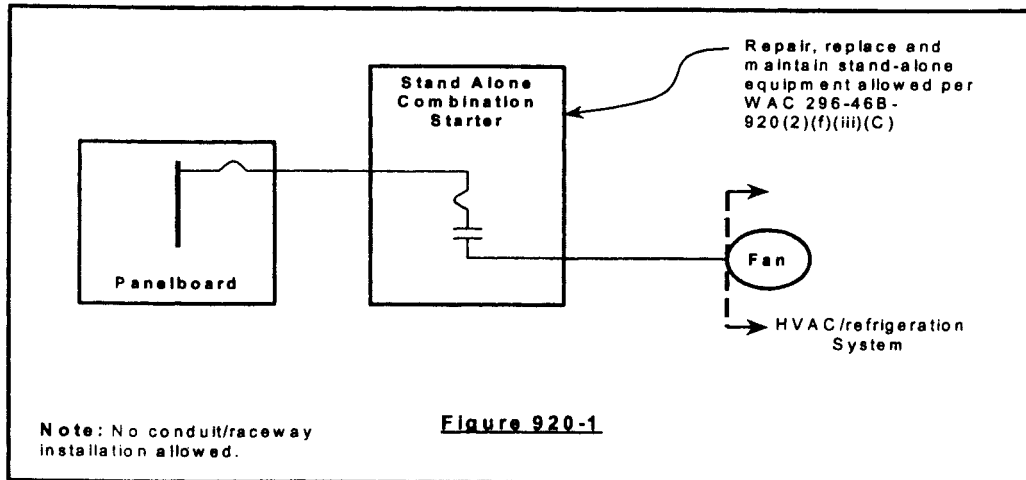
(vi) HVAC/refrigeration - restricted (06B):

(A) This specialty may not perform any electrical work where the primary electrical power connection to the HVAC/refrigeration system exceeds: 250 volts, single phase, or 120 amps.

(B) This specialty may install, repair, replace, or maintain HVAC/refrigeration: Telecommunications, Class 2 low-voltage control circuit wiring/components in other than residential occupancies that have no more than three stories on/above grade.

(C) This specialty may not install, repair, replace, or maintain:

- The allowed telecommunications/low-voltage HVAC/refrigeration wiring in a conduit/raceway system; or
- Any electrical work governed under article(s) 500, 501, 502, 503, 504, 505, 510, 511, 513, 514, 515, or 516 NEC (i.e., classified locations).





(g) **Nonresidential maintenance (07):** Limited to maintenance, repair and replacement of like-in-kind existing electrical equipment and conductors. This specialty does not include maintenance activities in residential dwellings defined in (a) of this subsection for the purposes of accumulating training experience toward qualification for the residential (02) specialty electrician examination.

This specialty may perform the work defined in (h), (i), (j), (k), and (l) of this subsection.

(h) **Nonresidential lighting maintenance and lighting retrofit (07A):** Limited to working within the housing of existing nonresidential luminaires for work related to repair, service, maintenance of luminaires and installation of energy efficiency lighting retrofit upgrades. This specialty includes replacement of lamps, ballasts, sockets and the installation of listed lighting retrofit reflectors and kits. All work is limited to the luminaire body, except remote located ballasts may be replaced or retrofitted with approved products. This specialty does not include installing new luminaires or branch circuits; moving or relocating existing luminaires; or altering existing branch circuits.

(i) **Residential maintenance (07B):** This specialty is limited to residential dwellings as defined in WAC 296-46B-920 (2)(a), multistory dwelling structures with no commercial facilities, and the interior of dwelling units in multistory structures with commercial facilities. This specialty may maintain, repair, or replace (like-in-kind) existing electrical utilization equipment, and all permit exempted work as defined in WAC 296-46B-900.

This specialty is limited to equipment and circuits to a maximum of 250 volts, 60 amperes, and single phase maximum.

This specialty may disconnect and reconnect low-voltage control and line voltage supply whips not over six feet in length provided there are no modifications to the characteristics of the branch circuit or whip.

For the purpose of this specialty, "electrical equipment" does not include electrical conductors, raceway or conduit systems external to the equipment or whip. This specialty cannot perform any plumbing work regulated under chapter 18.106 RCW.

(j) **Restricted nonresidential maintenance (07C):** This specialty may maintain, repair, or replace (like-in-kind) existing electrical utilization equipment, and all permit exempted work as defined in WAC 296-46B-900 except for the replacement or repair of circuit breakers.

This specialty is limited to equipment and circuits to a maximum of 277 volts and 20 amperes for lighting branch circuits only and/or maximum 250 volts and 60 amperes for other circuits.

The replacement of luminaires is limited to in-place replacement required by failure of the luminaire to operate. Luminaires installed in suspended lay-in tile ceilings may be relocated providing: The original field installed luminaire supply whip is not extended or relocated to a new supply point; or if a manufactured wiring assembly supplies luminaire power, a luminaire may be relocated no more than eight feet providing the manufactured wiring assembly circuiting is not changed.

This specialty may disconnect and reconnect low-voltage control and line voltage supply whips not over six feet in length provided there are no modifications to the characteristics of the branch circuit. For the purpose of this specialty, "electrical equipment" does not include electrical conductors, raceway or conduit systems external to the equipment or whip.

This specialty may perform the work defined in (h) and (i) of this subsection.

This specialty cannot perform any work governed under Article(s) 500, 501, 502, 503, 504, 505, 510, 511, 513, 514, 515, or 516 NEC (i.e., classified locations). This specialty cannot perform any plumbing work regulated under chapter 18.106 RCW.

(k) **Appliance repair (07D):** Servicing, maintaining, repairing, or replacing household appliances, small commercial/industrial appliances, and other small electrical utilization equipment.

(i) For the purposes of this subsection:

(A) The appliance or electrical utilization equipment must be self-contained and built to standardized sizes or types. The appliance/equipment must be connected as a single unit to a single source of electrical power limited to a maximum of 250 volts, 60 amperes, single phase.

(B) Appliances and electrical utilization equipment include, but are not limited to: Ovens, office equipment, vehicle repair equipment, commercial kitchen equipment, self-contained hot tubs and spas, grinders, and scales.

(C) Appliances and utilization equipment do not include systems and equipment such as: Alarm/energy management/similar systems, luminaires, furnaces/heaters/air conditioners/heat pumps, sewage disposal equipment, door/gate/similar equipment, or individual components installed so as to create a system (e.g., pumps, switches, controllers, etc.).

(ii) This specialty includes:

(A) The in-place like-in-kind replacement of the appliance or equipment if the same unmodified electrical circuit is used to supply the equipment being replaced. This specialty also includes the like-in-kind replacement of electrical components within the appliance or equipment;

(B) The disconnection and reconnection of low-voltage control and line voltage supply whips not over six feet in length provided there are no modifications to the characteristics of the branch circuit; and

(C) The installation of an outlet box and outlet at an existing appliance or equipment location when converting the appliance from a permanent electrical connection to a plug and cord connection. Other than the installation of the outlet box and outlet, there can be no modification to the existing branch circuit supplying the appliance or equipment.

(iii) This specialty does not include:

(A) The installation, repair, or modification of branch circuits conductors, services, feeders, panelboards, disconnect switches, or raceway/conductor systems interconnecting multiple appliances, equipment, or other electrical components.

(B) Any work governed under Article(s) 500, 501, 502, 503, 504, 505, 510, 511, 513, 514, 515, or 516 NEC (i.e., classified locations).

(C) Any plumbing work regulated under chapter 18.106 RCW.

(l) **Equipment repair (07E):** Servicing, maintaining, repairing, or replacing utilization equipment.

See RCW 19.28.095 for the equipment repair scope of work and definitions. This specialty cannot perform any plumbing work regulated under chapter 18.106 RCW.

(m) **Telecommunications (09):** Limited to the installation, maintenance, and testing of telecommunications systems, equipment, and associated hardware, pathway systems, and cable management systems.

(i) This specialty includes:

(A) Installation of open wiring systems of telecommunications cables.

(B) Surface nonmetallic raceways designated and used exclusively for telecommunications.

(C) Optical fiber innerduct raceway.

(D) Underground raceways designated and used exclusively for telecommunications and installed for additions or extensions to existing telecommunications systems not to exceed fifty feet inside the building.

(E) Incidental short sections of circular or surface metal raceway, not to exceed ten feet, for access or protection of telecommunications cabling and installation of cable trays and ladder racks in telecommunications service entrance rooms, spaces, or closets.

(F) Audio or paging systems where the amplification is integrated into the telephone system equipment.

(G) Audio or paging systems where the amplification is provided by equipment listed as an accessory to the telephone system equipment and requires the telephone system for the audio or paging system to function.

(H) Closed circuit video monitoring systems if there is no integration of line or low-voltage controls for cameras and equipment. Remote controlled cameras and equipment are considered (intrusion) security systems and must be installed by appropriately licensed electrical contractors and certified electricians.

(I) Customer satellite and conventional antenna systems receiving a telecommunications service provider's signal. All receiving equipment is on the customer side of the telecommunications network demarcation point.

(ii) This specialty does not include horizontal cabling used for fire protection signaling systems, intrusion alarms, access control systems, patient monitoring systems, energy management control systems, industrial and automation control systems, HVAC/refrigeration control systems, lighting control systems, and stand-alone amplified sound or public address systems. Telecommunications systems may interface with other building signal systems including security, alarms, and energy management at cross-connection junctions within telecommunications closets or at extended points of demarcation. Telecommunications systems do not include the installation or termination of premises line voltage service, feeder, or branch circuit conductors or equipment. Horizontal cabling for a telecommunications outlet, necessary to interface with any of these systems outside of a telecommunications closet, is the work of the telecommunications contractor.

(n) **Door, gate, and similar systems (10):** This specialty may install, service, maintain, repair, or replace door/gate/similar systems electrical operator wiring and equipment.

(i) For the purposes of this subsection, door/gate/similar systems electrical operator systems include electric gates, doors, windows, awnings, movable partitions, curtains and similar systems. These systems include, but are not limited to: Electric gate/door/similar systems operators, control push buttons, key switches, key pads, pull cords, air and electric treadle, air and electric sensing edges, coil cords, take-up reels, clocks, photo electric cells, loop detectors, motion detectors, remote radio and receivers, antenna, timers, lock-out switches, stand-alone release device with smoke detection, strobe light, annunciator, control panels, wiring and termination of conductors.

(ii) This specialty includes:

(A) Low-voltage, NEC Class 2, door/gate/similar systems electrical operator systems where the door/gate/similar systems electrical operator system is not connected to other systems.

(B) Branch circuits originating in a listed door/gate/similar systems electric operator control panel that supplies only door/gate/similar systems system components providing: The branch circuit does not exceed 600 volts, 20 amperes and the component is within sight of the listed door/gate/similar systems electric operator control panel.

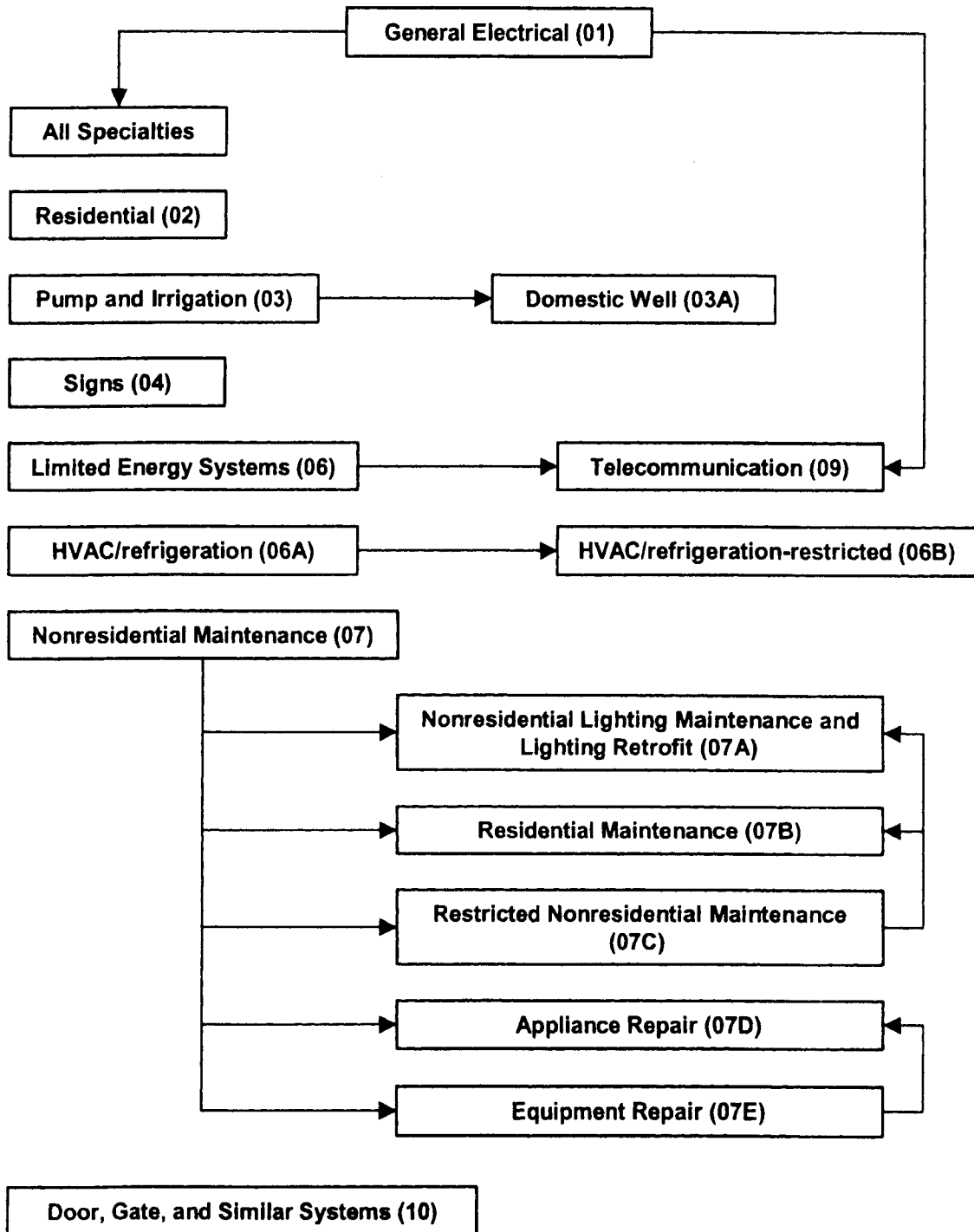
(C) Reconnection of line voltage power to a listed door/gate/similar systems electric operator control panel is permitted provided:

- There are no modifications to the characteristics of the branch circuit/feeder;
- The circuit/feeder does not exceed 600 volts, 20 amperes; and
- The conductor or conduit extending from the branch circuit/feeder disconnecting means or junction box does not exceed six feet in length.

(iii) This specialty does not include any work governed under Article(s) 500, 501, 502, 503, 504, 505, 510, 511, 513, 514, 515, or 516 NEC (i.e., classified locations). This specialty may not install, repair, or replace branch circuit (line voltage) conductors, services, feeders, panelboards, or disconnect switches supplying the door/gate/similar systems electric operator control panel.

(3) A specialty electrical contractor, other than the (06) limited energy specialty electrical contractor, may only perform telecommunications work within the equipment or occupancy limitations of their specialty electrical contractor's license. Any other telecommunications work requires a telecommunications contractor's license.

Table 920-1 Allowed Scope of Work Crossover



AMENDATORY SECTION (Amending WSR 06-05-028, filed 2/7/06, effective 5/1/06)

**WAC 296-46B-925 Electrical/telecommunications contractor's license. General.**

(1) The department will issue an electrical/telecommunications contractor's license that will expire twenty-four months following the date of issue to a person, firm, partnership, corporation or other entity that complies with require-

ments for such license in chapter 19.28 RCW. An electrical/telecommunications contractor's license will not be issued to or renewed for a person, firm, or partnership unless the Social Security number, date of birth, and legal address of the individual legal owner(s) are submitted with the application. The department may issue an electrical/telecommunications contractor's license for a period greater or less than twenty-four months for the purpose of equalizing the number

of electrical contractor's licenses that expire each month. The department may prorate the electrical/telecommunications contractor's license fee according to the license period.

(2) Combination specialty contractor's license. The department may issue a combination specialty contractor's license to a firm that qualifies for more than one specialty electrical contractor's license. The assigned administrator must be certified in all specialties applicable to the combination specialty contractor's license. The license will plainly indicate the specialty licenses' codes included in the combination license. An administrator assigned to a telecommunications contractor must be certified as a telecommunications administrator. A combination license will not be issued for telecommunications (09).

(3) See RCW 19.28.041(1) for a contractor doing domestic pumping work as defined in RCW 18.106.010 (10)(c).

(4) The department may deny renewal of an electrical/telecommunications contractor's license if a firm, an owner, partner, member, or corporate officer owes money as a result of an outstanding final judgment(s) to the department.

**Electrical/telecommunications contractor bond, cash or securities deposit.**

~~((4))~~ (5) Bond, cash, or securities deposit.

(a) The electrical/telecommunications contractor may furnish the department with a cash or security deposit to meet the bond requirements in lieu of posting a bond. A cash or security deposit assigned to the department for bond requirements will be held in place for one year after the contractor's license is expired, revoked, or the owner notifies the department in writing that the company is no longer doing business in the state of Washington as an electrical/telecommunications contractor. Upon written request, the cash or security deposit will then be released by the department providing there is no pending legal action against the contractor under chapter 19.28 RCW of which the department has been notified.

(b) See RCW 19.28.041(7) for a contractor doing domestic pumping work as defined in RCW 18.106.010 (10)(c).

**Telecommunications contractor insurance.**

~~((5))~~ (6) To obtain a telecommunications contractor's license, the applicant must provide the department with an original certificate of insurance naming the department of labor and industries, electrical section as the certificate holder. Insurance coverage must be no less than twenty thousand dollars for injury or damages to property, fifty thousand dollars for injury or damage including death to any one person, and one hundred thousand dollars for injury or damage including death to more than one person. The insurance will be considered a continuing obligation unless canceled by the insurance company. The insurance company must notify the department in writing ten days prior to the effective date of said cancellation or failure to renew.

~~((6))~~ (7) The telecommunications contractor may furnish the department with an assigned account to meet the insurance requirements in lieu of a certificate of insurance. An account assigned to the department for insurance requirements will be held in place for three years after the contractor's license is expired, revoked, or the owner notifies the

department in writing that the company is no longer doing business in the state of Washington as a telecommunications contractor. Upon written request, the account then will be released by the department providing there is no pending legal action against the contractor under chapter 19.28 RCW of which the department has been notified.

**Electrical/telecommunications contractor exemptions.**

~~((7))~~ (8) The following types of systems and circuits are considered exempt from the requirements for licensing and permitting described in chapter 19.28 RCW. The electrical failure of these systems does not inherently or functionally compromise safety to life or property.

Low-voltage thermocouple derived circuits and low-voltage circuits for:

- (a) Built-in residential vacuum systems;
- (b) Underground landscape sprinkler systems;
- (c) Underground landscape lighting; and
- (d) Residential garage doors.

For these types of systems and circuits to be considered exempt, the following conditions must be met:

(e) The power supplying the installation must be derived from a listed Class 2 power supply;

(f) The installation and termination of line voltage equipment and conductors supplying these systems is performed by appropriately licensed and certified electrical contractors and electricians;

(g) The conductors of these systems do not pass through fire-rated walls, fire-rated ceilings or fire-rated floors in other than residential units; and

(h) Conductors or luminaires are not installed in installations covered by the scope of Article 680 NEC (swimming pools, fountains, and similar installations).

~~((8))~~ (9) Firms who clean and/or replace lamps in luminaires are not included in the requirements for licensing in chapter 19.28 RCW. This exemption does not apply to electrical signs as defined in the NEC.

~~((9))~~ (10) Firms who install listed plug and cord connected utilization equipment are not included in the requirements for licensing in chapter 19.28 RCW. The plug and cord must be a single listed unit consisting of a molded plug and cord and not exceeding 250 volt 60 ampere single phase. The plug and cord can be field installed per the manufacturer's instructions and the product listing requirements. The utilization equipment must be a single manufactured unit that does not require any electrical field assembly except for the installation of the plug and cord.

~~((10))~~ (11) Firms regulated by the Federal Communications Commission or the utilities and transportation commission, supplying telecommunications service to an end-user's property, are not required to be licensed as a telecommunications contractor under chapter 19.28 RCW for telecommunications installations made ahead of the telecommunications network demarcation point.

~~((11))~~ (12) Unregulated firms, supplying telecommunications service to an end-user's property, are not required to be licensed as a telecommunications contractor under chapter 19.28 RCW for telecommunications installations made ahead of the telecommunications network demarcation point.

~~((12))~~ (13) Leaseholders. For electrical installations, maintenance, or alterations to existing buildings only, any person, firm, partnership, corporation, or other entity holding a valid, signed lease from the property owner authorizing the leaseholder to perform electrical work, on the property the leaseholder occupies, will be allowed to purchase an electrical permit(s) and do electrical work on or within the property described in the lease. The lessee and/or his or her regularly employed employees must perform the electrical installation, maintenance and alteration.

The lessee who performs the electrical maintenance or installation work must be the sole occupant of the property or space. Property owners or leaseholders cannot perform electrical work on new buildings for rent, sale, or lease, without the proper electrical licensing and certification. Refer to RCW 19.28.261 for exemptions from licensing and certification.

~~((13))~~ (14) Assisting a householder. A friend, neighbor, relative, or other person (including a certified electrician) may assist a householder, at his/her residence in the performance of electrical work on the condition that the householder is present when the work is performed and the person assisting the householder does not accept money or other forms of compensation for the volunteer work. For the purposes of this subsection, a residence is a single-family residence.

~~((14))~~ (15) Volunteering to do electrical work. There are no exceptions from the electrical contractor's license or electrician certification requirements to allow persons to perform volunteer electrical work for anyone other than a householder or a nonprofit organization as allowed by RCW 19.28.091(7). For the purpose of this section, volunteer means that there is no remuneration or receiving of goods or services in return for electrical installations performed.

~~((15))~~ (16) Farms or place of business. See RCW 19.28.261 for licensing/certification exemptions allowed for the owner(s) of a farm or other place of business and for the employees of the owner.

#### **Exemptions - electrical utility and electrical utility's contractor.**

~~((16))~~ (17) Electrical utility system exemption. Neither a serving electrical utility nor a contractor employed by the serving electrical utility is required to have an electrical contractor's license for work on the "utility system" or on service connections or on meters and other apparatus or appliances used to measure the consumption of electricity.

(a) Street lighting exemption. A serving electrical utility is not required to have an electrical contractor's license or electrical permit to work on electrical equipment used in the lighting of streets, alleys, ways, or public areas or squares.

Utilities are allowed to install outside area lighting on privately owned property where the lighting fixture(s) is installed on a utility owned pole(s) used to support utility owned electric distribution wiring or equipment designed to supply electrical power to a customer's property.

Utilities are allowed to install area lighting outside and not attached to a building or other customer owned structure when the areas are outside publicly owned buildings such as: Publicly owned/operated parking lots, parks, schools, play

fields, beaches, and similar areas; or the areas are privately owned where the public has general, clear and unrestricted access such as: Church parking lots, and commercial property public parking areas and similar areas.

Utilities are not allowed to install area lighting when the area is privately owned and the public does not have general, clear, and unrestricted access such as industrial property, residential property and controlled commercial property where the public's access is otherwise restricted.

Utilities are not allowed to install area lighting where the lighting is supplied from a source of power derived from a customer owned electrical system.

(b) Customer-owned equipment exemption. A serving electrical utility is not required to have an electrical contractor's license to work on electrical equipment owned by a commercial, industrial, or public institution customer if:

(i) The utility has not solicited such work; and

(ii) Such equipment:

(A) Is located outside a building or structure; and

(B) The work performed is on the primary side of the customer's transformer(s) which supplies power at the customer's utilization voltage.

(c) Exempted equipment and installations. No person, firm, partnership, corporation, or other entity is required to have an electrical contractor's license for work on electrical equipment and installations thereof that are exempted by RCW 19.28.091.

(d) Exemption from inspection.

(i) The work of a serving electrical utility and its contractors on the utility system is not subject to inspection. The utility is responsible for inspection and approval for the installation.

(ii) Work exempted by NEC 90.2 (B)(5), 1981 edition, is not subject to inspection.

#### **Exemptions - electrical utility telecommunications transition equipment installations, maintenance and repair.**

~~((17))~~ (18) No license, inspection or other permit will be required by the department of any electric utility or, of any person, firm, partnership or corporation or other entity employed or retained by an electric utility or its contractor, because of work in connection with the installation, maintenance, or repair of telecommunications transition equipment located ahead of the utility's telecommunications network demarcation point on the outside of a building or other structure when the work is performed by a qualified person consistent with the requirements of the National Electric Code (NEC) except as provided in (a) and (b) of this subsection:

(a) The following exceptions to the NEC shall be permitted:

(i) An additional service disconnect supplying power to the transition equipment can be connected on the supply side of the main service disconnect supplying general power to the building;

(ii) Service entrance disconnects may be separated when clearly labeled;

(iii) The service disconnect used for supplying power to the transition equipment must be connected to the grounding electrode system using:

(A) # 8 AWG copper or larger grounding electrode conductor if protected from physical damage; or

(B) # 6 AWG copper or larger grounding electrode conductor if not protected from physical damage;

(iv) Use of equipment or materials that have been listed/field evaluated by a recognized independent testing laboratory or the department;

(v) Low-voltage circuits do not require a separate disconnecting means and may be grounded to the transition equipment grounding system;

(vi) Any other variance to the NEC must be approved by the department.

(b) A variance recommended by a joint utility standards group composed of representatives of both public and private utilities or certified by a professional engineer will be approved by the department unless the recommendation is inconsistent with meeting equivalent objectives for public safety.

(c) For the purposes of this section, a qualified worker is employed by a utility or its contractor and is familiar with the construction or operation of such lines and/or equipment that concerns his/her position and who is proficient with respect to the safety hazards connected therewith, or, one who has passed a journey status examination for the particular branch of the electrical trades with which he/she may be connected or is in a recognized training or apprenticeship course and is supervised by a journey level person.

(d) Although the utility is responsible for inspection and approval of the installation, including the selection of material and equipment, the department reserves the right to audit worker qualifications and inspect such installations semi-annually for conformance with the requirements of (a), (b) and (c) of this subsection but shall not collect a permit fee for such inspection or audit.

(e) If a utility fails to meet the requirements of this section, the department may require the utility to develop and submit a remedial action plan and schedule to attain compliance with this section which may be enforced by the department.

(f) This exemption shall be in addition to any other exemption provided in chapter 19.28 RCW, this chapter or other applicable law.

#### **Exemptions - independent electrical power production equipment exemption.**

~~((18))~~ (19) An independent electrical power production entity is not required to have an electrical contractor's license to work on electrical equipment used to produce or transmit electrical power if:

(a) The entity is:

(i) The owner or operator of the generating facility is regulated by the Federal Energy Regulatory Commission (FERC);

(ii) A municipal utility, or other form of governmental electric utility, or by an electrical cooperative or mutual corporation; or

(iii) The owner or operator of the generating facility is an independent electrical power producer and the facility generates electrical power only for sale to one or more:

(A) Electrical utilities regulated by FERC, municipal utility, or other form of governmental utility, or to an electric cooperative or mutual corporation; and

(B) The electrical power generated by the facility is not used for self-generation or any other on- or off-site function other than sale to one or more utilities regulated by FERC or by one or more state public utilities commissions, or to a PUD, municipal utility, or other form of governmental electric utility, or to an electric cooperative or mutual corporation.

(b) The entity must supply the chief electrical inspector a valid master business license issued by the department of licensing, state of Washington so that the entity's status as a revenue generating business can be confirmed.

(c) The entity has entered into an agreement to sell electricity to a utility or to a third party; and

(d) The electrical equipment is used to transmit electricity from the terminals of an electrical generating unit located on premises to the point of interconnection with a utility system.

(e) The electrical power production facility's generation capacity exceeds 115 KVA.

(f) Notwithstanding that a generating facility may be granted an exemption pursuant to this section, the facility will be subject to all the requirements of chapter 19.28 RCW if the facility at any time in the future ceases to comply with the requirements for exemption. All site facilities not exclusively and directly required to generate and/or distribute the electrical power generated on the site are subject to all the licensing and inspection requirements of chapter 19.28 RCW. All facility services, feeders, and circuits not exclusively and directly required to generate and/or distribute the electrical power (e.g., lights, outlets, etc.) must comply with all requirements of chapter 19.28 RCW for licensing and inspection. Facility circuits supplied to equipment required for the function of generation equipment (e.g., block heaters, power supplies, etc.) must comply with all requirements of chapter 19.28 RCW for licensing and inspection up to and including the equipment termination point.

#### **Exemptions - telegraph and telephone utility and telegraph and telephone utility's contractor.**

~~((19))~~ (20) Telegraph and telephone utility exempted equipment and installations. No person, firm, partnership, corporation, or other entity is required to have an electrical contractor's license for work on electrical equipment and installations thereof that are exempted by RCW 19.28.151. For the purposes of this exemption, "building or buildings used exclusively for that purpose" may mean any separate building or space of a building where the space is separated from the remainder of the building by a two-hour fire wall. The telecommunications or telegraph equipment within such a space must supply telephone or telegraph service to other customer's buildings (i.e., telecommunications or telegraph equipment cannot solely supply the building containing the telephone/telegraph space).

**Exemptions - manufacturers of electrical/telecommunications products.**

~~((20))~~ (21) Manufacturers of electrical/telecommunications systems products will be allowed to utilize a manufacturer's authorized factory-trained technician to perform initial calibration, testing, adjustment, modification incidental to the startup and checkout of the equipment, or replacement of components within the confines of the specific product, without permit or required licensing:

- (a) Provided the product:
  - (i) Has not been previously energized;
  - (ii) Has been recalled by the Consumer Product Safety Commission;
  - (iii) Is within the manufacturer's written warranty period;
 or
  - (iv) The manufacturer is working under the written request and supervision of an appropriately licensed electrical contractor.

(b) Modifications to the equipment, as designated above, must not include any changes to the original intended configuration nor changes or contact with external or field-connected components or wiring.

(c) The manufacturer will be responsible for obtaining any required reapproval/recertification from the original listing or field evaluation laboratory.

(d) The manufacturer must notify the department if any modifications have been made or reapproval/recertification is required.

**Premanufactured electric power generation equipment assemblies and control gear.**

~~((21))~~ (22) Premanufactured electric power generation equipment assemblies and control gear.

(a) Manufacturers of premanufactured electric power generation equipment assemblies and control gear will be allowed to utilize a manufacturer's authorized factory-trained technician to perform initial calibration, testing, adjustment, modification incidental to the startup and checkout of the equipment, or replacement of components within the confines of the specific product, without permit or required licensing, provided:

- (i) For transfer equipment, the product has not been previously energized or is within the manufacturer's written warranty period;
- (ii) Modifications to the equipment, as designated above, must not include any changes to the original intended configuration nor changes or contact with external or field-connected components or wiring;
- (iii) The manufacturer will be responsible for obtaining any required reapproval/recertification from the original listing or field evaluation laboratory; or
- (iv) The manufacturer must notify the department if any modifications have been made or reapproval/recertification is required.

(b) Premanufactured electric power generation equipment assemblies are made up of reciprocating internal combustion engines and the associated control gear equipment. Control gear equipment includes control logic, metering, and annunciation for the operation and the quality of power being

generated by the reciprocating internal combustion engine and does not have the function of distribution of power.

(c) Modifications of a transfer switch must not include changes to the original intended configuration or changes or contact with externally field-connected components.

(d) For the purposes of this subsection, the following work on premanufactured electric power generation equipment assemblies is not exempt from the requirements of chapter 19.28 RCW:

- (i) Installation or connection of conduit or wiring between the power generation unit, transfer switch, control gear;
- (ii) Installation of the transfer switch;
- (iii) Connections between the power generation unit, transfer switch, control gear, and utility's transmission or distribution systems;
- (iv) Connections between the power generation unit, transfer switch, control gear, and any building or structure;
- (v) Test connections with any part of:
  - (A) The utility's transmission or distribution system; or
  - (B) The building or structure.

~~((22))~~ (23) The installation, maintenance, or repair of a medical device deemed in compliance with chapter 19.28 RCW is exempt from licensing requirements under RCW 19.28.091, certification requirements under RCW 19.28.161, and inspection and permitting requirements under RCW 19.28.101. This exemption does not include work providing electrical feeds into the power distribution unit or installation of conduits and raceways. This exemption covers only those factory engineers or third-party service companies with equivalent training who are qualified to perform such service.

~~((23))~~ (24) Coincidental electrical/plumbing work. See RCW 19.28.091(8) for the plumber exemption.

~~((24))~~ (25) Nothing in this section will alter or amend any other exemptions from or requirement for licensure or inspection, chapter 19.28 RCW or this chapter.

AMENDATORY SECTION (Amending WSR 05-10-024, filed 4/26/05, effective 6/30/05)

**WAC 296-46B-935 Administrator certificate. General.**

(1) The department will deny renewal of a certificate if an individual owes money as a result of an outstanding final judgment(s) to the department.

(2) For special accommodation see WAC 296-46B-960.

(3) An applicant will not be issued a specialty administrator certificate that is a subspecialty of a certificate the applicant currently holds (i.e., the applicant is not eligible to take the domestic well administrator examination if the applicant currently possesses a pump and irrigation administrator certificate).

**Qualifying for examination.**

(4) There are no qualification requirements for taking an administrator certificate examination. Applicants should contact the testing agency directly.

**Original - administrator certificates.**

(5) The scope of work for electrical administrators is described in WAC 296-46B-920. The department will issue an original administrator certificate to a general administrator, or specialty administrator who:

(a) Successfully completes the appropriate administrator examination; and

(b) Submits the appropriate examination passing report from the testing agency with the applicant's: Date of birth, mailing address, and Social Security number; and

(c) Pays all appropriate fees as listed in WAC 296-46B-910.

For an examination report to be considered, all the above must be submitted within ninety days after the completion of the examination. After ninety days, the applicant will be required to successfully retake the complete examination. An individual's original administrator certificate will expire on their birth date at least one year, and not more than three years, from the date of original issue.

**Combination - specialty administrator certificate.**

(6) The department may issue a combination specialty administrator certificate to an individual who qualifies for more than one specialty administrators' certificate. The combination specialty administrators' certificate will plainly indicate the specialty administrator's certificate(s) the holder has qualified for. Telecommunications cannot be issued a combination because the renewal requirements are different from those required for electrical administrators. Temporary administrator certificates will not be issued as a part of a combination certificate.

**Renewal - administrator certificate.**

(7) An individual must apply for renewal of their administrator certificate on or before the expiration date of the certificate. The individual may not apply for renewal more than ninety days prior to the expiration date. Renewed certificates are valid for three years, with the exception of telecommunications administrators, who will be renewed for two years.

(8) An individual may renew their administrator certificate within ninety days after the expiration date without reexamination if the individual pays the late renewal fee listed in WAC 296-46B-910.

(9) All renewals received more than ninety days after the expiration date of the certificate will be denied. The administrator will be required to pass the appropriate administrator examination before being recertified.

(10) All applicants for certificate renewal must:

(a) Submit a complete renewal application;

(b) Pay all appropriate fees as listed in WAC 296-46B-910; and

(c) Provide accurate evidence on the renewal form that the individual has completed the continuing education requirements described in WAC 296-46B-970. If an individual files inaccurate or false evidence of continuing education information when renewing a certificate, the individual's certificate may be suspended or revoked.

Telecommunications administrators are not required to provide continuing education information.

Continuing education for pump and irrigation (03) and domestic pump (03A) administrators may be comprised of fifty percent electrical and fifty percent plumbing instruction.

(11) An individual who has not completed the required hours of continuing education can renew an administrator's certificate if the individual applies for renewal on or before the certificate expires and pays the appropriate renewal fee. However, the certificate will be placed in an inactive status.

When the certificate is placed in inactive status, an assigned administrator will be automatically unassigned from the electrical contractor. The electrical contractor will be notified of the unassignment and has ninety days to replace the administrator. An assignment fee will then be required per WAC 296-46B-910.

The inactive certificate will be returned to current status upon validation, by the department, of the required continuing education requirements. If the certificate renewal date occurs during the inactive period, the certificate must be renewed on or before the renewal date to allow the return to current status.

(12) An individual may renew a suspended administrator's certificate by submitting a complete renewal application including obtaining and submitting the continuing education required for renewal. However, the certificate will remain in a suspended status for the duration of the suspension period.

(13) An individual may not renew a revoked or temporary administrator's certificate.

**Temporary specialty administrator certificate.**

(14) See WAC 296-46B-930 for additional information.

AMENDATORY SECTION (Amending WSR 05-10-024, filed 4/26/05, effective 6/30/05)

**WAC 296-46B-940 Electrician/training/temporary certificate of competency or permit required. Electrician - general.**

(1) The department will deny renewal of a certificate or permit if an individual owes money as a result of an outstanding final judgment(s) to the department.

**Electrician - scope of work.**

(2) The scope of work for electricians and trainees is described in WAC 296-46B-920.

**Electrician - certificate of competency required.**

(3) To work in the electrical construction trade, an individual must possess a current valid:

(a) Master journeyman electrician certificate of competency issued by the department;

(b) Journeyman electrician certificate of competency issued by the department;

(c) Master specialty electrician certificate of competency issued by the department;

(d) Specialty electrician certificate of competency issued by the department;

(e) Temporary electrician permit. Unless continually supervised by an appropriately certified electrician, no temporary electrician can install, repair, replace, or maintain any electrical wiring or equipment where the system voltage is



more than 600 volts, whether the system is energized or deenergized; or

(f) Electrical training certificate, learning the trade in the proper ratio, per RCW 19.28.161, under the supervision of a certified master journeyman electrician, journeyman electrician, master specialty electrician working in their specialty, or specialty electrician working in their specialty.

(4) The department issues master electrician and electrician certificates of competency in the following areas of electrical work:

- (a) General journeyman **(01)**;
- (b) Specialties:
  - (i) Residential **(02)**;
  - (ii) Pump and irrigation **(03)**;
  - (iii) Domestic ((weH)) pump **(03A)**;
  - (iv) Signs **(04)**;
  - (v) Limited energy system **(06)**;
  - (vi) HVAC/refrigeration **(06A)**;
  - (vii) HVAC/refrigeration - restricted **(06B)**;
  - (viii) Nonresidential maintenance **(07)**;
  - (ix) Nonresidential lighting maintenance and lighting retrofit **(07A)**;
  - (x) Residential maintenance **(07B)**;
  - (xi) Restricted nonresidential maintenance **(07C)**;
  - (xii) Appliance repair **(07D)**;
  - (xiii) Equipment repair **(07E)**; and
  - (xiv) Door, gate, and similar systems **(10)**.

#### Exemptions - linemen.

(5) Definition: See general definitions WAC ((~~296-46B-020~~) 296-46B-100) for the definition of a lineman.

(6) Electrical linemen employed by a:

(a) Serving electrical utility or the serving utility's contractor, or a subcontractor to their subcontractor, while performing work described in WAC 296-46B-925 do not need certificates of competency.

(b) Licensed general electrical contractors do not need certificates of competency if the electrical equipment:

- (i) Is on commercial or industrial property;
- (ii) Is located outside a building or structure; and
- (iii) The work performed is on the primary side of the customer's transformer(s) supplying power at the customer's building or structure utilization voltage.

#### Exemptions - plumbers.

(7) Coincidental electrical/plumbing work. See RCW 19.28.091(8) for the plumber exemption.

#### Original - master electrician, journeyman, and specialty electrician certificates of competency.

(8) The department will issue an original certificate of competency to master, journeyman, or specialty electricians who meet the eligibility requirements listed in:

- (a) RCW 19.28.191 (1)(a) or (b); and
- (i) Submit an application for an original master electrician certificate including: Date of birth, mailing address and Social Security number; and
- (ii) Pay all appropriate fees, as listed in WAC 296-46B-910;
- (b) RCW 19.28.191 (1)(d) through (e);

(i) Submit an original master electrician certification examination application including: Date of birth, mailing address and Social Security number; and

(ii) Pay all appropriate fees, as listed in WAC 296-46B-910; or

(c) RCW 19.28.191 (1)(f) through (g);

(i) Submit an original electrician certification examination application including: Date of birth, mailing address and Social Security number; and

(ii) Pay all appropriate fees, as listed in WAC 296-46B-910.

(9) An individual's original electrician certificate of competency will expire on their birth date at least two years, and not more than three years, from the date of original issue.

#### Renewal - master electrician, journeyman, and specialty electrician certificates of competency.

(10) An individual must apply for renewal of their electrician certificate of competency on or before the expiration date of the certificate. The individual may not apply for renewal more than ninety days prior to the expiration date. Renewed certificates are valid for three years.

(11) An individual may renew their certificate of competency within ninety days after the expiration date without reexamination if the individual pays the late renewal fee listed in WAC 296-46B-910.

(12) All applications for renewal received more than ninety days after the expiration date of the certificate of competency require that the electrician pass the appropriate competency examination before being recertified.

(13) All applicants for certificate of competency renewal must:

- (a) Submit a complete renewal application;
- (b) Pay all appropriate fees; and

(c) Provide accurate evidence on the renewal form that the individual has completed the continuing education requirements described in WAC 296-46B-970. Continuing education classes are only valid when all the requirements of WAC 296-46B-970 are completed. If an individual files inaccurate or false evidence of continuing education information when renewing a certificate of competency, the individual's certificate of competency may be suspended or revoked.

Continuing education for pump and irrigation (03) and domestic pump (03A) electricians may be comprised of fifty percent electrical and fifty percent plumbing instruction.

(14) An individual who has not completed the required hours of continuing education can renew a certificate of competency if the individual applies for renewal before the certificate of competency expires and pays the appropriate renewal fee. However, the certificate of competency will be placed in an inactive status. The inactive certificate of competency will be returned to current status upon validation, by the department, of the required continuing education. If the certificate renewal date occurs during the inactive period, the certificate must be renewed on or before the renewal date to allow the return to current status.

(15) An individual may renew a suspended certificate of competency by submitting a complete renewal application including obtaining and submitting the continuing education

required for renewal. However, the certificate will remain in a suspended status for the duration of the suspension period.

(16) An individual may not renew a revoked or temporary certificate of competency.

#### **Reciprocal agreements between Washington and other states.**

(17) The department negotiates reciprocal agreements with states that have equivalent requirements for certification of master electricians, journeymen, or specialty electricians. These agreements allow electricians from those reciprocal states to become certified in the state of Washington without examination and allow Washington certified electricians to become certified in the other states without taking competency examinations.

(18) An individual coming into the state of Washington from a reciprocal state will be issued a reciprocal electrician certificate of competency if all the following conditions are met:

(a) The department has a valid reciprocal agreement with the other state in the master electrician category requested, journeyman, or specialty category requested;

(b) The individual makes a complete application for the reciprocity certificate on the form provided by the department. A complete application includes:

(i) Application for reciprocal certificate of competency;

(ii) Evidence that the individual meets the eligibility requirements listed in RCW 19.28.191, by presenting a valid journeyman or specialty electrician certificate or certified letter from the issuing state; and

(iii) All appropriate fees as listed in WAC 296-46B-910.

(c) The individual obtained the reciprocal state's certificate of competency as a master electrician, journeyman, or specialty electrician by examination and the individual held the reciprocal state's certificate for a period of at least one year;

(19) An individual is not eligible for a reciprocal electrician certificate of competency if the individual:

(a) Has failed to renew a similar Washington master electrician or electrician certificate of competency as required in RCW 19.28.211;

(b) Has a similar Washington master electrician or electrician certificate of competency in suspended, revoked, or inactive status under this chapter; or

(c) Was a resident of the state of Washington at the time the examination was taken in the other state.

#### **Military/shipyard experience.**

(20) An individual who has worked in the electrical construction trade performing work described in WAC 296-46B-920 while serving in the armed forces of the United States may be eligible to take the examination for the certificate of competency as a journeyman or specialty electrician. Credit may be allowed for hours worked or training received.

If an individual has military experience in a specialized electrical field (e.g., rating) that is similar to a specialty electrician category listed in WAC 296-46B-920, credit may be allowed toward the appropriate specialty certificate. Nuclear, marine, shipyard, shipboard, radar, weapons, aeronautical experience, or similar experience may ~~((not))~~ be acceptable

for no more than fifty percent of the minimum required work experience for qualifying for electrician examination.

The ~~((military))~~ department will evaluate and determine whether the submitted experience ((must be)) is related specifically to the ((building)) electrical construction/maintenance trade regulated by chapter 19.28 RCW.

#### **Experience in another country.**

(21) If an individual has a journeyman electrician certificate from a country outside the United States that requires that at least four years of electrical construction training and certification is obtained by examination, the individual may be eligible for four thousand hours of the specialty credit allowed towards the qualification to take the Washington journeyman electrician examination.

No more than two years of the required training to become a Washington journeyman electrician may be for work described for specialty electricians or technicians in WAC 296-46B-920. In addition to the maximum of four thousand hours credit that may be allowed by this subsection, an additional four thousand hours of new commercial/industrial experience must be obtained using a training certificate in the state while under the supervision of a master journeyman electrician or journeyman electrician.

Documentation substantiating the individual's out-of-country experience must be submitted in English.

(22) Out-of-country experience credit is not allowed toward a specialty electrician certificate.

#### **Training school credit.**

(23) No more than fifty percent of the minimum work experience needed to qualify for specialty electrician certification is allowed for any training school program (e.g., a specialty requiring two thousand hours of minimum required work experience may receive no more than one thousand hours credit from an electrical construction training program).

(24) See RCW 19.28.191 (1)(h) for training school credit allowed for journeyman applicants.

(25) See WAC 296-46B-971 for additional information on training schools.

#### **Temporary electrician permit.**

(26) Temporary permits are not allowed for master electricians.

(27) Temporary electrician permit when coming from out-of-state. An individual coming from out-of-state must either obtain a reciprocal electrician certificate, valid training certificate, or make application and receive approval for a temporary electrician permit to perform electrical work in the state, or otherwise obtain an electrician certificate of competency.

(a) Initial temporary electrician permit when coming from out-of-state.

(i) If an individual can show evidence of work experience in another state similar to RCW 19.28.191, the department may issue the individual one initial temporary journeyman or specialty electrician permit. The individual must present appropriate evidence at the time of application show-

ing work experience equivalent to that required by RCW 19.28.191.

The initial temporary electrician permit allows the individual to work as an electrician between the date of filing a completed application for the certification examination and the notification of the results of the examination. This initial permit will be issued for one twenty-day period and will become invalid on the expiration date listed on the temporary electrician permit or the date the individual is notified they have failed the examination, whichever is earlier.

(ii) To qualify for an initial temporary electrician permit, an individual must:

(A) Meet the eligibility requirements of RCW 19.28.191; and

(B) Submit a complete application for an initial temporary electrician permit and original certification including:

- Date of birth, mailing address, Social Security number; and

- All appropriate fees as listed in WAC 296-46B-910.

(iii) The individual must not have ever possessed a Washington master electrician, journeyman electrician, specialty electrician, or temporary electrician certificate of competency in the specialty requested.

(iv) If the initial temporary electrician permit becomes invalid, it will not be extended or renewed. To continue to work in the electrical trade, the individual must apply for and receive a:

(A) Second temporary electrician permit; or

(B) Training certificate and work in the proper ratio, per RCW 19.28.161, under the direct supervision of either a certified master journeyman electrician, journeyman electrician, master specialty electrician working in the appropriate specialty, or a specialty electrician working in the appropriate specialty.

(b) Second temporary electrician permit.

(i) If the individual fails the certification examination during the initial temporary electrician period and provides verification of enrollment in an approved journeyman refresher course or approved appropriate specialty electrician refresher course, as prescribed in RCW 19.28.231, application may be made for a second temporary electrician permit.

A complete second application must include proof of enrollment in the refresher course and all appropriate fees as listed in WAC 296-46B-910.

(ii) The second temporary electrician permit will be issued for one ninety-day period and will become invalid: Upon withdrawal from the electrician refresher course, on the expiration date listed on the temporary electrician permit, or the date the individual is notified they have failed the examination, whichever is earlier;

(iii) After successfully completing the electrician refresher course, the individual must provide appropriate course completion documentation to the department and will be eligible to retake the appropriate competency exam.

(iv) If the second temporary electrician permit becomes invalid, it will not be extended or renewed. To continue to work in the electrical trade, the individual must apply for and receive a training certificate and work in the proper ratio, per RCW 19.28.161, under the direct supervision of either a certified master journeyman electrician, journeyman electrician,

master specialty electrician working in the appropriate specialty, or a specialty electrician working in the appropriate specialty.

(28) Appliance repair temporary specialty electrician permit gained by using previous work experience gained in the state.

(a) For the appliance repair specialty, individuals credited with the minimum amount of work experience using the criteria described in WAC 296-46B-950 will be eligible for a temporary specialty electrician permit for the purposes of working without supervision and for supervising trainees in the appropriate specialty. This temporary specialty electrician permit will be valid for a period of one year or until the individual has passed the appropriate specialty examination, whichever is first.

(b) To qualify for an initial temporary specialty electrician permit, an individual must:

(i) Document the hour requirements described in chapter 296-46B WAC Table 945-1; and

(ii) Submit a complete application including:

(A) Application for consideration of previous work experience as described in WAC 296-46B-950;

(B) Application for original electrician certificate of competency/examination including: Date of birth, mailing address, Social Security number; and

(C) All appropriate fees as listed in WAC 296-46B-910.

(c) If the individual does not successfully complete the appropriate specialty examination before the temporary specialty electrician permit expires, the individual must obtain a training certificate to continue performing electrical work. Such an individual must apply for a training certificate and work under the supervision of an appropriate electrician.

AMENDATORY SECTION (Amending WSR 06-05-028, filed 2/7/06, effective 5/1/06)

**WAC 296-46B-945 Qualifying for master, journeyman, specialty electrician examinations. Qualifying for master, journeyman, specialty electrician examinations.**

(1) All applicants must be at least sixteen years of age.

**Qualifying for the master electrician examination.**

(2) An individual may take the master electrician's certificate of competency examination if the individual meets the requirements described in RCW 19.28.191 (1)(d) or (e).

**Qualifying for the master electrician examination from out-of-state.**

(3) No credit may be applied from out-of-state toward qualifying for a master electrician certificate of competency examination.

**Qualifying for the journeyman electrician competency examination.**

(4) An individual may take the journeyman electrician's certificate of competency examination if the individual held a current electrical training certificate and has worked for an employer who employs at least one certified master electrician, journeyman, or specialty electrician on staff and the individual:

(a) Has been employed, in the electrical construction trade, under the direct supervision of a master electrician, journeyman electrician or specialty electrician working in the appropriate specialty in the proper ratio, per RCW 19.28.161, for four years (eight thousand hours). Of the eight thousand hours:

(i) At least two years (four thousand hours) must be in new industrial and/or new commercial electrical installation (excluding all work described for specialty electricians or technicians) under the direct supervision of a master journeyman electrician or journeyman electrician while working for a general electrical contractor; and

(ii) Not more than a total of two years (four thousand hours) may be for work described as an electrical specialty in WAC 296-46B-920(2).

(b) Has completed a four-year apprenticeship program in the electrical construction trade that is registered with the state apprenticeship council while working under the direct supervision of a master journeyman or journeyman electrician in the proper ratio, per RCW 19.28.161; or

(c) Has completed a two-year electrical construction training program as described in RCW 19.28.191 for journeyman electricians, and two years (four thousand hours) of work experience in new industrial and/or new commercial electrical installations (excluding work described for specialty electricians or electrical technicians) under the direct supervision of a journeyman electrician while working for a general electrical contractor in the proper ratio, per RCW 19.28.161. See WAC 296-46B-971 for additional training school information.

Electrical construction training hours gained in specialties requiring less than two years (i.e., four thousand hours) will not be credited towards qualification for journeyman electrician.

The trainee and their employer and/or apprenticeship training director must attest to the accuracy of all information contained on affidavits of experience used to verify eligibility for the examination.

**Qualifying for the journeyman/specialty electrician competency examination when work was performed in a state requiring electrician certification.**

(5) An individual may take the journeyman/specialty electrician's competency examination when the appropriate state having authority certifies to the department that:

(a) The work was legally performed under the other state's licensing and certification requirements;

(i) For journeyman applicants who meet the minimum hour requirements described in WAC 296-46B-945(4).

(ii) For specialty applicants who meet the minimum hour requirements described in WAC 296-46B-945(9).

(b) The other state's certificate of competency was obtained by examination.

Electrical construction training hours gained in specialties requiring less than two years (i.e., four thousand hours) may not be credited towards qualification for journeyman electrician.

**Qualifying for the journeyman/specialty electrician competency examination when work was performed in a state that does not require electrician certification.**

(6) If the other state requires electrical contractor licensing:

(a) An individual may take the journeyman/specialty electrician's competency examination when an appropriately licensed electrical contractor(s) or registered apprenticeship training director files a notarized letter of experience with the department accompanied by payroll documentation which certifies and shows that:

(i) For journeyman applicants: The individual meets the minimum hour requirements described in WAC 296-46B-945(4).

(ii) For specialty applicants: The individual meets the minimum hour requirements described in WAC 296-46B-945(9).

(b) An individual may take the journeyman/specialty electrician's competency examination when an employer(s), acting under a property owner exemption, files a notarized letter of experience from the property owner with the department accompanied by payroll documentation which certifies and shows that:

(i) For journeyman applicants: The individual meets the minimum hour requirements described in WAC 296-46B-945(4).

(ii) For specialty applicants: The individual meets the minimum hour requirements described in WAC 296-46B-945(9).

(7) If the other state does not require electrical contractor licensing or registration: An individual may take the journeyman/specialty electrician's competency examination when the individual's employer(s) or registered apprenticeship training director files a notarized letter(s) of experience with the department accompanied by payroll documentation which certifies and shows that:

(a) For journeyman applicants: The individual meets the minimum work requirements described in WAC 296-46B-945(4).

(b) For specialty applicants: The individual meets the minimum work requirements described in WAC 296-46B-945(9).

(8) The letter of experience described in subsections (6) and (7) of this section should include a complete list of the individual's usual duties with percentages attributed to each.

**Qualifying for a specialty electrician certificate of competency or examination.**

(9) An individual may qualify for a specialty electrician's examination and certificate of competency if the individual held a current electrical training certificate, and has worked for an employer who employs at least one certified master journeyman electrician, journeyman electrician, appropriate master specialty electrician, or appropriate specialty electrician on staff and the individual:

(a) Has been employed, in the electrical construction trade, under the direct supervision of an appropriate electrician in the appropriate specialty as follows:

**Table 945-1 Experience Hours**

Specialty	Minimum Hours of Work Experience Required to be Eligible for Examination <sup>(4)(5)</sup>	Minimum Hours of Work Experience Required for Certification
Residential certificate (02)	4,000 <sup>(3)</sup>	4,000
Pump and irrigation certificate (03)	4,000 <sup>(3)(8)</sup>	4,000 <sup>(8)</sup>
Domestic ((well)) pump certificate (03A)	720 <sup>(1)(2)(8)</sup>	2,000 <sup>(6)(8)</sup>
Signs certificate (04)	4,000 <sup>(3)</sup>	4,000
Limited energy system certificate (06)	4,000 <sup>(3)</sup>	4,000
HVAC/refrigeration system certificate (06A)	4,000 <sup>(3)</sup>	4,000 <sup>(7)</sup>
HVAC/refrigeration - restricted (06B)	1,000 <sup>(1)(2)</sup>	2,000 <sup>(6)</sup>
Nonresidential maintenance certificate (07)	4,000 <sup>(3)</sup>	4,000
Nonresidential lighting maintenance and lighting retrofit certificate (07A)	720 <sup>(1)(2)</sup>	2,000 <sup>(6)</sup>
Residential maintenance certificate (07B)	720 <sup>(1)(2)</sup>	2,000 <sup>(6)</sup>
Restricted nonresidential maintenance certificate (07C)	1,000 <sup>((3))(1)(2)</sup>	2,000 <sup>(6)</sup>
Appliance repair certificate (07D)	720 <sup>(1)(2)</sup>	2,000 <sup>(6)</sup>
Equipment repair certificate (07E)	1,000 <sup>(1)(2)</sup>	2,000 <sup>(6)</sup>
Door, gate, and similar systems certificate (10)	720 <sup>(1)(2)</sup>	2,000 <sup>(6)</sup>

- Notes:**
- <sup>(1)</sup>Until the examination is successfully completed, the trainee must work under one hundred percent supervision. Once the appropriate examination is successfully completed, the modified supervision trainee may work under zero percent supervision.
  - <sup>(2)</sup>~~((Two calendar years after the date of initial trainee certification, the trainee must work under seventy-five percent supervision))~~ The trainee may have only one zero percent supervision certificate in a specialty (valid for no more than two years). If the trainee has not gained the required work experience by the time the zero percent supervision certificate has expired, the trainee must get a seventy-five percent supervision certificate and work under supervision until all required work experience hours are gained and credited towards the minimum work experience requirement ~~((even if the trainee has completed the examination))~~.
  - <sup>(3)</sup>This specialty is not eligible for modified trainee status as allowed in chapter 19.28 RCW.
  - <sup>(4)</sup>The trainee and their employer and/or apprenticeship training director must attest to the accuracy of all information contained on affidavits of experience used to verify eligibility for the examination.
  - <sup>(5)</sup>Neither previous work experience credit nor training school credit is allowed as a substitute for the initial hours of minimum work experience required to be eligible for examination unless the trainee's work experience hours under direct supervision are provided as required in RCW 19.28.191 (1) (g)(ii).

- <sup>(6)</sup>Electrical construction training hours gained in specialties requiring less than two years for certification may not be credited towards qualification for journeyman electrician.
- <sup>(7)</sup>The 2,000 minimum hours of work experience required for certification as a HVAC/refrigeration-restricted (06B) specialty electrician may be credited as 2,000 hours towards the 4,000 minimum hours of work experience required for certification as a HVAC/refrigeration (06A) specialty electrician. Hours of work experience credited from the HVAC/refrigeration-restricted (06B) specialty cannot be credited towards qualification for taking the general electrician (01) examination or minimum work experience requirements.
- <sup>(8)</sup>Experience hours may be coincidentally credited towards qualifying for electrician and plumber certifications. See RCW 19.28.191 (1)(g)(v).

(b) Or has completed an appropriate two-year apprenticeship program in the electrical construction trade that is registered with the state apprenticeship council while working under the direct supervision of an electrician in the appropriate specialty in the proper ratio, per RCW 19.28.161.

**Qualifying for a certificate of competency when the Washington electrical work experience is exempt from certification requirements in RCW 19.28.261.**

(10) To receive credit for electrical work experience that is exempted in RCW 19.28.261, an individual must provide the department with verification from the employer or owner according to WAC 296-46B-965 (i.e., affidavit(s) of experience). For the purposes of this section, exempt work does not include work performed on property owned by the individual seeking credit.

(11) All exempt individuals learning the electrical trade must obtain an electrical training certificate from the department and renew it biannually in order to receive credit for hours worked in the trade according to WAC 296-46B-965.

(12) The department may require verification of supervision in the proper ratio from the certified supervising electrician(s).

(13) Telecommunications work experience:

(a) Credit may be verified only by employers exempted by RCW 19.28.261, general electrical (01) contractors, and limited energy system (06) electrical contractors for limited energy experience for telecommunications work done:

(i) Under the supervision of a certified journeyman or limited energy electrician; and

(ii) In compliance with RCW 19.28.191.

(b) Individuals who want to obtain credit for hours of experience toward electrician certification for work experience doing telecommunications installations must:

(i) Obtain an electrical training certificate;

(ii) Renew the training certificate biannually in order to receive credit for hours worked in the trade according to WAC 296-46B-965.

(c) Telecommunications contractors may not verify telecommunications work experience toward electrician certification.

AMENDATORY SECTION (Amending WSR 06-05-028, filed 2/7/06, effective 5/1/06)

**WAC 296-46B-960 Administrator and electrician certificate of competency examinations. General.**

(1) The minimum passing score on any examination or examination section is seventy percent. If examination is requested to be administered by the department, an application is required and the examination must be successfully completed within one year of application or the individual must submit a new application for exam including all appropriate fees.

(2) All examinations are open book.

(a) Candidates may use:

(i) Any original copyrighted material;

(ii) A silent, nonprinting, nonprogrammable calculator that is not designed for preprogrammed electrical calculations;

(iii) Copies of chapter 19.28 RCW and this chapter; or

(iv) A foreign language dictionary that does not contain definitions.

(b) Candidates may not use:

(i) Copies of copyrighted material;

(ii) Copies of internet publications, except for RCWs or WACs;

(iii) Personal notes; or

(iv) A personal computing device of any type other than the calculator in (a)(ii) of this subsection.

(3) Administrator, master electrician, and electrician examinations may consist of multiple sections. All sections must be successfully completed within a one-year examination period after beginning the examination. Within the one-year examination period, the candidate does not have to retake any sections successfully completed within the examination period. If all sections are not successfully completed within the one-year period, the candidate must begin a new examination period and retake all sections.

**Special accommodations for examination.**

(4) An applicant for an examination who, due to a specific physical, mental, or sensory impairment, requires special accommodation in examination procedures, may submit a written request to the chief electrical inspector for the specific accommodation needed.

(a) The applicant must also submit to the department a signed and notarized release, authorizing the specifically identified physician or other specialist to discuss the matter with the department representative. The applicant must also submit an individualized written opinion from a physician or other appropriate specialist:

(i) Verifying the existence of a specific physical, mental, or sensory impairment;

(ii) Stating whether special accommodation is needed for a specific examination;

(iii) Stating what special accommodation is necessary; and

(iv) Stating if extra time for an examination is necessary and if so, how much time is required. The maximum allowance for extra time is double the normal time allowed.

(b) The written request for special accommodation and individualized written opinion must be submitted to the

department at least six weeks in advance of the examination date and must be accompanied by a completed application and fees as described in WAC 296-46B-910.

(c) Only readers and interpreters provided from the administrative office of the courts and/or approved by the department may be used for reading or interpreting the examination. The applicant will be required to bear all costs associated with providing any reading or interpretive services used for an examination.

(d) Applicants who pass the examination with the assistance of a reader or interpreter will be issued a certificate with the following printed restriction: "Requires reading supervision for product usage." A competent reader or interpreter must be present on any job site where a person with this restriction is performing electrical work as described in chapter 19.28 RCW.

Applicants who pass the examination with the assistance of a mechanical device (e.g., magnifier, etc.) will be issued a certificate with the following printed restriction: "Requires mechanical reading assistance for product usage." Appropriate mechanical reading assistance must be present on any job site where a person with this restriction is performing electrical work as described in chapter 19.28 RCW.

If a candidate successfully retakes the examination without the assistance of a reader or translator, a new certificate will be issued without the restriction.

(5) Applicants who wish to use a foreign language dictionary during an examination must obtain approval at the examination site prior to the examination. Only dictionaries without definitions will be approved for use.

**Failed examination appeal procedures.**

(6) Any candidate who takes an examination and does not pass the examination may request a review of the examination.

(a) The department will not modify examination results unless the candidate presents clear and convincing evidence of error in the grading of the examination.

(b) The department will not consider any challenge to examination grading unless the total of the potentially revised score would result in a passing score.

(7) The procedure for requesting an informal review of examination results is as follows:

(a) The request must be made in writing to the chief electrical inspector and must be received within twenty days of the date of the examination and must request a rescore of the examination. The written request must include the appropriate fees for examination review described in WAC 296-46B-910.

(b) The following procedures apply to a review of the results of the examination:

(i) The candidate will be allowed one hour to review their examination.

(ii) The candidate must identify the challenged questions of the examination and must state the specific reason(s) why the results should be modified with multiple published reference material supporting the candidate's position.

(iii) Within fifteen days of the candidate's review, the department will review the examination and candidate's justi-

fication and notify the candidate in writing of the department's decision.

**Subjects included in administrator certificate, or master electrician, journeyman, or specialty electrician competency examinations.**

(8) The following subjects are among those that may be included in the examination for an administrator certificate or electrician certificate of competency. The list is not exclusive. The examination may also contain subjects not on the list.

(a) For general administrators, master journeyman, and journeyman electricians:

AC - Generator; 3-phase; meters; characteristics of; power in AC circuits (power factor); mathematics of AC circuits.

Administration - Chapter 19.28 RCW and this chapter.

Air conditioning - Basic.

Blueprints - Surveys and plot plans; floor plans; service and feeders; electrical symbols; elevation views; plan views.

Building wire.

Cable trays.

Calculations.

Capacitive reactance.

Capacitor - Types; in series and parallel.

Circuits - Series; parallel; combination; basic; branch; outside branch circuits; calculations.

Conductor - Voltage drop (line loss); grounded.

Conduit - Wiring methods.

DC - Generator; motors; construction of motors; meters.

Definitions - Electrical.

Electrical units.

Electron theory.

Fastening devices.

Fire alarms - Introduction to; initiating circuits.

Fuses.

Generation - Electrical principles of.

Grounding.

Incandescent lights.

Inductance - Introduction to; reactance.

Insulation - Of wire.

Mathematics - Square root; vectors; figuring percentages.

Motors/controls - Motors vs. generators/CEMF; single phase; capacitor; repulsion; shaded pole; basic principles of AC motors.

Ohm's Law.

Power.

Power factor - AC circuits; correction of; problems.

Rectifiers.

Resistance - Of wire.

Rigging.

Safety - Electrical shock.

Services.

3-wire system.

Tools.

Transformers - Principles of; types; single-phase; 3-phase connections.

Voltage polarity across a load.

Wiring methods - Conduit; general.

Wiring systems - Less than 600 volts; 480/277 volts; single-and 3-phase delta or wye; distribution systems over 600 volts.

**Note:** The general administrator, master journeyman, and journeyman electrician examinations may also include the subjects listed below for specialty electrician examinations.

(b) For specialty administrators, master specialty and specialty electricians, the following subjects are among those that may be included in the examination. Examination subjects are restricted to those subjects related to the scope of work of the specialty described in WAC 296-46B-920. The list is not exclusive. The examination may also contain subjects not on the list.

AC - Meters.

Administration - Chapter 19.28 RCW and this chapter.

Appliance circuits or controls.

Blueprints - Floor plans; service and feeders.

Cables - Wiring methods.

Calculations.

Circuits - Series; parallel; combination; basic; outside branch.

Conductor - Voltage drop (line loss); grounded; aluminum or copper.

Conduit - Wiring methods.

Electrical signs, circuits, controls, or services.

Electrical units.

First aid.

Fuses.

General lighting.

Grounding of conductors.

Insulation of wire.

Limited energy circuits or systems.

Maintenance of electrical systems.

Mathematics - Figuring percentage.

Motor circuits, controls, feeders, or services.

Ohm's Law.

Overcurrent protection.

Resistance of wire.

Safety - Electrical shock.

Services.

Sizes of building wire.

3-wire system.

Tools.

Transformer - Ratios; single-phase/3-phase connections.

**Failing an administrator certificate exam or electrician certificate of competency examination.**

(9) Anyone failing an administrator or electrician competency examination may retake the examination by making arrangements with the testing agency and paying the retesting fee.

(10) If the individual makes a score of less than sixty percent, the individual must wait two weeks before being eligible to retest.

(11) If the individual makes a score of sixty to sixty-nine percent, the individual must wait one day before being eligible to retest.

(12) If the individual fails an electrician examination or a part of an administrator or master electrician examination

three times within a one-year period, the individual must wait three months to retake the failed portion of the examination.

(13) Anyone failing an electrician competency examination may continue to work in the electrical trade if they have a valid electrical training certificate and work under the direct supervision of a certified journeyman or specialty electrician in the proper ratio, per RCW 19.28.161. ~~((However, if the applicant holds a temporary specialty electrician certificate per WAC 296-46B-940(28), the applicant may continue to work under the temporary specialty electrician certificate until it expires. After the temporary specialty electrician certificate expires, the applicant must obtain a valid electrical training certificate and work under the direct supervision of a certified journeyman or specialty electrician in the proper ratio, per RCW 19.28.161.))~~

#### **Cheating on an examination.**

(14) Anyone found cheating on an examination or using inappropriate materials/equipment during an examination will be required to wait at least eleven months before being allowed to reexamine. All such reexaminations will be administered by the department in Tumwater, Washington and the candidate will be required to apply and schedule for the examination with the chief electrical inspector.

AMENDATORY SECTION (Amending WSR 05-10-024, filed 4/26/05, effective 6/30/05)

#### **WAC 296-46B-965 Training certificate required. General.**

(1) A training certificate is required to work in the electrical construction trade if an individual does not:

- (a) Possess a current journeyman certificate of competency issued by the department;
- (b) Possess a current specialty electrician certificate of competency issued by the department while working in that specialty's scope of work;
- (c) Possess a valid temporary electrician permit;
- (d) Possess a valid temporary specialty electrician permit while working in that specialty's scope of work; or
- (e) Is not working in exempt status as allowed by chapter 19.28 RCW.

(2) Trainees who have had their training certificates revoked or suspended (during the duration of the revocation or suspension) will not be issued a training certificate.

#### **Original training certificates.**

(3) The department will issue an original training certificate when the trainee applicant submits a complete training certificate application including:

- (a) Date of birth, mailing address, Social Security number; and
- (b) All appropriate fees as listed in WAC 296-46B-910.

All applicants for an electrical training certificate must be at least sixteen years of age. The original training certificate will be valid for two years.

(c) If an individual has previously held an electrical training certificate, then that individual is not eligible for a subsequent original training certificate.

#### **Specialty specific - zero percent and seventy-five percent supervision modified training certificates.**

(4) For specialties as allowed in Table 945-1 (i.e., specialties with seven hundred twenty minimum hours of work experience required to be eligible for examination):

(a) The department will approve the trainee to take the appropriate specialty competency examination necessary to qualify for a zero percent supervision modified training certificate. To qualify, the trainee applicant must submit a complete zero percent supervision modified training certificate application including:

- (i) Date of birth, mailing address, Social Security number;
- (ii) Affidavit of experience fulfilling the minimum work experience hours required to qualify for the specialty examination described in Table 945-1; and
- (iii) All appropriate fees as listed in WAC 296-46B-910.

Upon successful completion of the appropriate examination, the trainee will be issued a nonrenewable zero percent supervision modified training certificate for the appropriate specialty. The zero percent supervision modified training certificate will be restricted in duration to the time allowed in Table 945-1, note 2.

(b) Prior to the expiration of the zero percent supervision modified training certificate or temporary specialty electrician permit obtained as described in WAC 296-46B-940(28), the individual must submit a complete application for a seventy-five percent supervision modified training certificate for the appropriate specialty including:

- (i) Seventy-five percent supervision training certificate application including: Date of birth, mailing address, Social Security number; and
- (ii) All appropriate fees as listed in WAC 296-46B-910.
- (c) A trainee may possess multiple (i.e., in different specialties) modified supervision training certificates for specialties where reduced supervision is allowed in Table 945-1. Combination training certificates will not be issued.

#### **Renewal of training certificates.**

~~(5) ((The individual may not apply for renewal more than ninety days prior to the expiration date. An individual will not be issued a renewed or reinstated training certificate if the individual owes the department money as a result of an outstanding final judgment. Within thirty days after renewing an electrical training certificate, the individual, if not enrolled in a department approved apprenticeship program, must submit a completed, signed, and notarized affidavit(s) of experience for all hours of experience gained since the individual's last training certificate was effective. Employers are required to provide the necessary documentation and signed affidavit of experience to the trainee within twenty days after the trainee requests the affidavit. See WAC 296-46B-965(6). See WAC 296-46B-985(4) for the penalty for providing a false or inaccurate affidavit of experience. If the individual is enrolled in a department approved apprenticeship program, the program may submit the required affidavit(s) of experience upon the individual's completion of the required experience hours without cost to the individual. The affidavit of experience must accurately attest to:~~



(a) The electrical installation work performed for each employer the individual worked for in the electrical trade during the previous period;

(b) The correct electrical category the individual worked in; and

(c) The actual number of hours worked in each category worked under the proper supervision of a Washington certified, master journeyman electrician, journeyman electrician or appropriate master specialty electrician or specialty electrician under that specific training certificate. If a trainee possesses multiple training certificates, an affidavit must be submitted for each training certificate for the hours worked under that specific training certificate.

If the individual is enrolled in a department approved apprenticeship program, the program may submit the required affidavit(s) of experience upon the individual's completion of the required experience hours without cost to the individual.

(6)) An individual must apply for renewal of their training certificate on or before the expiration date of the certificate. The individual may not apply for renewal more than ninety days prior to the expiration date. Renewed certificates are valid for two years.

(6) An individual may renew their training certificate after the expiration date if the individual pays the late renewal fee listed in WAC 296-46B-910.

(7) All applicants for training certificate renewal must:

(a) Submit a complete renewal application;

(b) Pay all appropriate fees; and

(c) Provide accurate evidence on the renewal form that the individual has completed the continuing education requirements described in WAC 296-46B-970. Continuing education classes are only valid when all the requirements of WAC 296-46B-970 are completed. If an individual files inaccurate or false evidence of continuing education information when renewing a training certificate, the individual's training certificate may be suspended.

Continuing education for trainees seeking pump and irrigation (03) and domestic pump (03A) experience credit may be comprised of fifty percent electrical and fifty percent plumbing instruction.

(d) Within thirty days after renewing an electrical training certificate, the individual, if not enrolled in a department approved apprenticeship program, must submit a completed, signed, and notarized affidavit(s) of experience for all hours of experience gained since the individual's last training certificate was effective.

Employers are required to provide the necessary documentation and signed affidavit of experience to the trainee within twenty days after the trainee requests the affidavit. See WAC 296-46B-965(6). See WAC 296-46B-985(4) for the penalty for providing a false or inaccurate affidavit of experience. If the individual is enrolled in a department approved apprenticeship program, the program may submit the required affidavit(s) of experience upon the individual's completion of the required experience hours without cost to the individual. The affidavit of experience must accurately attest to:

(i) The electrical installation work performed for each employer the individual worked for in the electrical trade during the previous period;

(ii) The correct electrical category the individual worked in; and

(iii) The actual number of hours worked in each category worked under the proper supervision of a Washington certified, master journeyman electrician, journeyman electrician or appropriate master specialty electrician or specialty electrician under that specific training certificate. If a trainee possesses multiple training certificates, an affidavit must be submitted for each training certificate for the hours worked under that specific training certificate.

If the individual is enrolled in a department approved apprenticeship program, the program may submit the required affidavit(s) of experience upon the individual's completion of the required experience hours without cost to the individual.

(8) An individual who has not completed the required hours of continuing education can renew a training certificate if the individual applies for renewal before the training certificate expires and pays the appropriate renewal fee. However, the training certificate will be placed in an inactive status. The inactive training certificate will be returned to current status upon validation, by the department, of the required continuing education.

(9) An individual may renew a suspended training certificate by submitting a complete renewal application including obtaining and submitting the continuing education required for renewal. However, the certificate will remain in a suspended status for the duration of the suspension period.

(10) An individual will not be issued a renewed or reinstated training certificate if the individual owes the department money as a result of an outstanding final judgment.

(11) The individual should ask each employer and/or apprenticeship training director for an accurately completed, signed, and notarized affidavit of experience for the previous certification period. The employer(s) or apprenticeship training director(s) must provide the previous period's affidavit of experience to the individual within twenty days of the request. If an individual is enrolled in an approved apprenticeship program under chapter 49.04 RCW when the individual renews an electrical training certificate, the individual and their apprenticeship training director and/or each employer must give the department an accurately completed, signed, and notarized affidavit of experience accurately attesting to:

(a) The electrical installation work the individual performed in the electrical trade during the previous certification period;

(b) The correct electrical category the individual worked in; and

(c) The actual number of hours worked in each category under the proper supervision of a Washington certified master journeyman electrician, journeyman electrician or appropriate master specialty or specialty electrician for each employer. For apprentices enrolled in a registered apprenticeship program, the applicant and the training director are the only authorized signatures the department will accept on affidavits of experience.

~~((7))~~ (12) The individual and their employer(s) and/or apprenticeship training director(s) must sign and have notarized the affidavit of experience attesting to the accuracy of all information contained in the affidavit.

**Trainees seeking a journeyman electrician certificate - working with no supervision.**

~~((8))~~ (13) Trainee seeking a general (01) journeyman electrician certificate of competency. After review by the department, a trainee may be issued a six-month, nonrenewable unsupervised electrical training certificate that will allow the individual to work without supervision if the trainee:

- (a) Has submitted a complete application for an unsupervised electrical training certificate;
- (b) Has worked over seven thousand hours properly supervised not to include more than four thousand of specialty experience;
- (c) Has successfully completed or is currently enrolled in an approved apprenticeship program or an electrical construction trade program in a school approved by the board of community and technical colleges;
- (d) Has paid all appropriate training certificate fees listed in WAC 296-46B-910; and
- (e) Is currently working for and continues to work for a licensed electrical contractor that employs at least one certified journeyman or specialty electrician in the appropriate specialty.

**Trainees seeking certain specialty electrician certificates - working with reduced or no supervision.**

~~((9))~~ (14) After review by the department, a trainee may be issued a nonrenewable zero percent supervision training certificate that will allow the individual to work without supervision if the trainee meets the requirements in subsection (4) of this section.

~~((10) Individuals who received a temporary specialty electrician certificate using previous work experience credit as allowed in WAC 296-46B-950 and fail to successfully complete the appropriate specialty examination before the expiration of the temporary specialty electrician permit may be issued a training certificate in the appropriate specialty if the individual submits a complete application as described in WAC 296-46B-965 (4)(b) prior to the expiration of the temporary specialty electrician permit.~~

~~((11) HVAC/refrigeration trainees (06A))~~ (15) Electrical trainees may work unsupervised when installing HVAC/R thermostat cable when the HVAC/R system consists of a single thermostat in one- and two-family dwelling units where line voltage power ~~((#))~~ has not been connected to the dwelling's electrical system.

AMENDATORY SECTION (Amending WSR 05-10-024, filed 4/26/05, effective 6/30/05)

**WAC 296-46B-970 Continuing education. General requirements - continuing education classes requirements for administrator, master electrician, and electrician renewal.**

(1) DEFINITIONS - for purposes of this section.

(a) "Applicant" means the entity submitting an application for review.

(b) "Application" means a submittal made by an applicant seeking instructor or class approval.

(c) "Calendar day" means each day of the week, including weekends and holidays.

(d) "Class" means continuing education class or course.

(e) "Contractor" means the entity who has contracted with the department to review and approve/deny continuing education classes and instructors.

(f) "Date of notification" means the date of a request for additional information from the contractor or the approval/denial letter sent to the applicant by the contractor.

(g) "Individual" means an administrator or electrician seeking credit for continuing education.

(h) "Instructor" means an individual who is authorized to instruct an approved continuing education class.

(i) "Working day" means Monday through Friday, excluding state of Washington holidays.

(2) GENERAL.

(a) The department and the electrical board have the right to monitor all approved classes without notice and at no charge.

If the department or electrical board determines that the class or instructor does not meet or exceed the minimum requirements for approval or course length or instructor qualifications, the department may revoke the class or instructor approval and reduce the number of credited hours for the class.

(b) Department-offered classes and the instructors used for those classes are automatically approved and do not need to be sent to the contractor for review.

(c) Instructors who meet the minimum requirements using subsection (5)(b)(i)(D) of this section may only instruct classes sponsored by the manufacturer(s) who verified the instructors' qualifications under subsection (5)(b)(i)(D) of this section.

(d) An individual will not be given credit for the same approved continuing education class taken more than once. No credit will be granted for any class not approved per this section.

(e) Telecommunications administrators do not require continuing educations.

(f) Other administrators, master electricians, and electricians:

(i) To be eligible for renewal of an administrator certificate, master electrician or electrician certificate of competency, the individual must have completed at least eight hours of approved continuing education for each year of the prior certification period. The individual is not required to take the classes in separate years. At least eight hours of the total required continuing education must be on the currently adopted National Electrical Code changes. Beginning January 1, 2005, four hours of the required continuing education must be on the currently adopted chapter 19.28 RCW and its related WAC(s).

(ii) An individual changing an electrical administrator and an electrician certificate of competency into a master electrician's certificate of competency as allowed in RCW 19.28.191 (1)(a) or (b) must have completed at least eight

hours of approved continuing education for each year of the prior electrician certificate period. The individual is not required to take the classes in separate years. Eight hours of the required continuing education must be on the currently adopted National Electrical Code changes. Beginning January 1, 2005, four hours of the required continuing education must be on the currently adopted chapter 19.28 RCW and its related WAC(s).

(iii) Any portion of a year of a prior administrator or electrician certificate period is equal to one year for the purposes of the required continuing educations.

(iv) An individual who has both an electrician certificate and an administrator certification may use the same class to fulfill the requirements for continuing education.

(g) Training certificates:

(i) Effective July 1, 2007, to be eligible for renewal of a training certificate, the individual must have completed:

(A) At least sixteen hours of approved basic classroom electrical training classes; or

(B) Equivalent electrical training courses taken as a part of an approved:

- Apprenticeship program under chapter 49.04 RCW; or
- Electrical training program under RCW 19.28.191

(1)(h).

Note that trainees seeking experience credit in the pump and irrigation (03) or domestic pumping (03A) specialties must take pumping industry basic classroom training classes:

In addition, trainees working in the pump and irrigation (03) or domestic pump (03A) specialties may be credited for courses approved as a part of the requirements for plumber trainees required in RCW 18.106.070(5).

(h) A continuing education class attended or completed by an individual before the class's effective date cannot be used to meet the (~~administrator or electrician~~) certificate renewal requirements.

~~((h))~~ (i) If neither the electrical board nor the department has a contract in effect as described in this section, the department may, at its option, elect to act as the contractor. If a contractor is not in place and the department elects not to act as the contractor, the electrical board will act as the contractor. If either the electrical board or the department acts as the contractor, the following will apply:

(i) The fee for class or instructor submittal is as set in WAC 296-46B-910(4).

(ii) The electrical board or the department will:

(A) Review the application for completeness within fifteen working days after receipt.

(B) If the application is incomplete, notify the applicant within seven working days of the status of the review and what additional information is required.

(C) Complete the review and approval/denial process within fifteen working days upon receipt of a complete application or additional requested information.

(iii) An appeal of a denial by the department will be heard by the full electrical board in accordance with WAC 296-46B-995.

(3) CLASS AND INSTRUCTOR - GENERAL APPROVAL PROCESS.

(a) The contractor will review submitted class and instructor applications to determine whether the application meets the minimum requirements for approval.

(b) The contractor will deny approval of applications that do not meet the minimum requirements.

(c) All applications will be considered to be new applications (i.e., Classes and instructors may not be renewed. All applications must include all information necessary to show conformance with the minimum requirements).

(d) Minimum requirements:

(i) Application review fees:

(A) The contractor may charge a fee for review of an application. Such fees, paid by the applicant, are nonrefundable.

(B) The fee will be as set by contractor between the department and the contractor.

(C) The fee will be set for a minimum of one year.

(D) Upon mutual agreement between the department and the contractor, the fee may be raised or lowered.

(ii) Application:

(A) The applicant must submit a complete application to the contractor at least thirty calendar days prior to offering or instructing a class.

(B) The contractor will only consider material included with the application when reviewing an application.

(C) All applications will consist of:

- One copy of all material;
- Applicant's name, address, contact name, and telephone number;
- All required fees;
- Any other information the applicant wants to consider during the review; and
- ~~((In addition,))~~ Class applications will include:
  - Sponsor's name, address, contact name, and telephone number;
  - Class title;
  - Number of continuing education hours requested for the class;
  - Category of class for which approval is sought (i.e., code update, RCW/WAC update, industry related, basic classroom electrical training, pumping industry, or pumping industry basic classroom training);
  - Any required examinations;
  - Statement of whether the class is open to the public;
  - Class syllabus (e.g., general description of the training, specific NEC articles referenced, time allowed for various subject matter, etc.). Note that for all pumping industry classes, curriculum must include fifty percent electrical and fifty percent plumbing instruction;
  - List of resources (e.g., texts, references, etc.);
  - Copies of all visual aids;
  - Sample of the completion certificate.

• ~~((In addition,))~~ Instructor application will include:

- Instructor's name, address, telephone number;
- Copies of credentials or other information showing conformance with the instructor minimum qualifications.

(e) Contractor's review process:

(i) When the application is received, the contractor must:

- (A) Date stamp the application;

(B) Review the application for completeness within seven working days after receipt.

(ii) If the application is incomplete, the contractor must within two working days notify the applicant of the status of the review and what additional information is required.

(A) The applicant must provide any additional information requested by the contractor within five working days after the date of notification.

(B) The contractor will deny the application if the additional required information is not received within the five working days after the date of notification.

(iii) When the contractor has received a complete application, the contractor must review and evaluate the application for compliance with the minimum requirements.

The contractor must complete the review and approval/denial process within seven working days upon receipt of a complete application or additional requested information and within two working days notify:

- The applicant in writing; and
- The chief electrical inspector in writing and electronically. The contractor's electronic notification to the chief electrical inspector must be made in a format approved by the chief electrical inspector.

(iv) A notification of denial must include:

- (A) Applicant's name and telephone number;
- (B) Date of denial;
- (C) Sponsor's name and class title if applicable;
- (D) Instructor's name if applicable; and
- (E) The reason for denial.

(v) A notification of approval:

(A) For classes must include:

- Applicant's name and telephone number;
- Sponsor's name and telephone number;
- Class title;
- Class number;

• Number of hours approved for the class. Note that the contractor may reduce the hours requested in the application if the review shows that the requested number of hours is excessive;

- Effective date for this class;
- Expiration date of class;
- Category for which the class is approved (i.e., code update, RCW/WAC update, ((~~or~~)) industry related, basic classroom electrical training, pumping industry, or pumping industry basic classroom training);

• Sample of written class roster and attendance sheet;

• Type of class (i.e., classroom, correspondence, internet); and

• Whether the class is open to the public.

(B) For instructors must include:

- Applicant's name and telephone number;
- Instructor's name and telephone number;
- Effective date for the approval; and
- Expiration date of the approval.

(vi) Applicant's request for review of the contractor's decision:

The applicant's may request a review of the contractor's decision to deny or modify an application:

- All requests for review must be:
- Made in writing;

- Received by the chief electrical inspector within twenty calendar days of the contractor's denial; and

- Accompanied by a review fee of \$109.50. The review fee is nonrefundable.

(4) CLASS APPROVAL PROCESS.

(a) Class approval will be valid for three years except:

(i) If the class is "code update" and a new NEC is adopted by the department within the class approval period, the class approval will be considered automatically revoked; or

(ii) If the class is modified after the application is approved, the class approval will be considered automatically revoked (i.e., change in syllabus, hours, examination, etc.).

(b) Minimum requirements:

(i) Class content:

(A) Industry-related classes must be based on:

- Codes or rules included in the NEC chapters 19.28 RCW or 296-46B WAC;

- Electrical theory based on currently published documents that are readily available for retail purchase; and/or

- Materials and methods that pertain to electrical construction, building management systems, electrical maintenance, or workplace health and safety.

(B) Code update classes must be based on the latest adopted version of the NEC and must specify the NEC articles to be addressed in the class presentation.

(C) RCW/WAC update classes must be based on the latest adopted versions of chapter 19.28 RCW and/or chapter 296-46B WAC.

(D) All basic classroom electrical training classes and pumping industry basic classroom training classes must be classroom instruction only. Correspondence and internet classes are not allowed. All basic classroom electrical training classes must include an appropriate written examination to ensure the participant understands the basic concepts of the class. To successfully complete the class, the participant must score at least seventy percent on the examination.

(E) In addition, for pumping industry classes, curriculum must include fifty percent electrical and fifty percent plumbing instruction.

(ii) Class length:

(A) The minimum allowed length of a class is two hours; however, the minimum length for a basic classroom electrical training or pumping industry basic classroom training class is eight hours.

(B) The maximum allowed credit for a class is twenty-four hours.

(C) Class length must based on two-hour increments (e.g., 2, 4, 6, 8, etc.).

(D) Class length must be based on the following:

- Classroom instruction will be based on the total hours the individual is in the classroom. A class may be divided into multiple sections so long as each section is not less than two hours in length and all sections are taken within a one month period.

- Correspondence instruction will be based on:

- A written examination (i.e., ((~~thirty-five~~)) twenty-five questions will equal one hour of classroom instruction). Individuals must be responsible to determine the correct answer without the assistance of the sponsor.

- Internet instruction will be based on:
  - A written examination (i.e., ~~((thirty-five))~~ twenty-five questions will equal one hour of classroom instruction).
  - Examinations must not direct or point the individual to a correct answer or reference. Individuals must be responsible to determine the correct answer without the assistance of the sponsor.
  - To successfully complete a correspondence or internet class, a participant must score at least 70% on the examination required for the class.
- (iii) Class material must include:
  - Supplementary written instruction material appropriate to the type and length of the class.
- (iv) Class material may include:
  - Supplementary internet material;
  - Supplementary texts;
  - Other material as appropriate.
- (v) Certificates of completion:
  - (A) The sponsor must award a completion certificate to each individual successfully completing the approved class. To successfully complete a correspondence or internet class, a participant must score at least 70% on the examination required for the class.
  - (B) The completion certificate must include the:
    - Name of participant;
    - Participant's Washington certificate number;
    - Name of sponsor;
    - Name of class;
    - Date of class;
    - Name of instructor;
    - Location of the class:
      - If a classroom-type class, the city and state in which the class was given;
      - If a correspondence class, state the class is a correspondence class;
      - If an internet class, state the class is an internet class;
    - Class approval number;
    - Number of continuing units; and
    - Type of continuing education units.
- (vi) Instructors:
  - (A) For classroom instruction, all instructors must be approved per this section; and
  - (B) For correspondence and internet instruction, the applicant must show that the sponsor regularly employs at least one staff member who meets the requirements for instructors in this section.
- (5) INSTRUCTOR APPROVAL PROCESS:
  - (a) Instructor approval will be valid for three years except:
    - (i) If the instructor's credentials are invalidated (e.g., suspension or revocation by the issuing entity) for any reason, approval will be automatically revoked.
    - (ii) When the instructor approval expires or is revoked, a new application must be submitted to regain approved instructor status.
  - (b) Minimum requirements:
    - (i) The application must show that the instructor meets one of the following:
      - (A) Has a valid Washington administrator, master electrician, or electrician's certificate and has appropriate knowl-

edge of and experience working as an electrical/electronic trainer; or

(B) Is an instructor in a two-year program in the electrical construction trade licensed by the Washington work force training and education coordinating board. The instructor's normal duties must include providing electrical/electronic education; or

(C) Is a high school vocational teacher, community college, college, qualified instructor with a state of Washington approved electrical apprenticeship program, or university instructor. The instructor's normal duties must include providing electrical/electronic education; or

(D) Works for and is approved by a manufacturer of electrical products to teach electrical continuing education.

(ii) Any other information the applicant wants to be considered during the review.

(6) FORMS:

(a) The contractor will:

Develop an appropriate form(s) for the applicant's use when submitting for instructor or class approval;

(b) Applicants must use the contractor's form when submitting an application for review.

(7) PUBLICATIONS:

The contractor will provide the department with appropriate material for use by the department on the electrical program web site and may post the application process, review, and approval requirements on the contractor's web site.

(8) CLASS ATTENDANCE:

(a) The contractor is not responsible for monitoring any individual's attendance or class completion.

(b) The department is not responsible for providing verification of an individual's continuing education history with the class sponsor;

(c) Electrical approved classes offered in Washington:

(i) The sponsor must provide the department with an accurate and typed course attendance/completion roster for each class given. Class attendance will only be verified based on the attendance/completion roster provided by the sponsor. Completion certificates are not an acceptable method of verifying attendance at a class approved in Washington under this chapter.

(A) The typed attendance/completion roster must be provided within thirty days of class completion.

(B) In addition, within seven days, the course sponsor must provide the attendance/completion roster in an ~~((electronic))~~ internet format ~~((approved))~~ provided by the department.

(C) The attendance/completion roster must show each individual's name, Washington certificate number, class number, location of class, date of completion, and instructor's name. The typed roster must contain the signature of the class sponsor's authorized representative.

(ii) The sponsor must provide the individual a certificate of completion within fifteen days after successful class completion. See subsection (4) of this section.

(iii) Individuals will not be granted credit for continuing education classes unless the sponsor's attendance/completion roster shows the individual successfully completed the class.

(iv) The department will keep submitted class rosters on file for four years.

(d) Classes approved under chapter 18.106 RCW for the pumping industry will be verified through the normal roster reporting method for those classes.

(e) Classes offered in other states:

(i) For individuals to apply continuing education units earned from out-of-state classes, one of the following conditions must be met:

(A) The individual must request that the class sponsor submit a complete continuing education class application and gain approval for the class as described in this section for classes and instructors. Application for class or instructor approval will not be considered more than three years after the date the class was offered; or

(B) The department must have entered into a reciprocal agreement with the state providing class approval.

(ii) The individual must provide a copy of an accurate and completed award or certificate from the class sponsor identifying the class location, date of completion, individual's names, and Washington certificate number. The department will only accept a copy of the sponsor's certificate or form as evidence that the individual attended and completed the class. The department must verify all out-of-state sponsor's certificates or forms with the issuing state prior to accepting them as evidence of class completion.

(9) Contractor requirements:

(a) The contractor cannot be a sponsor or instructor.

(b) The contractor cannot be an employee of the department.

(c) The contractor must:

(i) Be an independent entity with no organizational, managerial, financial, design, or promotional affiliation with any sponsor or instructor covered under the contractor's review and approval/denial process;

(ii) Employ at least one staff member having a valid 01-General Administrator or 01-General Master Electrician Certificate. This staff member:

(A) Is responsible for reviewing and determining an application's approval or denial; and

(B) Must sign the written notification provided to applicants for all approvals and denials;

(iii) Receive, review, and process all applications as required in this section;

(iv) Allow the department access to the contractor's facilities during normal working hours to audit the contractor's ability to conform to the contract requirements;

(v) Treat all applications as proprietary information;

(vi) Respond to and attempt to resolve complaints contesting the review or approval/denial process performed by the applicant;

(vii) Notify the department within ten working days of any change in business status or ability to conform to this section;

(viii) Maintain one copy, original or electronic, of all applications and associated materials for a period of three years from the date of receipt.

AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 5/23/03)

**WAC 296-46B-985 Penalties for false statements or material misrepresentations.** (1) A person who knowingly makes a false statement or material misrepresentation on an application, statement of hours, or signed statement to the department may be referred to the county prosecutor for criminal prosecution under RCW 9A.72.020, 9A.72.030, and 9A.72.040. The department may also file a civil action under RCW 19.28.131 or 19.28.271 and may revoke or suspend a certificate under RCW 19.28.241 or 19.28.341.

(2) The department may file a civil action under RCW 19.28.131 or 19.28.271 and may revoke or suspend a certificate of competency under RCW 19.28.341 or 19.28.241 for inaccurate or false reporting of continuing education units on the administrator, master electrician, ~~((e))~~ electrician, or training certificate renewal form.

(3) If the department determines that a course sponsor has issued an inaccurate or incomplete course application or attendance/completion roster, the department may suspend or revoke the course approval and deny future approval of a continuing education course(s) by the course sponsor.

(4) The department may file a civil action under RCW 19.28.271 against both the trainee and the contractor, apprentice training director, or other entity verifying the training hours and may subtract up to two thousand hours of employment from a trainee's total hours if the department determines a false statement or material misrepresentation has been made in an affidavit of experience.

AMENDATORY SECTION (Amending WSR 06-05-028, filed 2/7/06, effective 5/1/06)

**WAC 296-46B-995 Electrical board—Appeal rights and hearings. General.**

(1) Chapter 19.28 RCW provides the authority for the duties and responsibilities of the electrical board. Except as provided in chapter 19.28 RCW and this chapter, all proceedings will be conducted according to chapter 34.05 RCW the Administrative Procedure Act and chapter 10-08 WAC, Model rules of procedure. See chapter 34.05 RCW the Administrative Procedure Act for specific definitions not described in this chapter.

(2) See RCW 19.28.311 for the composition of the electrical board.

(3) The board adopts the current edition of the "*Roberts' Rules of Order, Newly Revised*."

(4) The board will hold regular meetings on the last Thursday of January, April, July, and October of each year per RCW 19.28.311.

(5) The director or the chairperson of the board may call a special meeting at any time.

(6) Each board member must be notified in writing of the agenda, date, time, and place of each regular and special meeting. "Writing" includes by electronic mail, also known as "e-mail," if the member has provided an e-mail address for such notice.

(7) The board or department may elect to have an appeal heard by the office of administrative hearings either tape recorded or transcribed by a court reporter; and the board

may so elect regarding hearings or board reviews heard by the board as a whole.

(8) A majority of the board constitutes a quorum for purposes of rendering any decision.

(a) If a majority does not attend a hearing or board review on an appeal, the board may either continue the hearing or board review to a date certain or may hear the testimony and arguments.

(b) If the board hears the testimony and arguments, the members of the board who are absent may make their decisions after hearing the tape recording or reading the transcript, of the hearing or board review.

(c) If the board selects the method in subsection (8)(b) of this section, at the time of the hearing, the board shall set a date certain for the absent members to complete review of the record and for the board as a whole to vote on the decision. The vote in subsection (8)(b) and (c) of this section may occur by U.S. mail, facsimile or by electronic mail and shall be determined by the board at the hearing; the members' votes shall be public record.

(9) All filings and documents for any matter before the board must be submitted to the chief electrical inspector, as secretary to the board, 7273 Linderson Way, P.O. Box 44460, Olympia, WA 98504-4460. The filings may be submitted by ordinary mail, certified or registered mail, or by personal delivery.

(10) All hearings before the board as a whole shall be held on regularly scheduled meeting dates, as listed in subsection (4) of this section, unless the board determines that an alternate date is necessary. All notices of appeal, with a certified check payable to the department in the sum of two hundred dollars if required, must be received in the office of the chief electrical inspector, as secretary to the board, at least thirty days before the regularly scheduled board meeting at which the hearing would occur. The appellant must submit any written argument, briefs testimony or documents for the board's consideration at least twenty days prior to the scheduled hearing.

## Appeals

(11) Appeals of penalties issued by the department.

(a) A party may appeal a penalty issued by the department, pursuant to chapter 19.28 RCW and this chapter, to the board. The appeal shall be assigned to the office of administrative hearings.

(b) The appeal must be filed within twenty days after the notice of the decision or penalty is given to the assessed party either by personal service or by certified mail, return receipt requested, sent to the last known address of the assessed party and shall be made by filing a written notice of appeal with the chief electrical inspector, as secretary to the board. The request for an appeal must be accompanied with a certified check payable to the department in the sum of two hundred dollars.

(12) Appeals of proposed decisions issued by the office of administrative hearings.

(a) A party may appeal a proposed decision issued by the office of administrative hearings pursuant to chapter 19.28 RCW to the board. The appeal must be filed within twenty days after service of the decision and must be made by filing

a written notice of appeal with the chief electrical inspector, as secretary to the board.

(b) The notice of appeal of a proposed decision must be received in the office of the chief electrical inspector, as secretary to the board, at least thirty days before a regularly scheduled board meeting. ~~((The appellant))~~ All parties must submit any written argument, briefs testimony or documents for the board's consideration at least twenty days prior to the scheduled hearing.

(13) Appeals of suspension ~~((or))~~, revocation, or nonrenewal.

(a) An appeal of the suspension or revocation of a license or certificate of competency under RCW 19.28.241 and 19.28.341 or of nonrenewal of a license or certificate of competency under this chapter will be heard by the board in accordance with chapter 34.05 RCW and not assigned to the office of administrative hearings. The board will conduct the hearing and may elect to have the assistance of an administrative law judge in the proceeding.

(b) The notice of appeal, with the certified check payable to the department in the sum of two hundred dollars for appeals of a revocation or suspension of a contractor's or administrator's license, must be filed within twenty days after the notice of suspension or revocation is served on the subject of said action, either by personal service or by certified mail, return receipt requested, sent to the last known address of the subject and shall be filed by written notice of appeal with the chief electrical inspector, as secretary to the board.

(14) Appeals of decisions on installation.

(a) A party may seek board review for disputes relating to the interpretation and application of electrical/telecommunications installation or maintenance standards under RCW 19.28.111, 19.28.480, and 19.28.531. The board will conduct the hearing and may elect to have the assistance of an administrative law judge in the proceeding.

(b) The notice of appeal, with the certified check payable to the department in the sum of two hundred dollars, must be received in the office of the chief electrical inspector, as secretary to the board, at least thirty days before a regularly scheduled board meeting. ~~((The appellant))~~ All parties must submit any written argument, briefs testimony or documents for the board's consideration at least twenty days prior to the scheduled hearing.

(15) Appeals of a continuing education class or instructor for denials or revocations.

A party may appeal a decision issued by the department, pursuant to WAC 296-46B-970 (3)(e)(vi), if the department acts as the contractor pursuant to WAC 296-46B-970 (2)(h) to the superior court per RCW 34.05.542(3).

(16) Appeals pertaining to engineer approval or electrical testing laboratory recognition and accreditation.

(a) A party may appeal a decision issued by the department pursuant to WAC 296-46B-997 or 296-46B-999. The appeal will be heard by the board in accordance with chapter 34.05 RCW and not assigned to the office of administrative hearings. The board will conduct the hearing and may elect to have the assistance of an administrative law judge in the proceeding.

(b) The notice of appeal, with the certified check payable to the department in the sum of two hundred dollars for

appeals pertaining to engineer approval or recognition and accreditation of an electrical testing laboratory, must be filed within twenty days after the notice of the department's decision is served on the subject of said action, either by personal service or by certified mail, return receipt requested, sent to the last known address of the subject and shall be filed by written notice of appeal with the chief electrical inspector, as secretary to the board.

~~(17)~~ (17) Judicial review of final decisions of the board.

A party may seek judicial review of a final order of the board within thirty days after service of the decision. Appeals of final decisions and orders must be done in accordance with chapter 34.05 RCW.

~~((17))~~ (18) If appeal(s) according to subsections (11), (12), (13), and (15) of this section are not filed or the appeal is not filed timely, the proposed decision or action becomes final with no further action on the part of the department or the board.

~~((18))~~ (19) Appeals - general requirements.

(a) Appeals according to subsections (11), (12), or (15) of this section must specify the contentions of the appellant, and must for subsection (12) of this section specify to which conclusions of law and findings of fact the party takes exception. The appeal will be based on the record of the hearing. The board shall not grant a hearing de novo.

(b) In appeals under subsections (12), (13), (14), and (15) of this section, the issues to be adjudicated must be made as precise as possible, in order that the board may proceed promptly to conduct the hearing on relevant and material matter only.

(c) In all appeals of chapter 19.28 RCW and this chapter, the appellant has the burden of proof by a preponderance of the evidence.

#### **Appearance and practice before board.**

~~((19))~~ (20) No party may appear as a representative in proceedings other than the following:

(a) Attorneys at law qualified to practice before the supreme court of the state of Washington;

(b) Attorneys at law qualified to practice before the highest court of record of another state, if the attorneys at law of the state of Washington are permitted to appear as representatives before administrative agencies of the other state, and if not otherwise prohibited by Washington law; or

(c) An owner, officer, partner, or full-time employee of a firm, association, organization, partnership, corporation, or other entity who appears for the firm, association, organization, partnership, corporation or other entity.

~~((20))~~ (21) All persons appearing in proceedings as a representative must conform to the standards of ethical conduct required of attorneys before the courts of Washington. If a person does not conform to these standards, the board may decline to permit the person to appear as a representative in any proceeding before the board.

AMENDATORY SECTION (Amending WSR 05-22-025, filed 10/25/05, effective 11/25/05)

#### **WAC 296-46B-900 Electrical work permits and fees. General.**

(1) When an electrical work permit is required by chapter 19.28 RCW or this chapter, inspections may not be made, equipment must not be energized, or services connected unless:

(a) A valid electrical work permit is completely and legibly filled out and readily available;

(b) The classification or type of facility to be inspected and the exact scope and location of the electrical work to be performed are clearly shown on the electrical work permit;

(c) The address where the inspection is to be made is clearly identifiable from the street, road or highway that serves the premises; and

(d) Driving directions ~~((and/or a legible map is))~~ are provided for the inspectors' use.

(2) An electrical work permit is valid for only one specific site address.

(3) Except as provided in subsection (8) of this section, a valid electrical work permit must be posted on the job site at a readily accessible and conspicuous location prior to beginning electrical work and at all times until the electrical inspection process is completed.

#### **Permit - responsibility for.**

(4) Each person, firm, partnership, corporation, or other entity must furnish a valid electrical work permit for the installation, alteration, or other electrical work performed or to be performed by that entity. Each electrical work permit application must be signed by the electrical contractor's administrator (or designee) or the person, or authorized representative of the firm, partnership, corporation, or other entity that is performing the electrical installation or alteration. Permits purchased electronically do not require a handwritten signature. An entity designated to sign electrical permits must provide written authorization of the purchaser's designation when requested by the department.

(5) Permits to be obtained by customers. Whenever a serving electrical utility performs work for a customer under one of the exemptions in WAC 296-46B-925 and the work is subject to inspection, the customer is responsible for obtaining all required permits.

(6) Except for emergency repairs to existing electrical systems, electrical work permits must be obtained and posted at the job site prior to beginning the installation or alteration. An electrical work permit for emergency repairs to existing electrical systems must be obtained and posted at the job site no later than the next business day after the work is begun.

(7) Fees must be paid in accordance with the inspection fee schedule, WAC 296-46B-905. The amount of the fee due is calculated based on the fee effective at the date payment is made. If the project is required to have an electrical plan review, the plan review fees will be based on the fees effective at the date the plans are received by the department for review.

#### **Permit - requirements for.**

(8) As required by chapter 19.28 RCW or this chapter, an electrical work permit is required for the installation, alter-



ation, or maintenance of all electrical systems or equipment except for:

- (a) Travel trailers;
- (b) Class A basic electrical work which includes:

(i) The **like-in-kind replacement** of a: Contactor, relay, timer, starter, circuit board, or similar control component; household appliance; circuit breaker; fuse; residential luminaire; lamp; snap switch; dimmer; receptacle outlet; thermostat; heating element; luminaire ballast with an exact same ballast; component(s) of electric signs, outline lighting, skeleton neon tubing when replaced on-site by an appropriate electrical contractor and when the sign, outline lighting or skeleton neon tubing electrical system is not modified; ten horsepower or smaller motor;

(ii) Induction detection loops described in WAC 296-46B-300(2) and used to control gate access devices;

(iii) Heat cable repair; and

(iv) Embedding premanufactured heat mats in tile grout where the mat is listed by an approved testing laboratory and comes from the manufacturer with preconnected lead-in conductors. All listing marks and lead-in conductor labels must be left intact and visible for evaluation and inspection by the installing electrician and the electrical inspector.

Unless specifically noted, the exemptions listed do not include: The replacement of an equipment unit, assembly, or enclosure that contains ~~((multiple))~~ an exempted component(s) or combination of components (e.g., an electrical furnace/heat pump, industrial milling machine, etc.) ~~((containing various control components))~~ or any appliance/equipment described in ~~((WAC 296-46B-110(10)))~~ this section for Class B permits.

A provisional electrical work permit label may be posted in lieu of an electrical work permit. If a provisional electrical work permit label is used, an electrical work permit must be obtained within two working days after posting the provisional electrical work permit label.

(9) An electrical work permit is required for all installations of telecommunications systems on the customer side of the network demarcation point for projects greater than ten telecommunications outlets. All backbone installations regardless of size and all telecommunications cable or equipment installations involving penetrations of fire barriers or passing through hazardous locations require permits and inspections. For the purposes of determining the inspection threshold for telecommunications projects greater than ten outlets, the following will apply:

(a) An outlet is the combination of jacks and mounting hardware for those jacks, along with the associated cable and telecommunications closet terminations, that serve one workstation. In counting outlets to determine the inspection threshold, one outlet must not be associated with more than six standard four-pair cables or more than one twenty-five-pair cable. Therefore, installations of greater than sixty standard four-pair cables or ten standard twenty-five-pair cables require permits and inspections. (It is not the intent of the statute to allow large masses of cables to be run to workstations or spaces serving telecommunications equipment without inspection. Proper cable support and proper loading of building structural elements are safety concerns. When considering total associated cables, the telecommunications

availability at one workstation may count as more than one outlet.)

(b) The installation of greater than ten outlets and the associated cables along any horizontal pathway from a telecommunications closet to work areas during any continuous ninety-day period requires a permit and inspection.

(c) All telecommunications installations within the residential dwelling units of single-family, duplex, and multi-family dwellings do not require permits or inspections. In residential multifamily dwellings, permits and inspections are required for all backbone installations, all fire barrier penetrations, and installations of greater than ten outlets in common areas.

(d) No permits or inspections are required for installation or replacement of cord and plug connected telecommunications equipment or for patch cord and jumper cross-connected equipment.

(e) Definitions of telecommunications technical terms will come from chapter 19.28 RCW, this chapter, TIA/EIA standards, and NEC.

#### **Permit - inspection and approval.**

(10) Requests for inspections.

(a) Requests for inspections must be made no later than three business days after completion of the electrical/telecommunications installation or one business day after any part of the installation has been energized, whichever occurs first.

(b) Requests for after hours or weekend inspections must be made by contacting the local electrical inspection supervisor at least three working days prior to the requested date of inspection. The portal-to-portal inspection fees required for after hours or weekend inspections are in addition to the cost of the original electrical work permit.

(c) Emergency requests to inspect repairs necessary to preserve life and equipment safety may be requested at any time.

(d) Inspections for annual electrical maintenance permits and annual telecommunications permits may be done on a regular schedule arranged by the permit holder with the department.

(11) Final inspection approval will not be made until all inspection fees are paid in full.

#### **Permit - duration/refunds.**

(12) Electrical work permits will expire one year after the date of purchase unless electrical work is actively and consistently in progress and inspections requested. Refunds are not available for:

(a) Expired electrical work permits;

(b) Electrical work permits where the electrical installation has begun; or

(c) Any electrical work permit where an electrical inspection or electrical inspection request has been made.

#### **Permit - annual telecommunications.**

(13) The chief electrical inspector can allow annual permits for the inspection of telecommunications installations to be purchased by a building owner or licensed electrical/telecommunications contractor. The owner's full-time telecommunications maintenance staff, or a licensed electrical/telecommunications contractor(s) can perform the work done under this annual permit. The permit holder is responsible for

correcting all installation deficiencies. The permit holder must make available, to the electrical inspector, all records of all the telecommunications work performed and the valid electrical or telecommunications contractor's license numbers for all contractors working under the permit.

**Permit - annual electrical.**

(14) The chief electrical inspector can allow annual permits for the inspection of electrical installations to be purchased by a building owner or licensed electrical contractor. This type of permit is available for commercial/industrial locations employing a full-time electrical maintenance staff or having a yearly maintenance contract with a licensed electrical contractor.

The permit holder is responsible for correcting all installation deficiencies. The permit holder must make available, to the electrical inspector, all records of all electrical work performed.

This type of electrical permit may be used for retrofit, replacement, maintenance, repair, upgrade, and alterations to electrical systems at a single plant or building location. This type of permit does not include new or increased service or new square footage.

**Provisional electrical work permit - use/duration/ refunds.**

(15) Only licensed electrical or telecommunications contractors can use provisional electrical work permits.

(16) If a provisional electrical work permit label is used, the following requirements must be met:

(a) Prior to beginning the work, the certified electrician or telecommunications worker performing the installation must affix the provisional electrical work permit label on the cover of the panelboard, overcurrent device, or telecommunications equipment supplying the circuit or equipment.

(b) The job site portion of the label must include the following:

- (i) Date the work is begun;
- (ii) Contractor's name;
- (iii) Contractor's license number; and
- (iv) Short description of the work.

(c) The contractor portion of the label must include the following:

- (i) Date the work is begun;
- (ii) Contractor's license number;
- (iii) Job site address;
- (iv) Owner's name; and
- (v) Short description of the work.

(d) The label must be filled in using sunlight and weather resistant ink.

(e) The contractor must return the contractor's portion of the label to the department of labor and industries, electrical section office having jurisdiction for the inspection, within two working days after the job site portion of the label is affixed. Either receipt by department of labor and industries or postmark to a valid department of labor and industries electrical address is acceptable for meeting this requirement.

(f) The contractor must return the contractor's portion of the label to the Department of Labor & Industries, Chief Electrical Inspector, within five working days after destroying or voiding any label.

(g) The contractor is responsible for safekeeping of all purchased labels.

(17) Refunds are not available for provisional electrical work permit labels.

(18) Provisional electrical work permit labels will be sold in blocks of twenty.

(19) Any contractor purchasing a provisional electrical work permit label may be audited for compliance with the provisions for purchasing, inspection, reporting of installations, and any other requirement of usage.

**Class B electrical work permit - use.**

(20) The electrical contractor must return the contractor's portion of the Class B label to the department of labor and industries, chief electrical inspector, within five working days after destroying or voiding any label.

(21) The electrical contractor is responsible for safekeeping of all purchased Class B labels.

(22) Only licensed electrical/telecommunication contractors can use the Class B basic electrical inspection/random inspection process. Health care, large commercial, or industrial facilities using an employee who is a certified electrician(s) can use the Class B random electrical inspection process after permission from the chief electrical inspector.

(23) If the Class B random electrical inspection process is used, the following requirements must be met:

(a) The certified electrician/telecommunications worker performing the installation must affix a Class B installation label on the cover of the panelboard or overcurrent device supplying power to the circuit or equipment prior to beginning the work.

(b) The job site portion of the label must include the following:

(i) Date of the work;

(ii) Electrical/telecommunication contractor's name;

(iii) Electrical/telecommunication contractor's license number;

(iv) Installing electrician's certificate number, except for telecommunication work. For thermostat installations described in WAC 296-46B-965(15), the installing trainee may enter their training certificate number; and

(v) Short description of the work.

(c) The contractor portion of the label must include the following:

(i) Date of the work;

(ii) Electrical/telecommunication contractor's license number;

(iii) Installing electrician's certificate number, except for telecommunication work;

(iv) Job site address;

(v) Contact telephone number for the job site (to be used to arrange inspection); and

(vi) Short description of the work.

(d) The label must be filled in using sunlight and weather resistant ink.

(e) The electrical/telecommunication contractor must return the contractor's portion of the label to the Department of Labor and Industries, Electrical Section, Chief Electrical Inspector, P.O. Box 44460, Olympia, WA 98504-4460 within fifteen working days after the job site portion of the Class B installation label is affixed.

(24) Class B basic installation labels will be sold in blocks. Installations where a Class B basic installation label is used will be inspected on a random basis as determined by the department.

(a) If any such random inspection fails, a subsequent label in the block must be inspected.

(b) If any such subsequent installation fails inspection, another label in the block must be inspected until a label is approved without a correction(s).

(c) A fee is required for any inspection required when a correction(s) is issued as a result of the inspection of any Class B label or if an inspection is required because of (a) or (b) of this subsection. See WAC 296-46B-905(15) for fees.

(25) Any electrical/telecommunication contractor or other entity using the Class B basic electrical inspection/random inspection process may be audited for compliance with the provisions for purchasing, inspection, reporting of installations, and any other requirement of usage.

(26) Class B basic electrical work means work other than Class A basic electrical work. See WAC 296-46B-900(8) for Class A definition.

(a) Class B basic electrical work includes the following:

(i) Extension of not more than one branch electrical circuit limited to one hundred twenty volts and twenty amps each where:

(A) No cover inspection is necessary. For the purposes of this section, cover inspection does not include work covered by any surface that may be removed for inspection without damaging the surface; and

(B) The extension does not supply more than two devices or outlets as defined by the NEC. A device allowed in an extended circuit includes: General use snap switches/receptacles, luminaires, thermostats, speakers, etc., but does not include wiring/cabling systems, isolating switches, magnetic contactors, motor controllers, etc.

(ii) Like-in-kind replacement of:

(A) A single luminaire not exceeding two hundred seventy-seven volts and twenty amps; or

(B) A motor larger than ten horsepower; or

(C) The internal wiring of a furnace, air conditioner, refrigeration unit or household appliance; or

(D) An electric/gas/oil furnace not exceeding two hundred forty volts and one hundred amps when the furnace is connected to an existing branch circuit. For the purposes of this section, a boiler is not a furnace; or

(E) An individually controlled electric room heater (e.g., baseboard, wall, fan forced air, etc.), air conditioning unit or refrigeration unit not exceeding two hundred forty volts, thirty minimum circuit amps when the unit is connected to an existing branch circuit; or

(F) Circuit modification required to install not more than five residential load control devices in a residence where installed as part of an energy conservation program sponsored by an electrical utility and where the circuit does not exceed two hundred forty volts and thirty amps.

(iii) The following low voltage systems:

(A) Repair and replacement of devices not exceeding one hundred volt-amperes in Class 2, Class 3, or power limited low voltage systems in one- and two-family dwellings; or

(B) Repair and replacement of devices not exceeding one hundred volt-amperes in Class 2, Class 3, or power limited low voltage systems in other buildings, provided the equipment is not for fire alarm or nurse call systems and is not located in an area classified as hazardous by the NEC; or

(C) The installation of Class 2 or 3 device(s) or wiring for thermostat, audio, security, burglar alarm, intercom, amplified sound, public address, or access control systems. This does not include fire alarm, nurse call, lighting control, industrial automation/control or energy management systems; or

(D) Telecommunications cabling and equipment requiring inspection in RCW 19.28.470:

(iv) The replacement of not more than ten standard receptacles with GFCI receptacles;

(v) The conversion of not more than ten snap switches to dimmers for the use of controlling a luminaire(s) conversion.

(b) Class B basic electrical work does not include any work in:

(i) Areas classified as Class (I), Class (II), Class (III), or zone locations per NEC 500; or

(ii) Areas regulated by NEC 517 or 680; or

(iii) Any work where electrical plan review is required; or

(iv) Fire alarm, nurse call, lighting control, industrial automation/control or energy management systems.

AMENDATORY SECTION (Amending WSR 06-05-028, filed 2/7/06, effective 5/1/06)

**WAC 296-46B-905 Temporary fees—Inspection fees.** Valid from January 1, 2007, through December 31, 2007. To calculate inspection fees, the amperage is based on the conductor ampacity or the overcurrent device rating. The total fee must not be less than the number of progress inspection (one-half hour) units times the progress inspection fee rate from subsection (8) of this section, PROGRESS INSPECTIONS.

The amount of the fee due is calculated based on the fee effective at the date of a department assessed fee (e.g., plan review or fee due) or when the electrical permit is purchased.

**(1) Residential.**

**(a) Single- and two-family residential (New Construction).**

**Notes:**

(1) Square footage is the area included within the surrounding exterior walls of a building exclusive of any interior courts. (This includes any floor area in an attached garage, basement, or unfinished living space.)

(2) "Inspected with the service" means that a separate service inspection fee is included on the same electrical work permit.

(3) "Inspected at the same time" means all wiring is to be ready for inspection during the initial inspection trip.

(4) An "outbuilding" is a structure that serves a direct accessory function to the residence, such as a pump house or storage building. Outbuilding does not include buildings used for commercial type occupancies or additional dwelling occupancies.

(i) First 1300 sq. ft.	<del>\$(73.00)</del> 69.00
------------------------	-------------------------------

Each additional 500 sq. ft. or portion of	<del>\$(23.40)</del> 22.00
---	-------------------------------

(ii) Each outbuilding or detached garage - inspected at the same time as a dwelling unit on the property	<del>\$(30.50)</del> 29.00
--	-------------------------------

(iii) Each outbuilding or detached garage - inspected separately	\$((48-10)) <u>46.00</u>
(iv) Each swimming pool - inspected with the service	\$((48-10)) <u>46.00</u>
(v) Each swimming pool - inspected separately	\$((73-00)) <u>69.00</u>
(vi) Each hot tub, spa, or sauna - inspected with the service	\$((30-50)) <u>29.50</u>
(vii) Each hot tub, spa, or sauna - inspected separately	\$((48-10)) <u>46.00</u>
(viii) Each septic pumping system - inspected with the service	\$((30-50)) <u>29.50</u>
(ix) Each septic pumping system - inspected separately	\$((48-10)) <u>46.00</u>

**(b) Multifamily residential and miscellaneous residential structures, services ((and))/\_ feeders (New Construction).**

Each service ((and/or))/\_ feeder

Ampacity	Service/Feeder	Additional Feeder
0 to 200	\$((78-70)) <u>75.00</u>	\$((23-40)) <u>22.00</u>
201 to 400	\$((97-80)) <u>91.00</u>	\$((48-10)) <u>46.00</u>
401 to 600	\$((134-30)) <u>128.00</u>	\$((66-90)) <u>64.00</u>
601 to 800	\$((172-30)) <u>164.00</u>	\$((91-80)) <u>87.00</u>
801 and over	\$((245-70)) <u>233.00</u>	\$((184-30)) <u>175.00</u>

**(c) Single or multifamily altered services ((or))/\_ feeders including circuits.**

(i) Each altered service ((and/or))/\_ altered feeder

Ampacity	Service or Feeder
0 to 200	\$((66-90)) <u>64.00</u>
201 to 600	\$((97-80)) <u>91.00</u>
601 and over	\$((147-40)) <u>140.00</u>

(ii) Maintenance or repair of a meter or mast (no alterations to the service or feeder) \$((36-30))  
34.00

**(d) Single or multifamily residential circuits only (no service inspection).**

**Note:**

Altered or added circuit fees are calculated per panelboard. Total cost of the alterations in an individual panel should not exceed the cost of a complete altered service or feeder of the same rating, as shown in subsection (1) RESIDENTIAL (c) (table) of this section.

(i) 1 to 4 circuits (see note above)	\$((48-10)) <u>46.00</u>
(ii) Each additional circuit (see note above)	\$((5-30)) <u>5.00</u>

**(e) Mobile homes, modular homes, mobile home parks, and RV parks.**

(i) Mobile home or modular home service or feeder only	\$((48-10)) <u>46.00</u>
(ii) Mobile home service and feeder	\$((78-70)) <u>75.00</u>

**(f) Mobile home park sites and RV park sites.**

**Note:**

For master service installations, see subsection (2) COMMERCIAL/INDUSTRIAL of this section.

(i) First site service or site feeder	\$((48-10)) <u>46.00</u>
(ii) Each additional site service; or additional site feeder inspected at the same time as the first service or feeder	\$((30-50)) <u>29.00</u>

**(2) Commercial/industrial.**

**(a) New service ((or))/\_ feeder, and additional new feeders inspected at the same time (includes circuits).**

**Note:**

For large COMMERCIAL/INDUSTRIAL projects that include multiple feeders, "inspected at the same time" can be interpreted to include additional inspection trips for a single project. The additional inspections must be for electrical work specified on the permit at the time of purchase. The permit fee for such projects must be calculated from (2)(a)(i)(table) of this section. However, the total fee must not be less than the number of progress inspection (one-half hour) units times the progress inspection fee rate from subsection (8) PROGRESS INSPECTIONS of this section.

Service/feeders

Ampacity	Service/Feeder	Additional Feeder
0 to 100	\$((78-70)) <u>75.00</u>	\$((48-10)) <u>46.00</u>
101 to 200	\$((95-80)) <u>91.00</u>	\$((61-30)) <u>58.00</u>
201 to 400	\$((184-30)) <u>175.00</u>	\$((73-00)) <u>69.00</u>
401 to 600	\$((214-80)) <u>204.00</u>	\$((85-80)) <u>82.00</u>
601 to 800	\$((277-70)) <u>264.00</u>	\$((116-90)) <u>111.00</u>
801 to 1000	\$((339-00)) <u>322.00</u>	\$((141-40)) <u>134.00</u>
1001 and over	\$((369-80)) <u>351.00</u>	\$((197-30)) <u>187.00</u>

**(b) Altered services or feeders (no circuits).**

(i) Service/feeders

Ampacity	Service ((or))/_ Feeder
0 to 200	\$((78-70)) <u>75.00</u>
201 to 600	\$((184-30)) <u>175.00</u>
601 to 1000	\$((277-70)) <u>264.00</u>
1001 and over	\$((308-40)) <u>239.00</u>

(ii) Maintenance or repair of a meter or mast (no alterations to the service or feeder) \$((66-90))  
64.00

**(c) Circuits only.**

**Note:**

Altered/added circuit fees are calculated per panelboard. Total cost of the alterations in a panel (or panels) should not exceed the cost of a new feeder (or feeders) of the same rating, as shown in subsection (2) COMMERCIAL/INDUSTRIAL (2)(a)(i)(table) above.

(i) First 5 circuits per branch circuit panel	\$((61-30)) <u>58.00</u>
(ii) Each additional circuit per branch circuit panel	\$((5-30)) <u>5.00</u>
<b>(d) Over 600 volts surcharge per permit.</b>	<b>\$((61-30)) <u>58.00</u></b>

**(3) Temporary service(s).**

**Note:**

(1) See WAC 296-46B-527 for information about temporary installations.  
 (2) Temporary stage or concert inspections requested outside of normal business hours will be subject to the portal-to-portal hourly fees in subsection (11) OTHER INSPECTIONS. The fee for such after hours inspections shall be the greater of the fee from this subsection or the portal-to-portal fee.

**Temporary services, temporary stage or concert productions.**

Ampacity	Service ( <del>(or)</del> ) Feeder	Additional Feeder
0 to 60	\$((42.20)) <u>40.00</u>	\$((21.60)) <u>21.00</u>
61 to 100	\$((48.10)) <u>46.00</u>	\$((23.40)) <u>22.00</u>
101 to 200	\$((61.30)) <u>58.00</u>	\$((30.50)) <u>29.00</u>
201 to 400	\$((73.00)) <u>69.00</u>	\$((36.40)) <u>35.00</u>
401 to 600	\$((97.80)) <u>93.00</u>	\$((48.10)) <u>46.00</u>
601 and over	\$((110.90)) <u>105.00</u>	\$((55.30)) <u>53.00</u>

**(4) Irrigation machines, pumps, and equipment.**

**Irrigation machines.**

- (a) Each tower - when inspected at the same time as a service and feeder from (2) COMMERCIAL/INDUSTRIAL \$((5.30))  
5.00
- (b) Towers - when not inspected at the same time as a service and feeders - 1 to 6 towers \$((73.00))  
69.00
- (c) Each additional tower \$((5.30))  
5.00

**(5) Miscellaneous - commercial/industrial and residential.**

(a) **A Class 2 low-voltage thermostat** and its associated cable controlling a single piece of utilization equipment or a single furnace and air conditioner combination.

- (i) First thermostat \$((36.40))  
35.00
- (ii) Each additional thermostat inspected at the same time as the first \$((11.40))  
11.00

(b) **Class 2 or 3 low-voltage systems and telecommunications systems.** Includes all telecommunications installations, fire alarm, nurse call, energy management control systems, industrial and automation control systems, lighting control systems, and similar Class 2 or 3 low-energy circuits and equipment not included in WAC ((296-46B-110)) 296-46B-900 for Class B work.

- (i) First 2500 sq. ft. or less \$((42.20))  
40.00
- (ii) Each additional 2500 sq. ft. or portion thereof \$((11.40))  
11.00

**(c) Signs and outline lighting.**

- (i) First sign (no service included) \$((36.40))  
35.00
- (ii) Each additional sign inspected at the same time on the same building or structure \$((17.30))  
16.00

**(d) Berth at a marina or dock.**

**Note:**

Five berths or more shall be permitted to have the inspection fees based on appropriate service and feeder fees from section (2) COMMERCIAL/INDUSTRIAL (a) (i) above.

- (i) Berth at a marina or dock \$((48.10))  
46.00

- (ii) Each additional berth inspected at the same time \$((30.50))  
29.00

(e) Yard pole, pedestal, or other meter loops only.

- (i) Yard pole, pedestal, or other meter loops only \$((48.10))  
46.00

- (ii) Meters installed remote from the service equipment and inspected at the same time as a service, temporary service or other installations \$((11.40))  
11.00

**(f) Emergency inspections requested outside of normal working hours.**

- Regular fee plus surcharge of: \$((91.80))  
87.00

**(g) Generators.**

**Note:**

Permanently installed generators: Refer to the appropriate residential or commercial new/altered service or feeder section.

- Portable generators: Permanently installed transfer equipment for portable generators \$((66.90))  
64.00

**(h) Electrical - annual permit fee.**

**Note:**

See WAC 296-46B-900(14).

For commercial/industrial location employing full-time electrical maintenance staff or having a yearly maintenance contract with a licensed electrical contractor. Note, all yearly maintenance contracts must detail the number of contractor electricians necessary to complete the work required under the contract. This number will be used as a basis for calculating the appropriate fee. Each inspection is based on a 2-hour maximum.

	Inspections	Fee
1 to 3 plant electricians	12	\$((1,765.50)) <u>1,677.00</u>
4 to 6 plant electricians	24	\$((3,532.80)) <u>3,356.00</u>
7 to 12 plant electricians	36	\$((5,298.90)) <u>5,034.00</u>
13 to 25 plant electricians	52	\$((7,066.20)) <u>6,713.00</u>
More than 25 plant electricians	52	\$((8,833.50)) <u>8,392.00</u>

**(i) Telecommunications - annual permit fee.**

**Note:**

(1) See WAC 296-46B-900(13).

(2) Annual inspection time required may be estimated by the purchaser at the rate for "OTHER INSPECTIONS" in this section, charged portal-to-portal per hour.

For commercial/industrial location employing full-time telecommunications maintenance staff or having a yearly maintenance contract with a licensed electrical/telecommunications contractor.

- 2-hour minimum \$((146.10))  
139.00

- Each additional hour, or portion thereof, of portal-to-portal inspection time \$((73.00))  
69.00

**(j) Permit requiring ditch cover inspection only.**

- Each 1/2 hour, or portion thereof \$((36.40))  
35.00

- (k) **Cover inspection for elevator/conveyance installation. This item is only available to a licensed/registered elevator contractor.** \$((61.30))  
58.00

**(6) Carnival inspections.**

**(a) First carnival field inspection each calendar year.**

- (i) Each ride and generator truck \$((17.30))  
16.00

- (ii) Each remote distribution equipment, concession, or gaming show \$((~~5.30~~))  
5.00
- (iii) If the calculated fee for first carnival field inspection above is less than \$89.00, the minimum inspection fee shall be: \$((~~91.80~~))  
87.00

**(b) Subsequent carnival inspections.**

- (i) First ten rides, concessions, generators, remote distribution equipment, or gaming show \$((~~91.80~~))  
87.00
- (ii) Each additional ride, concession, generator, remote distribution equipment, or gaming show \$((~~5.30~~))  
5.00

**(c) Concession(s) or ride(s) not part of a carnival.**

- (i) First field inspection each year of a single concession or ride, not part of a carnival \$((~~73.00~~))  
69.00
- (ii) Subsequent inspection of a single concession or ride, not part of a carnival \$((~~48.10~~))  
46.00

**(7) Trip fees.**

- (a) Requests by property owners to inspect existing installations. (This fee includes a maximum of one hour of inspection time. All inspection time exceeding one hour will be charged at the rate for progressive inspections.) \$((~~73.00~~))  
69.00
- (b) Submitter notifies the department that work is ready for inspection when it is not ready. \$((~~36.40~~))  
35.00
- (c) Additional inspection required because submitter has provided the wrong address or incomplete, improper or illegible directions for the site of the inspection. \$((~~36.40~~))  
35.00
- (d) More than one additional inspection required to inspect corrections; or for repeated neglect, carelessness, or improperly installed electrical work. \$((~~36.40~~))  
35.00
- (e) Each trip necessary to remove a noncompliance notice. \$((~~36.40~~))  
35.00
- (f) Corrections that have not been made in the prescribed time, unless an exception has been requested and granted. \$((~~36.40~~))  
35.00
- (g) Installations that are covered or concealed before inspection. \$((~~36.40~~))  
35.00

**(8) Progress inspections.**

**Note:**

The fees calculated in subsections (1) through (6) of this section will apply to all electrical work. This section will be applied to a permit where the permit holder has requested additional inspections beyond the number supported by the permit fee calculated at the rate in subsections (1) through (6) of this section.

- On partial or progress inspections, each 1/2 hour.** \$((~~36.40~~))  
35.00

**(9) Plan review.**

Fee is thirty-five percent of the electrical work permit fee as determined by WAC 296-46B-905, plus a plan review submission and shipping/handling fee of:

- (a) Supplemental submissions of plans per hour or fraction of an hour of review time. \$((~~73.00~~))  
69.00
- (b) Plan review shipping and handling fee. \$((~~17.30~~))  
16.00

**(10) Out-of-state inspections.**

- (a) Permit fees will be charged according to the fees listed in this section.
- (b) Travel expenses:

All travel expenses and per diem for out-of-state inspections are billed following completion of each inspection(s). These expenses can include, but are not limited to: Inspector's travel time, travel cost and per diem at the state rate. Travel time is hourly based on the rate in subsection (11) of this section.

**(11) Other inspections.**

Inspections not covered by above inspection fees must be charged portal-to-portal per hour: \$((~~73.00~~))  
69.00

**(12) Refund processing fee.**

All requests for permit fee refunds will be assessed a processing fee. (Refund processing fees will not be charged for electrical contractors, using the contractor deposit system, who request less than twenty-four refunds during a rolling calendar year.) \$((~~11.40~~))  
11.00

**(13) Variance request processing fee.**

Variance request processing fee. This fee is nonrefundable once the transaction has been validated. \$((~~73.00~~))  
69.00

**(14) Marking of industrial utilization equipment.**

- (a) Standard(s) letter review (per hour of review time). \$((~~73.00~~))  
69.00
- (b) Equipment marking - charged portal-to-portal per hour: \$((~~73.00~~))  
69.00

(c) All travel expenses and per diem for in/out-of-state review and/or equipment marking are billed following completion of each inspection(s). These expenses can include, but are not limited to: Inspector's travel time, travel cost and per diem at the state rate. Travel time is hourly based on the rate in (b) of this subsection.

**(15) Class B basic electrical work labels.**

- (a) Block of twenty Class B basic electrical work labels (not refundable). \$200.00
- (b) Reinspection of Class B basic electrical work to assure that corrections have been made (per 1/2 hour timed from leaving the previous inspection until the reinspection is completed). See WAC ((~~296-46B-110(8))~~) 296-46B-900. \$36.40
- (c) Reinspection of Class B basic electrical work because of a failed inspection of another Class B label (per 1/2 hour from previous inspection until the reinspection is completed). See WAC ((~~296-46B-110(8))~~) 296-46B-900. \$36.40

**(16) Provisional electrical work permit labels.**

- (a) Block of twenty provisional electrical work permit labels. \$200.00

**NEW SECTION**

**WAC 296-46B-906 Inspection fees.** To calculate inspection fees, the amperage is based on the conductor ampacity or the overcurrent device rating. The total fee must not be less than the number of progress inspection (one-half hour) units times the progress inspection fee rate from subsection (8) of this section, PROGRESS INSPECTIONS.

The amount of the fee due is calculated based on the fee effective at the date of a department assessed fee (e.g., plan review or fee due) or when the electrical permit is purchased.

**(1) Residential.**

**(a) Single- and two-family residential (New Construction).**

**Notes:**

- (1) Square footage is the area included within the surrounding exterior walls of a building exclusive of any interior courts. (This includes any floor area in an attached garage, basement, or unfinished living space.)
- (2) "Inspected with the service" means that a separate service inspection fee is included on the same electrical work permit.
- (3) "Inspected at the same time" means all wiring is to be ready for inspection during the initial inspection trip.

(4) An "outbuilding" is a structure that serves a direct accessory function to the residence, such as a pump house or storage building. Outbuilding does not include buildings used for commercial type occupancies or additional dwelling occupancies.

(i) First 1300 sq. ft.	\$73.00
Each additional 500 sq. ft. or portion of	\$23.40
(ii) Each outbuilding or detached garage - inspected at the same time as a dwelling unit on the property	\$30.50
(iii) Each outbuilding or detached garage - inspected separately	\$48.10
(iv) Each swimming pool - inspected with the service	\$48.10
(v) Each swimming pool - inspected separately	\$73.00
(vi) Each hot tub, spa, or sauna - inspected with the service	\$30.50
(vii) Each hot tub, spa, or sauna - inspected separately	\$48.10
(viii) Each septic pumping system - inspected with the service	\$30.50
(ix) Each septic pumping system - inspected separately	\$48.10

**(b) Multifamily residential and miscellaneous residential structures, services and feeders (New Construction).**

Each service and/or feeder		
<b>Ampacity</b>	<b>Service/Feeder</b>	<b>Additional Feeder</b>
0 to 200	\$78.70	\$23.40
201 to 400	\$97.80	\$48.10
401 to 600	\$134.30	\$66.90
601 to 800	\$172.30	\$91.80
801 and over	\$245.70	\$184.30

**(c) Single or multifamily altered services or feeders including circuits.**

(i) Each altered service and/or altered feeder		
<b>Ampacity</b>	<b>Service/Feeder</b>	
0 to 200		\$66.90
201 to 600		\$97.80
601 and over		\$147.40
(ii) Maintenance or repair of a meter or mast (no alterations to the service or feeder)		\$36.30

**(d) Single or multifamily residential circuits only (no service inspection).**

**Note:**

Altered or added circuit fees are calculated per panelboard. Total cost of the alterations in an individual panel should not exceed the cost of a complete altered service or feeder of the same rating, as shown in subsection (1) RESIDENTIAL (c) (table) of this section.

(i) 1 to 4 circuits (see note above)	\$48.10
(ii) Each additional circuit (see note above)	\$5.30

**(e) Mobile homes, modular homes, mobile home parks, and RV parks.**

(i) Mobile home or modular home service or feeder only	\$48.10
(ii) Mobile home service and feeder	\$78.70

**(f) Mobile home park sites and RV park sites.**

**Note:**

For master service installations, see subsection (2) COMMERCIAL/INDUSTRIAL of this section.

(i) First site service or site feeder	\$48.10
(ii) Each additional site service; or additional site feeder inspected at the same time as the first service or feeder	\$30.50

**(2) Commercial/industrial.**

**(a) New service or feeder, and additional new feeders inspected at the same time (includes circuits).**

**Note:**

For large COMMERCIAL/INDUSTRIAL projects that include multiple feeders, "inspected at the same time" can be interpreted to include additional inspection trips for a single project. The additional inspections must be for electrical work specified on the permit at the time of purchase. The permit fee for such projects must be calculated from (2)(a)(i)(table) of this section. However, the total fee must not be less than the number of progress inspection (one-half hour) units times the progress inspection fee rate from subsection (8) PROGRESS INSPECTIONS of this section.

<b>Ampacity</b>	<b>Service/Feeder</b>	<b>Additional Feeder</b>
0 to 100	\$78.70	\$48.10
101 to 200	\$95.80	\$61.30
201 to 400	\$184.30	\$73.00
401 to 600	\$214.80	\$85.80
601 to 800	\$277.70	\$116.90
801 to 1000	\$339.00	\$141.40
1001 and over	\$369.80	\$197.30

**(b) Altered services/feeders (no circuits).**

(i) Service/feeder		
<b>Ampacity</b>	<b>Service/Feeder</b>	
0 to 200		\$78.70
201 to 600		\$184.30
601 to 1000		\$277.70
1001 and over		\$308.40
(ii) Maintenance or repair of a meter or mast (no alterations to the service or feeder)		\$66.90

**(c) Circuits only.**

**Note:**

Altered/added circuit fees are calculated per panelboard. Total cost of the alterations in a panel (or panels) should not exceed the cost of a new feeder (or feeders) of the same rating, as shown in subsection (2) COMMERCIAL/INDUSTRIAL (2)(a)(i)(table) above.

(i) First 5 circuits per branch circuit panel	\$61.30
(ii) Each additional circuit per branch circuit panel	\$5.30
<b>(d) Over 600 volts surcharge per permit.</b>	\$61.30
<b>(3) Temporary service(s).</b>	

**Note:**

(1) See WAC 296-46B-527 for information about temporary installations.  
 (2) Temporary stage or concert inspections requested outside of normal business hours will be subject to the portal-to-portal hourly fees in subsection (11) OTHER INSPECTIONS. The fee for such after hours inspections shall be the greater of the fee from this subsection or the portal-to-portal fee.

**Temporary services, temporary stage or concert productions.**

<b>Ampacity</b>	<b>Service/Feeder</b>	<b>Additional Feeder</b>
0 to 60	\$42.20	\$21.60
61 to 100	\$48.10	\$23.40
101 to 200	\$61.30	\$30.50
201 to 400	\$73.00	\$36.40
401 to 600	\$97.80	\$48.10
601 and over	\$110.90	\$55.30

**(4) Irrigation machines, pumps, and equipment.**

**Irrigation machines.**

(a) Each tower - when inspected at the same time as a service and feeder from (2) COMMERCIAL/INDUSTRIAL	\$5.30
(b) Towers - when not inspected at the same time as a service and feeder - 1 to 6 towers	\$73.00
(c) Each additional tower	\$5.30

**(5) Miscellaneous - commercial/industrial and residential.**

(a) **A Class 2 low-voltage thermostat** and its associated cable controlling a single piece of utilization equipment or a single furnace and air conditioner combination.

- (i) First thermostat \$36.40
- (ii) Each additional thermostat inspected at the same time as the first \$11.40

(b) **Class 2 or 3 low-voltage systems and telecommunications systems.** Includes all telecommunications installations, fire alarm, nurse call, energy management control systems, industrial and automation control systems, lighting control systems, and similar Class 2 or 3 low-energy circuits and equipment not included in WAC 296-46B-110 for Class B work.

- (i) First 2500 sq. ft. or less \$42.20
- (ii) Each additional 2500 sq. ft. or portion thereof \$11.40

**(c) Signs and outline lighting.**

- (i) First sign (no service included) \$36.40
- (ii) Each additional sign inspected at the same time on the same building or structure \$17.30

**(d) Berth at a marina or dock.**

**Note:**

Five berths or more shall be permitted to have the inspection fees based on appropriate service and feeder fees from section (2) COMMERCIAL/INDUSTRIAL (a) (i) above.

- (i) Berth at a marina or dock \$48.10
- (ii) Each additional berth inspected at the same time \$30.50

**(e) Yard pole, pedestal, or other meter loops only.**

- (i) Yard pole, pedestal, or other meter loops only \$48.10
- (ii) Meters installed remote from the service equipment and inspected at the same time as a service, temporary service or other installations \$11.40

**(f) Emergency inspections requested outside of normal working hours.**

Regular fee plus surcharge of: \$91.80

**(g) Generators.**

**Note:**

Permanently installed generators: Refer to the appropriate residential or commercial new/alterd service or feeder section.

Portable generators: Permanently installed transfer equipment for portable generators \$66.90

**(h) Electrical - annual permit fee.**

**Note:** See WAC 296-46B-900(14).

For commercial/industrial location employing full-time electrical maintenance staff or having a yearly maintenance contract with a licensed electrical contractor. Note, all yearly maintenance contracts must detail the number of contractor electricians necessary to complete the work required under the contract. This number will be used as a basis for calculating the appropriate fee. Each inspection is based on a 2-hour maximum.

	Inspections	Fee
1 to 3 plant electricians	12	\$1,765.50
4 to 6 plant electricians	24	\$3,532.80
7 to 12 plant electricians	36	\$5,298.90
13 to 25 plant electricians	52	\$7,066.20
More than 25 plant electricians	52	\$8,833.50

**(i) Telecommunications - annual permit fee.**

**Notes:**

- (1) See WAC 296-46B-900(13).
- (2) Annual inspection time required may be estimated by the purchaser at the rate for "OTHER INSPECTIONS" in this section, charged portal-to-portal per hour.

For commercial/industrial location employing full-time telecommunications maintenance staff or having a yearly maintenance contract with a licensed electrical/telecommunications contractor.

- 2-hour minimum \$146.10
- Each additional hour, or portion thereof, of portal-to-portal inspection time \$73.00

**(j) Permit requiring ditch cover inspection only.**

Each 1/2 hour, or portion thereof \$36.40

**(k) Cover inspection for elevator/conveyance installation. This item is only available to a licensed/registered elevator contractor.** \$61.30

**(6) Carnival inspections.**

**(a) First carnival field inspection each calendar year.**

- (i) Each ride and generator truck \$17.30
- (ii) Each remote distribution equipment, concession, or gaming show \$5.30
- (iii) If the calculated fee for first carnival field inspection above is less than \$89.00, the minimum inspection fee shall be: \$91.80

**(b) Subsequent carnival inspections.**

- (i) First ten rides, concessions, generators, remote distribution equipment, or gaming show \$91.80
- (ii) Each additional ride, concession, generator, remote distribution equipment, or gaming show \$5.30

**(c) Concession(s) or ride(s) not part of a carnival.**

- (i) First field inspection each year of a single concession or ride, not part of a carnival \$73.00
- (ii) Subsequent inspection of a single concession or ride, not part of a carnival \$48.10

**(7) Trip fees.**

- (a) Requests by property owners to inspect existing installations. (This fee includes a maximum of one hour of inspection time. All inspection time exceeding one hour will be charged at the rate for progressive inspections.) \$73.00
- (b) Submitter notifies the department that work is ready for inspection when it is not ready. \$36.40
- (c) Additional inspection required because submitter has provided the wrong address or incomplete, improper or illegible directions for the site of the inspection. \$36.40
- (d) More than one additional inspection required to inspect corrections; or for repeated neglect, carelessness, or improperly installed electrical work. \$36.40
- (e) Each trip necessary to remove a noncompliance notice. \$36.40
- (f) Corrections that have not been made in the prescribed time, unless an exception has been requested and granted. \$36.40
- (g) Installations that are covered or concealed before inspection. \$36.40

**(8) Progress inspections.**

**Note:**

The fees calculated in subsections (1) through (6) of this section will apply to all electrical work. This section will be applied to a permit where the permit holder has requested additional inspections beyond the number supported by the permit fee calculated at the rate in subsections (1) through (6) of this section.

**On partial or progress inspections, each 1/2 hour.** \$36.40

**(9) Plan review.**

Fee is thirty-five percent of the electrical work permit fee as determined by WAC 296-46B-905, plus a plan review submission and shipping/handling fee of: \$61.30



(a) Supplemental submissions of plans per hour or fraction of an hour of review time.	\$73.00
(b) Plan review shipping and handling fee.	\$17.30
<b>(10) Out-of-state inspections.</b>	
(a) Permit fees will be charged according to the fees listed in this section.	
(b) Travel expenses: All travel expenses and per diem for out-of-state inspections are billed following completion of each inspection(s). These expenses can include, but are not limited to: Inspector's travel time, travel cost and per diem at the state rate. Travel time is hourly based on the rate in subsection (11) of this section.	
<b>(11) Other inspections.</b>	
Inspections not covered by above inspection fees must be charged portal-to-portal per hour:	\$73.00
<b>(12) Refund processing fee.</b>	
All requests for permit fee refunds will be assessed a processing fee. (Refund processing fees will not be charged for electrical contractors, using the contractor deposit system, who request less than twenty-four refunds during a rolling calendar year.)	\$11.40
<b>(13) Variance request processing fee.</b>	
Variance request processing fee. This fee is nonrefundable once the transaction has been validated.	\$73.00
<b>(14) Marking of industrial utilization equipment.</b>	
(a) Standard(s) letter review (per hour of review time).	\$73.00
(b) Equipment marking - charged portal-to-portal per hour:	\$73.00
(c) All travel expenses and per diem for in/out-of-state review and/or equipment marking are billed following completion of each inspection(s). These expenses can include, but are not limited to: Inspector's travel time, travel cost and per diem at the state rate. Travel time is hourly based on the rate in (b) of this subsection.	
<b>(15) Class B basic electrical work labels.</b>	
(a) Block of twenty Class B basic electrical work labels (not refundable).	\$200.00
(b) Reinspection of Class B basic electrical work to assure that corrections have been made (per 1/2 hour timed from leaving the previous inspection until the reinspection is completed). See WAC 296-46B-110(8).	\$36.40
(c) Reinspection of Class B basic electrical work because of a failed inspection of another Class B label (per 1/2 hour from previous inspection until the reinspection is completed). See WAC 296-46B-110(8).	\$36.40
<b>(16) Provisional electrical work permit labels.</b>	
Block of twenty provisional electrical work permit labels.	\$200.00

**NEW SECTION**

**WAC 296-46B-909 Electrical/telecommunications contractor's license, administrator certificate and examination, master electrician certificate and examination, electrician certificate and examination, temporary electrician permit, copy, and miscellaneous fees.**

- Notes:**
- (1) The department will deny renewal of a license, certificate, or permit if an individual owes money as a result of an outstanding final judgment(s) to the department or is in revoked status. The department will deny application of a license, certificate, or permit if an individual is in suspended status.
  - (2) Certificates may be prorated for shorter renewal periods in one-year increments. Each year or part of a year will be calculated to be one year.

(3) The amount of the fee due is calculated based on the fee effective at the date payment is made.

<b>(1) General or specialty contractor's license. (Nonrefundable after license has been issued.)</b>	
(a) <b>Per twenty-four-month period</b>	\$232.90
(b) <b>Reinstatement of a general or specialty contractor's license after a suspension</b>	\$47.30
<b>(2) Master electrician/administrator/electrician/trainee certificate.</b>	
<b>(a) Examination application (nonrefundable)</b>	
Administrator certificate examination application. (Required only for department administered examinations.) (Not required when testing with the department's contractor.)	\$29.30
<b>(b) Examination fees (nonrefundable)</b>	
<b>Note:</b>	
Normal examination administration is performed by a state authorized contractor. The fees for such examinations are set by contract with the department. For written examinations administered by the department, use the following fee schedule.	
(i) Master electrician or administrator first-time examination fee (when administered by the department)	\$70.50
(ii) Master electrician or administrator retest examination fee (when administered by the department)	\$82.50
(iii) Journeyman or specialty electrician examination fee (first test or retest when administered by the department)	\$53.00
(iv) Certification examination review fee	\$109.20
<b>(c) Original certificates (nonrefundable after certificate has been issued)</b>	
(i) Electrical administrator original certificate (except 09 telecommunication)	\$105.40
(ii) Telecommunications administrator original certificate (for 09 telecommunications)	\$70.20
(iii) Master electrician exam application (includes original certificate and application processing fee) ( <b>\$29.30 is nonrefundable after application is submitted</b> )	\$134.70
(iv) Journeyman or specialty electrician application (includes original certificate and application processing fee) ( <b>\$29.30 is nonrefundable after application is submitted</b> )	\$75.60
(v) Training certificate	\$37.10
(A) 0% supervision modified training certificate. Includes trainee update of hours (i.e., submission of affidavit of experience) ( <b>\$44.90 is nonrefundable after application is submitted</b> )	\$67.40
(B) 75% supervision modified training certificate.	\$44.90
(C) Unsupervised training certificate as allowed by RCW 19.28.161 (4)(b).	\$22.40
(vi) Temporary electrician permit (valid as allowed and described in WAC 296-46B-940(27))	\$23.40
<b>(d) Certificate renewal (nonrefundable)</b>	
(i) Master electrician or administrator certificate renewal	\$133.20
(ii) Telecommunications (09) administrator certificate renewal	\$88.80
(iii) Late renewal of master electrician or administrator certificate	\$266.40
(iv) Late renewal of telecommunications (09) administrator certificate	\$177.60
(v) Journeyman or specialty electrician certificate renewal	\$70.20
(vi) Late renewal of journeyman or specialty electrician certificate	\$140.50

(vii) Trainee certificate renewal or update of hours (i.e., submission of affidavit of experience)	\$44.90
<b>(e) Reciprocal certificate (nonrefundable)</b>	
(i) Master electrician reciprocal certificate	\$132.20
(ii) Journeyman or specialty electrician reciprocal certificate	\$75.60
<b>(f) Certificate - reinstatement (nonrefundable)</b>	
(i) Reinstatement of a suspended master electrician or administrator's certificate (in addition to normal renewal fee)	\$47.30
(ii) Reinstatement of suspended journeyman, or specialty electrician certificate (in addition to normal renewal fee)	\$22.40
<b>(g) Assignment/unassignment of master electrician/administrator designation (nonrefundable)</b>	\$35.00
<b>(3) Certificate/license.</b>	
(a) Replacement for lost or damaged certificate/license. (Nonrefundable.)	\$15.40
(b) Optional display quality General Master Electrician certificate.	\$25.00
<b>(4) Continuing education courses or instructors. (Nonrefundable.)</b>	
(a) If the course or instructor review is performed by the electrical board or the department	
The course or instructor review	\$45.00
(b) If the course or instructor review is contracted out by the electrical board or the department	
(i) Continuing education course or instructor submittal and approval (per course or instructor)	As set in contract
(ii) Applicant's request for review, by the chief electrical inspector, of the contractor's denial	\$109.50
<b>(5) Copy fees. (Nonrefundable.)</b>	
(a) <b>Certified copy of each document (maximum charge per file):</b>	\$49.80
(i) First page:	\$22.40
(ii) Each additional page:	\$2.00
(b) Replacement RCW/WAC printed document:	\$5.00
<b>(6) Refund processing fee. (Nonrefundable.)</b>	\$11.40
<b>(7) Training school program review fees. Initial training school program review fee. (Nonrefundable.)</b>	
(a) Initial training school program review fee submitted for approval. Valid for three years or until significant changes in program content or course length are implemented (see WAC 296-46B-971(4)).	\$516.00
(b) Renewal of training school program review fee submitted for renewal. Valid for 3 years or until significant changes in program content or course length are implemented (see WAC 296-46B-971(4)).	\$258.00

**AMENDATORY SECTION** (Amending WSR 04-12-049, filed 5/28/04, effective 6/30/04)

**WAC 296-46B-910 Temporary fees—Electrical/telecommunications contractor's license, administrator certificate and examination, master electrician certificate and examination, temporary, electrician certificate and examination, temporary electrician permit, copy, and miscellaneous fees.** Effective January 1, 2007. If the fee is reduced from the permanent fee in WAC 296-46B-911, the temporary fee is valid through the date indicated for the specific fee.

**Notes:** (1) The department will deny renewal of a license, certificate, or permit if an individual owes money as a result of an outstanding final judgment(s) to the department or is in revoked status. The department will deny application of a license, certificate, or permit if an individual is in suspended status.  
 (2) Certificates may be prorated for shorter renewal periods in one-year increments. Each year or part of a year will be calculated to be one year.  
 (3) The amount of the fee due is calculated based on the fee effective at the date payment is made.

<b>(1) General or specialty contractor's license. (Nonrefundable after license has been issued.)</b>	
(a) <del>Per twenty-four-month period, Valid through December 31, 2008.</del>	<del>\$(232.90)</del> <u>221.00</u>
(b) <b>Reinstatement of a general or specialty contractor's license after a suspension</b>	\$47.30
<b>(2) Master electrician/administrator/electrician/trainee certificate.</b>	
<b>(a) Examination application (nonrefundable)</b>	
Administrator certificate examination application. (Required only for department administered examinations.) (Not required when testing with the department's contractor.)	\$29.30
<b>(b) Examination fees (nonrefundable)</b>	
<b>Note:</b> Normal examination administration is performed by a state authorized contractor. The fees for such examinations are set by contract with the department. For written examinations administered by the department, use the following fee schedule.	
(i) Master electrician or administrator first-time examination fee (when administered by the department)	\$70.50
(ii) Master electrician or administrator retest examination fee (when administered by the department)	\$82.50
(iii) Journeyman or specialty electrician examination fee (first test or retest when administered by the department)	\$53.00
(iv) Certification examination review fee	\$109.20
<b>(c) Original certificates (nonrefundable after certificate has been issued)</b>	
(i) Electrical administrator original certificate (except 09 telecommunication). <u>Valid through December 31, 2009</u>	<del>\$(105.40)</del> <u>100.00</u>
(ii) Telecommunications administrator original certificate (for 09 telecommunications). <u>Valid through December 31, 2008</u>	<del>\$(70.20)</del> <u>67.00</u>
(iii) <del>(Temporary specialty electrical administrator certificate (valid as allowed and described in WAC 296-46B-930(2)) (valid for twelve months)</del>	\$64.40
<del>(iv) Master electrician original certificate ("grandfather" request)</del>	\$133.20
<del>(v) Master electrician exam application (includes original certificate and application processing fee) (\$29.30 is nonrefundable after application is submitted). Valid through December 31, 2009</del>	<del>\$(134.70)</del> <u>128.00</u>
<del>(vi) (iv) Journeyman or specialty electrician application (includes original certificate and application processing fee) (\$29.30 is nonrefundable after application is submitted). Valid through December 31, 2009</del>	<del>\$(75.60)</del> <u>72.00</u>
<del>(vii) (v) Training certificate. Valid through December 31, 2008</del>	<del>\$(37.10)</del> <u>35.00</u>
(A) 0% supervision modified training certificate.	<del>\$(67.40)</del>
Includes trainee update of hours (i.e., submission of affidavit of experience) <b>(\$44.90 is nonrefundable after application is submitted)</b>	<u>64.00</u>
(B) 75% supervision modified training certificate.	<del>\$(44.90)</del> <u>43.00</u>

(C) Unsupervised training certificate as allowed by RCW 19.28.161 (4)(b).	\$((22.40)) <u>21.00</u>
((viii)) (vi) Temporary electrician permit (valid as allowed and described in WAC 296-46B-940(27))	\$23.40
((ix) Temporary specialty electrician permit (valid as allowed and described in WAC 296-46B-940(28)) - (\$29.30 is nonrefundable after the application for the original specialty electrician certificate is submitted) - (\$52.70 is nonrefundable after temporary permit is issued))	\$99.00
<b>(d) Certificate renewal (nonrefundable)</b>	
(i) Master electrician or administrator certificate renewal. Valid through December 31, 2009	\$((133.20)) <u>127.00</u>
(ii) Telecommunications (09) administrator certificate renewal. Valid through December 31, 2008	\$((88.80)) <u>84.00</u>
(iii) Late renewal of master electrician or administrator certificate	\$266.40
(iv) Late renewal of telecommunications (09) administrator certificate	\$177.60
(v) Journeyman or specialty electrician certificate renewal. Valid through December 31, 2009	\$((70.20)) <u>67.00</u>
(vi) Late renewal of journeyman or specialty electrician certificate	\$140.50
(vii) Trainee certificate renewal or update of hours (i.e., submission of affidavit of experience). Valid through December 31, 2008	\$((44.90)) <u>43.00</u>
(viii) Late trainee certificate renewal	<u>\$60.00</u>
<b>(e) Reciprocal certificate (nonrefundable)</b>	
(i) Master electrician reciprocal certificate. Valid through December 31, 2009	\$((132.20)) <u>126.00</u>
(ii) Journeyman or specialty electrician reciprocal certificate. Valid through December 31, 2009	\$((75.60)) <u>72.00</u>
<b>(f) Certificate - reinstatement (nonrefundable)</b>	
(i) Reinstatement of a suspended master electrician or administrator's certificate (in addition to normal renewal fee)	\$47.30
(ii) Reinstatement of suspended journeyman, ((e)) specialty electrician, or training certificate (in addition to normal renewal fee)	\$22.40
<b>(g) Assignment/unassignment of master electrician/administrator designation (nonrefundable)</b>	
<b>(3) Certificate/license.</b>	
(a) Replacement for lost or damaged certificate/license. (Nonrefundable.)	\$15.40
(b) Optional display quality General Master Electrician certificate.	\$25.00
<b>(4) Continuing education/trainee courses or instructors. (Nonrefundable.)</b>	
(a) If the course or instructor review is performed by the electrical board or the department The course or instructor review	\$45.00
(b) If the course or instructor review is contracted out by the electrical board or the department	
(i) Continuing education course or instructor submittal and approval (per course or instructor)	As set in contract
(ii) Applicant's request for review, by the chief electrical inspector, of the contractor's denial	\$109.50
<b>(5) Copy fees. (Nonrefundable.)</b>	
<b>(a) Certified copy of each document (maximum charge per file):</b>	
(i) First page:	\$22.40
(ii) Each additional page:	\$2.00

(b) ((Replacement)) RCW/WAC printed document:	\$5.00
<b>(6) Refund processing fee. (Nonrefundable.)</b>	\$11.40
<b>(7) Training school program review fees. Initial training school program review fee. (Nonrefundable.)</b>	
(a) Initial training school program review fee submitted for approval. Valid for three years or until significant changes in program content or course length are implemented (see WAC 296-46B-971(4)).	\$516.00
(b) Renewal of training school program review fee submitted for renewal. Valid for 3 years or until significant changes in program content or course length are implemented (see WAC 296-46B-971(4)).	\$258.00

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 296-46B-005	Chapter 19.28 RCW rule references.
WAC 296-46B-020	General definitions.
WAC 296-46B-030	Industrial control panel and industrial utilization equipment inspection.
WAC 296-46B-040	Traffic management systems.

**WSR 06-18-078  
PROPOSED RULES  
DEPARTMENT OF  
LABOR AND INDUSTRIES  
[Filed September 5, 2006, 9:55 a.m.]**

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-13-083.

Title of Rule and Other Identifying Information: 2007 industrial insurance premium rates, chapter 296-17 WAC, General reporting rules, classifications, audit and record-keeping, rates and rating system for Washington workers' compensation insurance.

This rule proposal will amend the tables of classification base premium rates, experience rating plan rates and factors, and retrospective rating plan size groupings for the workers' compensation insurance program for calendar year 2007. New classification base rates were calculated based on updated loss and payroll experience resulting in an overall average 2% general rate decrease in the premium rates being proposed.

Proposal establishes premium rates for workers' compensation insurance classifications for calendar year 2007 and modifications to the related experience rating and retrospective rating plans: WAC 296-17-855 Experience modification, 296-17-875 Table I primary losses for selected claim values, 296-17-880 Table II primary and excess credibility values, 296-17-885 Table III expected loss rates and primary ratios, 296-17-890 Table IV maximum experience modifications, 296-17-895 Base rate table by class of industry, 296-

17-89502 Industrial insurance rates for nonhourly rated classifications, 296-17-90492 Table I retrospective rating plans A, A1, A2, A3 and B, standard premium size ranges, and 296-17-920 Assessment for supplemental pension fund.

Hearing Location(s): Yakima Service Office, Department of Labor and Industries, 15 West Yakima Avenue, Yakima, WA 98902, on October 19, 2006, at 1 p.m.; at the WestCoast Ridpath Hotel, 515 West Sprague Avenue, Spokane, WA 99201, on October 20, 2006, at 10 a.m.; at the Best Western CottonTree Inn, Fidalgo Room, 2300 Market Street, Mt. Vernon, WA 98273, on October 23, 2006, at 10 a.m.; and at the Department of Labor and Industries Building, Room S117-118, 7273 Linderson Way S.W., Olympia, WA 98504, on November 6, 2006, at 10 a.m.

Date of Intended Adoption: November 21, 2006.

Submit Written Comments to: Ronald Moore, Acting Program Manager, Employer Services, P.O. Box 44140, Olympia, WA 98504-4140, e-mail mooa235@lni.wa.gov, fax (360)902-4748, by November 6, 2006, at 5 p.m.

Assistance for Persons with Disabilities: Contact Office of Information and Assistance by October 18, 2006, TTY (360) 902-5797.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This rule proposal will amend the tables of classification base premium rates, experience rating plan rates and factors, and retrospective rating plan size groupings for the workers' compensation insurance program for calendar year 2007. New classification base rates were calculated based on updated loss and payroll experience resulting in an overall average 2% general rate decrease in the premium rates being proposed. The decrease was a result of a strong state economy, a good return on investments, and L&I's ability to control its health care costs. The B&W tables for experience rating were replaced with primary and excess credibility tables which will be easier for the customers to understand. The credibilities were changed so that the accuracy of the individual firm rates for medium to large firms will be increased and so that the change in experience factors will be reasonable for small changes to the loss experience for the smaller firms. This proposal specifically amends WAC 296-17-855, 296-17-875, 296-17-880, 296-17-885, 296-17-890, 296-17-895, 296-17-89502, 296-17-90492, and 296-17-920.

Reasons Supporting Proposal: Insurance base rates and experience rating tables are being modified to reflect changes in loss data associated with the classification and rating plan from the previous 2006 rating period. Washington law provides that rates should be adjusted annually to reflect the hazards of each industry and in accordance with the rating plan. Similarly the rating plan is revised to recognize changes within the industry groups.

Statutory Authority for Adoption: RCW 51.16.035 Base rates, 51.32.073 Supplemental pension, 51.08.010 Retrospective rating and 51.04.020(1) General authority.

Statute Being Implemented: RCW 51.16.035, 51.32.073, 51.18.010, and 51.04.020(1).

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

Name of Proponent: Department of labor and industries, governmental.

Name of Agency Personnel Responsible for Drafting: Bill Moomau, Tumwater, Washington, (360) 902-4774; Implementation: Ronald Moore, Tumwater, Washington, (360) 902-4748; and Enforcement: Robert Malooly, Tumwater, Washington, (360) 902-4209.

No small business economic impact statement has been prepared under chapter 19.85 RCW. In this rule making the agency is exempt from preparing a small business economic impact statement when the proposed rules set or adjust fees or rates pursuant to legislative standards. This exemption is described in RCW 34.05.310 (4)(f).

A cost-benefit analysis is not required under RCW 34.05.328. In this rule making, the agency is exempt from conducting a cost-benefit analysis since the proposed rules set or adjust fees or rates pursuant to legislative standards described in RCW 34.05.328 (5)(b)(vi).

September 5, 2006

Gary Weeks

Director

**AMENDATORY SECTION** (Amending WSR 05-23-162, filed 11/22/05, effective 1/1/06)

**WAC 296-17-855 Experience modification.** The basis of the experience modification shall be a comparison of the actual losses charged to an employer during the experience period with the expected losses (~~((which would be expected))~~) for an average employer reporting the same exposures in each classification. The comparison shall contain actuarial refinements designed to (~~((mitigate the effects of losses which may be considered catastrophic or of doubtful statistical significance))~~) weigh the extent to which the actual experience is credible, due consideration being given to the volume of the employer's experience. Except for those employers who qualify for an adjusted experience modification as specified in WAC 296-17-860 or 296-17-865, the experience modification factor shall be calculated from the formula:

$$((\text{MODIFICATION}) = \frac{A_p + W A_e + (1 - W) E_e + B}{E + B})$$

$$\text{EXPERIENCE MODIFICATION FACTOR} = \frac{(\text{Credible Actual Primary Loss} + \text{Credible Actual Excess Loss}) / \text{Expected Loss}}{\text{Expected Loss}}$$

Where

$$\text{Credible Actual Primary Loss} = \text{Actual Primary Loss} \times \text{Primary Credibility}$$

$$\pm \text{Expected Primary Loss} \times (100\% - \text{Primary Credibility})$$

$$\text{Credible Actual Excess Loss} = \text{Actual Excess Loss} \times \text{Excess Credibility}$$

$$\pm \text{Expected Excess Loss} \times (100\% - \text{Excess Credibility})$$

~~((The components  $A_p$ ,  $W A_e$ , and  $(1 - W) E_e$  are values which shall be charged against an employer's experience record. The component,  $E$ , shall be the expected value of these charges for an average employer reporting the same exposures in each classification.))~~ The meaning and function of each ~~((symbol))~~ term in the formula is specified below.

~~("Ap" signifies "primary actual losses.")~~ For each claim, the ~~actual~~ primary ~~((actual))~~ loss is ~~((defined as that portion of the claim which is considered completely rateable for all employers and which is to enter the experience modification calculation at its full value))~~ the first dollar portion of the claim costs, which has been shown in actuarial studies, to have the greater credibility in predicting future experience. These amounts are summed over all claims. For each claim in excess of ~~(((\$18,972))~~ \$19,560 the ~~actual~~ primary ~~((actual))~~ loss shall be determined from the formula:

$$\text{ACTUAL PRIMARY LOSS} = \frac{((47,430)) \ 48,900}{(\text{Total loss} + ((28,458)) \ 29,340)} \times \text{total loss}$$

~~((Primary actual losses for selected claim values are shown in Table I.))~~ For each claim, less than ~~(((\$18,972))~~ \$19,560 the full value of the claim shall be considered a primary loss.

~~("Ae" signifies "excess actual losses.")~~ For each claim, the excess actual loss is ~~((defined as that portion of the claim which is not considered completely rateable for all employers))~~ the remaining portion of the claim costs, which have been shown in actuarial studies to have less credibility in predicting future experience. The excess actual loss for each claim shall be determined by subtracting the primary loss from the total loss. These amounts are summed over all claims.

For any claim without disability benefits (time loss, partial permanent disability, total permanent disability or death) either actually paid or estimated to be paid, the total actual losses for calculating the primary loss and excess loss shall first be reduced by the lesser of \$1,510 or the total cost of the claim. Here are some examples for these claims:

<u>Total Loss</u>	<u>Total Loss (after deduction)</u>	<u>Primary Loss</u>	<u>Excess Loss</u>
200	=	=	=
2,000	490	490	=
20,000	18,490	18,490	=
200,000	198,490	42,603	155,887
2,000,000	487,490	46,124	441,366

**Note:** The deduction, \$1,510, is twice the average case incurred cost of these types of claims occurring during the three-year period used for experience rating. On average this results in reducing the average actual loss about seventy percent for these types of claims adjusted. This is done to help make the transition between the two different experience rating methods better by helping make the change in experience factor reasonable for small changes to the actual losses. The \$2,000,000 loss is limited by the Maximum Claim Value before the reduction of \$1,510 is applied.

~~("W" signifies "W value.")~~ For each employer, the ~~((W value))~~ primary credibility and the excess credibility determines the ~~((portion of))~~ percentage weight given to the corresponding actual primary losses and the actual excess losses ~~((which shall be))~~, included in the calculation of ~~((his))~~ the experience modification, ~~((due consideration being given to))~~ based on the volume of ~~((his experience))~~ expected losses. ~~((This amount is represented by the symbol "W Ae" in the~~

~~experience modification formula. W values))~~ Primary credibility and excess credibility values are set forth in Table II.

~~("E" signifies "expected losses.")~~ An employer's expected losses shall be determined by summing the expected loss for each of the three years of the experience period, which are calculated by multiplying ((his)) the reported exposure in each classification during the ~~((experience period))~~ year by the corresponding classification expected loss rate and rounding the result to the nearest cent. Classification expected loss rates by year are set forth in Table III.

~~("Ee" signifies "expected excess losses.")~~ Expected losses in each classification shall be multiplied by the classification ~~((D))~~ Primary-Ratio to obtain "expected primary losses~~((-))~~" which shall be rounded to the nearest cent. Expected excess losses shall then be calculated by subtracting expected primary losses from expected total losses rounded to the nearest cent. ~~((Each employer shall have a statistical charge included in the calculation of his experience modification, said charge to be actuarially equivalent to the amount forgiven an average employer because of the exclusion of a portion of his excess actual losses. This charge is represented by "(1-W) Ee" in the experience modification formula. D))~~ Primary-Ratios are also set forth in Table III.

~~("B" signifies "B value" or "ballast." In order to limit the effect of a single severe accident on the modification of a small employer, a stabilizing element (B value) shall be added to both actual and expected losses. B values are set forth in Table H.))~~

AMENDATORY SECTION (Amending WSR 05-23-162, filed 11/22/05, effective 1/1/06)

**WAC 296-17-880 Table II.**

~~("B" and "W" Values Effective January 1, 2006~~

Maximum Claim Value = \$ 474,300  
Average Death Value = \$ 208,747

<u>Expected Losses</u>	<u>B</u>	<u>W</u>
10,276 & Under	89,490	0.00
10,277 - 20,706	88,595	0.01
20,707 - 31,292	87,700	0.02
31,293 - 42,038	86,805	0.03
42,039 - 52,947	85,910	0.04
52,948 - 64,026	85,016	0.05
64,027 - 75,277	84,121	0.06
75,278 - 86,705	83,226	0.07
86,706 - 98,315	82,331	0.08
98,316 - 110,111	81,436	0.09
110,112 - 122,100	80,541	0.10
122,100 - 134,283	79,646	0.11
134,284 - 146,668	78,751	0.12
146,669 - 159,260	77,856	0.13

Expected Losses		B	W	Expected Losses		B	W		
159,261	-	172,064	76,961	0.14	1,163,433	-	1,200,394	34,901	0.61
172,065	-	185,088	76,067	0.15	1,200,395	-	1,238,520	34,006	0.62
185,089	-	198,336	75,172	0.16	1,238,521	-	1,277,866	33,111	0.63
198,337	-	211,815	74,277	0.17	1,277,867	-	1,318,493	32,216	0.64
211,816	-	225,532	73,382	0.18	1,318,494	-	1,360,467	31,322	0.65
225,533	-	239,493	72,487	0.19	1,360,468	-	1,403,859	30,427	0.66
239,494	-	253,705	71,592	0.20	1,403,860	-	1,448,741	29,532	0.67
253,706	-	268,175	70,697	0.21	1,448,742	-	1,495,194	28,637	0.68
268,176	-	282,912	69,802	0.22	1,495,195	-	1,543,304	27,742	0.69
282,913	-	297,923	68,907	0.23	1,543,305	-	1,593,163	26,847	0.70
297,924	-	313,215	68,012	0.24	1,593,164	-	1,644,869	25,952	0.71
313,216	-	328,799	67,118	0.25	1,644,870	-	1,698,530	25,057	0.72
328,800	-	344,683	66,223	0.26	1,698,531	-	1,754,260	24,162	0.73
344,684	-	360,876	65,328	0.27	1,754,261	-	1,812,182	23,267	0.74
360,877	-	377,388	64,433	0.28	1,812,183	-	1,872,433	22,373	0.75
377,389	-	394,228	63,538	0.29	1,872,434	-	1,935,157	21,478	0.76
394,229	-	411,408	62,643	0.30	1,935,158	-	2,000,513	20,583	0.77
411,409	-	428,938	61,748	0.31	2,000,514	-	2,068,670	19,688	0.78
428,939	-	446,829	60,853	0.32	2,068,671	-	2,139,818	18,793	0.79
446,830	-	465,095	59,958	0.33	2,139,819	-	2,214,158	17,898	0.80
465,096	-	483,745	59,063	0.34	2,214,159	-	2,291,915	17,003	0.81
483,746	-	502,795	58,169	0.35	2,291,916	-	2,373,332	16,108	0.82
502,796	-	522,257	57,274	0.36	2,373,333	-	2,458,676	15,213	0.83
522,258	-	542,147	56,379	0.37	2,458,677	-	2,548,242	14,318	0.84
542,148	-	562,478	55,484	0.38	2,548,243	-	2,642,357	13,424	0.85
562,479	-	583,267	54,589	0.39	2,642,358	-	2,741,377	12,529	0.86
583,268	-	604,529	53,694	0.40	2,741,378	-	2,845,702	11,634	0.87
604,530	-	626,282	52,799	0.41	2,845,703	-	2,955,773	10,739	0.88
626,283	-	648,544	51,904	0.42	2,955,774	-	3,072,082	9,844	0.89
648,545	-	671,333	51,009	0.43	3,072,083	-	3,195,181	8,949	0.90
671,334	-	694,669	50,114	0.44	3,195,182	-	3,325,685	8,054	0.91
694,670	-	718,574	49,220	0.45	3,325,686	-	3,464,291	7,159	0.92
718,575	-	743,069	48,325	0.46	3,464,292	-	3,611,781	6,264	0.93
743,070	-	768,176	47,430	0.47	3,611,782	-	3,769,044	5,369	0.94
768,177	-	793,921	46,535	0.48	3,769,045	-	3,937,090	4,474	0.95
793,922	-	820,329	45,640	0.49	3,937,091	-	4,117,076	3,580	0.96
820,330	-	847,426	44,745	0.50	4,117,077	-	4,310,328	2,685	0.97
847,427	-	875,241	43,850	0.51	4,310,329	-	4,518,378	1,790	0.98
875,242	-	903,804	42,955	0.52	4,518,379	-	4,742,999	895	0.99
903,805	-	933,146	42,060	0.53	4,743,000 & Over		0	1.00))	
933,147	-	963,300	41,165	0.54					
963,301	-	994,303	40,271	0.55					
994,304	-	1,026,192	39,376	0.56					
1,026,193	-	1,059,006	38,481	0.57					
1,059,007	-	1,092,787	37,586	0.58					
1,092,788	-	1,127,580	36,691	0.59					
1,127,581	-	1,163,432	35,796	0.60					

**PRIMARY AND EXCESS CREDIBILITY VALUES**

**Effective January 1, 2007**

				<u>Expected Losses</u>		<u>Primary</u>	<u>Excess</u>	
						<u>Credibility</u>	<u>Credibility</u>	
<u>Maximum Claim Value = \$ 489,000</u>				<u>37,647</u>	=	<u>37,807</u>	<u>54%</u>	<u>7%</u>
<u>Average Death Value = \$ 191,760</u>				<u>37,808</u>	=	<u>39,466</u>	<u>54%</u>	<u>8%</u>
	<u>Expected Losses</u>	<u>Primary</u>	<u>Excess</u>	<u>39,467</u>	=	<u>41,687</u>	<u>55%</u>	<u>8%</u>
		<u>Credibility</u>	<u>Credibility</u>	<u>41,688</u>	=	<u>63,092</u>	<u>56%</u>	<u>8%</u>
<u>1</u>	=	<u>7,127</u>	<u>12%</u>	<u>63,093</u>	=	<u>69,540</u>	<u>57%</u>	<u>8%</u>
<u>7,128</u>	=	<u>7,607</u>	<u>13%</u>	<u>69,541</u>	=	<u>99,328</u>	<u>57%</u>	<u>9%</u>
<u>7,608</u>	=	<u>8,094</u>	<u>14%</u>	<u>99,329</u>	=	<u>102,306</u>	<u>57%</u>	<u>10%</u>
<u>8,095</u>	=	<u>8,586</u>	<u>15%</u>	<u>102,307</u>	=	<u>129,299</u>	<u>58%</u>	<u>10%</u>
<u>8,587</u>	=	<u>9,083</u>	<u>16%</u>	<u>129,300</u>	=	<u>141,520</u>	<u>58%</u>	<u>11%</u>
<u>9,084</u>	=	<u>9,588</u>	<u>17%</u>	<u>141,521</u>	=	<u>159,457</u>	<u>59%</u>	<u>11%</u>
<u>9,589</u>	=	<u>10,098</u>	<u>18%</u>	<u>159,458</u>	=	<u>180,732</u>	<u>59%</u>	<u>12%</u>
<u>10,099</u>	=	<u>10,615</u>	<u>19%</u>	<u>180,733</u>	=	<u>189,799</u>	<u>60%</u>	<u>12%</u>
<u>10,616</u>	=	<u>11,139</u>	<u>20%</u>	<u>189,800</u>	=	<u>219,946</u>	<u>60%</u>	<u>13%</u>
<u>11,140</u>	=	<u>11,670</u>	<u>21%</u>	<u>219,947</u>	=	<u>220,331</u>	<u>61%</u>	<u>13%</u>
<u>11,671</u>	=	<u>12,209</u>	<u>22%</u>	<u>220,332</u>	=	<u>251,053</u>	<u>61%</u>	<u>14%</u>
<u>12,210</u>	=	<u>12,755</u>	<u>23%</u>	<u>251,054</u>	=	<u>259,160</u>	<u>61%</u>	<u>15%</u>
<u>12,756</u>	=	<u>13,310</u>	<u>24%</u>	<u>259,161</u>	=	<u>281,968</u>	<u>62%</u>	<u>15%</u>
<u>13,311</u>	=	<u>13,874</u>	<u>25%</u>	<u>281,969</u>	=	<u>298,373</u>	<u>62%</u>	<u>16%</u>
<u>13,875</u>	=	<u>14,446</u>	<u>26%</u>	<u>298,374</u>	=	<u>313,077</u>	<u>63%</u>	<u>16%</u>
<u>14,447</u>	=	<u>15,027</u>	<u>27%</u>	<u>313,078</u>	=	<u>337,587</u>	<u>63%</u>	<u>17%</u>
<u>15,028</u>	=	<u>15,619</u>	<u>28%</u>	<u>337,588</u>	=	<u>344,381</u>	<u>64%</u>	<u>17%</u>
<u>15,620</u>	=	<u>16,221</u>	<u>29%</u>	<u>344,382</u>	=	<u>375,882</u>	<u>64%</u>	<u>18%</u>
<u>16,222</u>	=	<u>16,834</u>	<u>30%</u>	<u>375,883</u>	=	<u>376,800</u>	<u>64%</u>	<u>19%</u>
<u>16,835</u>	=	<u>17,459</u>	<u>31%</u>	<u>376,801</u>	=	<u>407,584</u>	<u>65%</u>	<u>19%</u>
<u>17,460</u>	=	<u>18,096</u>	<u>32%</u>	<u>407,585</u>	=	<u>416,013</u>	<u>65%</u>	<u>20%</u>
<u>18,097</u>	=	<u>18,746</u>	<u>33%</u>	<u>416,014</u>	=	<u>439,487</u>	<u>66%</u>	<u>20%</u>
<u>18,747</u>	=	<u>19,410</u>	<u>34%</u>	<u>439,488</u>	=	<u>455,227</u>	<u>66%</u>	<u>21%</u>
<u>19,411</u>	=	<u>20,088</u>	<u>35%</u>	<u>455,228</u>	=	<u>471,593</u>	<u>67%</u>	<u>21%</u>
<u>20,089</u>	=	<u>20,783</u>	<u>36%</u>	<u>471,594</u>	=	<u>494,441</u>	<u>67%</u>	<u>22%</u>
<u>20,784</u>	=	<u>21,495</u>	<u>37%</u>	<u>494,442</u>	=	<u>503,904</u>	<u>68%</u>	<u>22%</u>
<u>21,496</u>	=	<u>22,226</u>	<u>38%</u>	<u>503,905</u>	=	<u>533,654</u>	<u>68%</u>	<u>23%</u>
<u>22,227</u>	=	<u>22,976</u>	<u>39%</u>	<u>533,655</u>	=	<u>536,422</u>	<u>69%</u>	<u>23%</u>
<u>22,977</u>	=	<u>23,748</u>	<u>40%</u>	<u>536,423</u>	=	<u>569,150</u>	<u>69%</u>	<u>24%</u>
<u>23,749</u>	=	<u>24,543</u>	<u>41%</u>	<u>569,151</u>	=	<u>572,867</u>	<u>69%</u>	<u>25%</u>
<u>24,544</u>	=	<u>25,365</u>	<u>42%</u>	<u>572,868</u>	=	<u>602,089</u>	<u>70%</u>	<u>25%</u>
<u>25,366</u>	=	<u>26,215</u>	<u>43%</u>	<u>602,090</u>	=	<u>612,081</u>	<u>70%</u>	<u>26%</u>
<u>26,216</u>	=	<u>27,097</u>	<u>44%</u>	<u>612,082</u>	=	<u>635,241</u>	<u>71%</u>	<u>26%</u>
<u>27,098</u>	=	<u>28,015</u>	<u>45%</u>	<u>635,242</u>	=	<u>651,295</u>	<u>71%</u>	<u>27%</u>
<u>28,016</u>	=	<u>28,973</u>	<u>46%</u>	<u>651,296</u>	=	<u>668,609</u>	<u>72%</u>	<u>27%</u>
<u>28,974</u>	=	<u>29,978</u>	<u>47%</u>	<u>668,610</u>	=	<u>690,508</u>	<u>72%</u>	<u>28%</u>
<u>29,979</u>	=	<u>31,036</u>	<u>48%</u>	<u>690,509</u>	=	<u>702,194</u>	<u>73%</u>	<u>28%</u>
<u>31,037</u>	=	<u>32,158</u>	<u>49%</u>	<u>702,195</u>	=	<u>729,722</u>	<u>73%</u>	<u>29%</u>
<u>32,159</u>	=	<u>33,357</u>	<u>50%</u>	<u>729,723</u>	=	<u>735,998</u>	<u>74%</u>	<u>29%</u>
<u>33,358</u>	=	<u>34,650</u>	<u>51%</u>	<u>735,999</u>	=	<u>768,935</u>	<u>74%</u>	<u>30%</u>
<u>34,651</u>	=	<u>36,066</u>	<u>52%</u>	<u>768,936</u>	=	<u>770,025</u>	<u>75%</u>	<u>30%</u>
<u>36,067</u>	=	<u>37,646</u>	<u>53%</u>	<u>770,026</u>	=	<u>804,276</u>	<u>75%</u>	<u>31%</u>

Expected Losses		Primary Credibility	Excess Credibility	Expected Losses		Primary Credibility	Excess Credibility
<u>804,277</u>	=	<u>808,148</u>	<u>75%</u>	<u>32%</u>	<u>1,670,846</u>	=	<u>1,699,729</u> <u>98%</u> <u>55%</u>
<u>808,149</u>	=	<u>838,753</u>	<u>76%</u>	<u>32%</u>	<u>1,699,730</u>	=	<u>1,710,058</u> <u>98%</u> <u>56%</u>
<u>838,754</u>	=	<u>847,362</u>	<u>76%</u>	<u>33%</u>	<u>1,710,059</u>	=	<u>1,740,385</u> <u>99%</u> <u>56%</u>
<u>847,363</u>	=	<u>873,458</u>	<u>77%</u>	<u>33%</u>	<u>1,740,386</u>	=	<u>1,749,272</u> <u>99%</u> <u>57%</u>
<u>873,459</u>	=	<u>886,576</u>	<u>77%</u>	<u>34%</u>	<u>1,749,273</u>	=	<u>1,781,334</u> <u>100%</u> <u>57%</u>
<u>886,577</u>	=	<u>908,394</u>	<u>78%</u>	<u>34%</u>	<u>1,781,335</u>	=	<u>1,822,578</u> <u>100%</u> <u>58%</u>
<u>908,395</u>	=	<u>925,789</u>	<u>78%</u>	<u>35%</u>	<u>1,822,579</u>	=	<u>1,864,121</u> <u>100%</u> <u>59%</u>
<u>925,790</u>	=	<u>943,563</u>	<u>79%</u>	<u>35%</u>	<u>1,864,122</u>	=	<u>1,905,967</u> <u>100%</u> <u>60%</u>
<u>943,564</u>	=	<u>965,002</u>	<u>79%</u>	<u>36%</u>	<u>1,905,968</u>	=	<u>1,948,118</u> <u>100%</u> <u>61%</u>
<u>965,003</u>	=	<u>978,967</u>	<u>80%</u>	<u>36%</u>	<u>1,948,119</u>	=	<u>1,990,579</u> <u>100%</u> <u>62%</u>
<u>978,968</u>	=	<u>1,004,216</u>	<u>80%</u>	<u>37%</u>	<u>1,990,580</u>	=	<u>2,033,351</u> <u>100%</u> <u>63%</u>
<u>1,004,217</u>	=	<u>1,014,609</u>	<u>81%</u>	<u>37%</u>	<u>2,033,352</u>	=	<u>2,076,439</u> <u>100%</u> <u>64%</u>
<u>1,014,610</u>	=	<u>1,043,429</u>	<u>81%</u>	<u>38%</u>	<u>2,076,440</u>	=	<u>2,119,847</u> <u>100%</u> <u>65%</u>
<u>1,043,430</u>	=	<u>1,050,491</u>	<u>82%</u>	<u>38%</u>	<u>2,119,848</u>	=	<u>2,163,579</u> <u>100%</u> <u>66%</u>
<u>1,050,492</u>	=	<u>1,082,643</u>	<u>82%</u>	<u>39%</u>	<u>2,163,580</u>	=	<u>2,207,637</u> <u>100%</u> <u>67%</u>
<u>1,082,644</u>	=	<u>1,086,617</u>	<u>83%</u>	<u>39%</u>	<u>2,207,638</u>	=	<u>2,252,024</u> <u>100%</u> <u>68%</u>
<u>1,086,618</u>	=	<u>1,121,857</u>	<u>83%</u>	<u>40%</u>	<u>2,252,025</u>	=	<u>2,296,746</u> <u>100%</u> <u>69%</u>
<u>1,121,858</u>	=	<u>1,122,987</u>	<u>84%</u>	<u>40%</u>	<u>2,296,747</u>	=	<u>2,341,805</u> <u>100%</u> <u>70%</u>
<u>1,122,988</u>	=	<u>1,159,604</u>	<u>84%</u>	<u>41%</u>	<u>2,341,806</u>	=	<u>2,387,206</u> <u>100%</u> <u>71%</u>
<u>1,159,605</u>	=	<u>1,161,069</u>	<u>84%</u>	<u>42%</u>	<u>2,387,207</u>	=	<u>2,432,953</u> <u>100%</u> <u>72%</u>
<u>1,161,070</u>	=	<u>1,196,471</u>	<u>85%</u>	<u>42%</u>	<u>2,432,954</u>	=	<u>2,479,048</u> <u>100%</u> <u>73%</u>
<u>1,196,472</u>	=	<u>1,200,283</u>	<u>85%</u>	<u>43%</u>	<u>2,479,049</u>	=	<u>2,525,498</u> <u>100%</u> <u>74%</u>
<u>1,200,284</u>	=	<u>1,233,592</u>	<u>86%</u>	<u>43%</u>	<u>2,525,499</u>	=	<u>2,572,305</u> <u>100%</u> <u>75%</u>
<u>1,233,593</u>	=	<u>1,239,497</u>	<u>86%</u>	<u>44%</u>	<u>2,572,306</u>	=	<u>2,619,473</u> <u>100%</u> <u>76%</u>
<u>1,239,498</u>	=	<u>1,270,967</u>	<u>87%</u>	<u>44%</u>	<u>2,619,474</u>	=	<u>2,667,008</u> <u>100%</u> <u>77%</u>
<u>1,270,968</u>	=	<u>1,278,711</u>	<u>87%</u>	<u>45%</u>	<u>2,667,009</u>	=	<u>2,714,913</u> <u>100%</u> <u>78%</u>
<u>1,278,712</u>	=	<u>1,308,601</u>	<u>88%</u>	<u>45%</u>	<u>2,714,914</u>	=	<u>2,763,192</u> <u>100%</u> <u>79%</u>
<u>1,308,602</u>	=	<u>1,317,923</u>	<u>88%</u>	<u>46%</u>	<u>2,763,193</u>	=	<u>2,811,850</u> <u>100%</u> <u>80%</u>
<u>1,317,924</u>	=	<u>1,346,495</u>	<u>89%</u>	<u>46%</u>	<u>2,811,851</u>	=	<u>2,860,892</u> <u>100%</u> <u>81%</u>
<u>1,346,496</u>	=	<u>1,357,137</u>	<u>89%</u>	<u>47%</u>	<u>2,860,893</u>	=	<u>2,910,321</u> <u>100%</u> <u>82%</u>
<u>1,357,138</u>	=	<u>1,384,652</u>	<u>90%</u>	<u>47%</u>	<u>2,910,322</u>	=	<u>2,960,143</u> <u>100%</u> <u>83%</u>
<u>1,384,653</u>	=	<u>1,396,351</u>	<u>90%</u>	<u>48%</u>	<u>2,960,144</u>	=	<u>3,010,362</u> <u>100%</u> <u>84%</u>
<u>1,396,352</u>	=	<u>1,423,076</u>	<u>91%</u>	<u>48%</u>	<u>3,010,363</u>	=	<u>3,060,983</u> <u>100%</u> <u>85%</u>
<u>1,423,077</u>	=	<u>1,435,564</u>	<u>91%</u>	<u>49%</u>	<u>3,060,984</u>	=	<u>99,999,999</u> <u>100%</u> <u>86%</u>
<u>1,435,565</u>	=	<u>1,461,768</u>	<u>92%</u>	<u>49%</u>			
<u>1,461,769</u>	=	<u>1,474,778</u>	<u>92%</u>	<u>50%</u>			
<u>1,474,779</u>	=	<u>1,500,732</u>	<u>93%</u>	<u>50%</u>			
<u>1,500,733</u>	=	<u>1,513,991</u>	<u>93%</u>	<u>51%</u>			
<u>1,513,992</u>	=	<u>1,539,971</u>	<u>94%</u>	<u>51%</u>			
<u>1,539,972</u>	=	<u>1,553,204</u>	<u>94%</u>	<u>52%</u>			
<u>1,553,205</u>	=	<u>1,579,487</u>	<u>95%</u>	<u>52%</u>			
<u>1,579,488</u>	=	<u>1,592,418</u>	<u>95%</u>	<u>53%</u>			
<u>1,592,419</u>	=	<u>1,619,283</u>	<u>96%</u>	<u>53%</u>			
<u>1,619,284</u>	=	<u>1,631,632</u>	<u>96%</u>	<u>54%</u>			
<u>1,631,633</u>	=	<u>1,659,362</u>	<u>97%</u>	<u>54%</u>			
<u>1,659,363</u>	=	<u>1,670,845</u>	<u>97%</u>	<u>55%</u>			

AMENDATORY SECTION (Amending WSR 05-23-162, filed 11/22/05, effective 1/1/06)

**WAC 296-17-885 Table III.**

**Expected Loss Rates and ((D-)) Primary Ratios for Indicated Fiscal Year  
Expected Loss Rates in Dollars Per Worker Hour Effective January 1, ((2006)) 2007**

((Class	2002	2003	2004	D-Ratio
0101	1.4847	1.2443	1.1432	0.460
0103	1.8524	1.5387	1.4188	0.484
0104	1.0684	0.8932	0.8219	0.468



((Class	2002	2003	2004	D-Ratio	((Class	2002	2003	2004	D-Ratio
0105	1.5795	1.2956	1.2082	0.531	1301	0.7680	0.6079	0.5675	0.633
0107	1.3744	1.1518	1.0583	0.460	1303	0.2567	0.2047	0.1933	0.612
0108	1.0684	0.8932	0.8219	0.468	1304	0.0317	0.0254	0.0241	0.590
0112	0.8720	0.7273	0.6739	0.487	1305	0.4671	0.3757	0.3545	0.591
0201	2.6438	2.2267	2.0258	0.430	1401	0.5568	0.4696	0.4408	0.466
0202	3.4469	2.9526	2.7120	0.406	1404	0.8355	0.6812	0.6427	0.560
0210	1.3464	1.1396	1.0401	0.426	1405	0.6330	0.5048	0.4776	0.619
0212	1.4263	1.1989	1.1004	0.454	1407	0.7485	0.6117	0.5778	0.556
0214	1.4435	1.2020	1.1010	0.473	1501	0.6561	0.5333	0.4994	0.558
0217	1.2482	1.0359	0.9545	0.489	1507	0.5838	0.4750	0.4448	0.558
0219	1.0487	0.8818	0.8211	0.473	1701	1.0285	0.8600	0.7975	0.480
0301	0.6809	0.5554	0.5224	0.549	1702	2.2744	1.9440	1.7625	0.390
0302	2.0714	1.7360	1.5801	0.450	1703	0.9667	0.8129	0.7348	0.432
0303	2.0469	1.7232	1.5683	0.437	1704	1.0285	0.8600	0.7975	0.480
0306	1.1351	0.9407	0.8619	0.482	1801	0.6153	0.5176	0.4806	0.454
0307	1.0403	0.8573	0.7940	0.509	1802	0.7814	0.6404	0.5967	0.541
0308	0.6220	0.5022	0.4764	0.590	2002	0.8347	0.6798	0.6431	0.561
0403	1.9600	1.5840	1.4897	0.578	2004	1.0728	0.8686	0.8178	0.571
0502	1.6752	1.3977	1.2772	0.463	2007	0.5126	0.4187	0.3935	0.548
0504	1.5285	1.2855	1.1886	0.462	2008	0.3693	0.3058	0.2860	0.503
0507	3.2625	2.7330	2.5340	0.474	2009	0.4654	0.3757	0.3580	0.585
0508	2.1299	1.8060	1.6381	0.411	2101	0.7774	0.6402	0.6025	0.534
0509	1.6940	1.4102	1.2887	0.463	2102	0.6673	0.5378	0.5097	0.588
0510	1.7290	1.4328	1.3302	0.502	2104	0.4186	0.3368	0.3225	0.598
0511	1.8432	1.5264	1.4052	0.492	2105	0.6932	0.5516	0.5219	0.618
0512	1.6373	1.3641	1.2501	0.470	2106	0.4980	0.4052	0.3837	0.572
0513	0.9899	0.8228	0.7576	0.482	2201	0.2912	0.2378	0.2247	0.557
0514	2.0915	1.7337	1.6037	0.498	2202	0.8161	0.6615	0.6212	0.567
0516	1.8178	1.5205	1.3996	0.467	2203	0.5741	0.4605	0.4384	0.603
0517	1.8986	1.5988	1.4798	0.457	2204	0.2912	0.2378	0.2247	0.557
0518	1.7410	1.4574	1.3344	0.454	2401	0.5623	0.4564	0.4289	0.564
0519	2.4161	2.0474	1.8755	0.428	2903	0.7832	0.6329	0.5998	0.581
0521	0.6270	0.5240	0.4874	0.483	2904	0.8704	0.7181	0.6749	0.515
0601	0.7389	0.6088	0.5635	0.505	2905	0.6640	0.5367	0.5110	0.584
0602	0.8651	0.7028	0.6513	0.549	2906	0.3954	0.3194	0.3010	0.573
0603	1.1278	0.9442	0.8596	0.446	2907	0.6286	0.5051	0.4800	0.599
0604	1.1036	0.9073	0.8533	0.532	2908	1.1697	0.9675	0.9001	0.510
0606	0.6090	0.4915	0.4638	0.581	2909	0.4621	0.3734	0.3542	0.582
0607	0.5578	0.4512	0.4237	0.569	3101	1.0997	0.9233	0.8527	0.461
0608	0.4431	0.3657	0.3406	0.513	3102	0.3342	0.2679	0.2536	0.593
0701	2.2002	1.8733	1.6726	0.373	3103	0.6460	0.5331	0.5001	0.525
0803	0.5562	0.4459	0.4202	0.593	3104	0.6674	0.5509	0.5119	0.508
0901	1.7410	1.4574	1.3344	0.454	3105	0.8809	0.7130	0.6728	0.570
1002	1.1105	0.9228	0.8636	0.506	3303	0.5092	0.4098	0.3871	0.591
1003	0.9129	0.7577	0.7064	0.500	3304	0.5720	0.4592	0.4389	0.603
1004	0.5763	0.4700	0.4373	0.546	3309	0.5043	0.4102	0.3860	0.553
1005	8.9312	7.5026	6.9194	0.473	3402	0.6170	0.5045	0.4733	0.539
1007	0.4313	0.3555	0.3299	0.509	3403	0.2368	0.1937	0.1815	0.527
1101	0.7970	0.6491	0.6096	0.555	3404	0.5855	0.4734	0.4475	0.576
1102	1.4917	1.2375	1.1429	0.496	3405	0.3723	0.3038	0.2854	0.546
1103	1.3294	1.1226	1.0479	0.467	3406	0.2540	0.2020	0.1931	0.622
1104	0.6232	0.5098	0.4834	0.554	3407	0.7797	0.6457	0.6030	0.508
1105	1.0534	0.8796	0.8186	0.483	3408	0.2032	0.1614	0.1530	0.635
1106	0.4027	0.3288	0.3129	0.555	3409	0.2113	0.1642	0.1581	0.685
1108	0.7364	0.5951	0.5601	0.573	3410	0.3271	0.2635	0.2513	0.595
1109	1.6163	1.3290	1.2500	0.538	3411	0.5584	0.4578	0.4274	0.531

((Class	2002	2003	2004	D-Ratio	((Class	2002	2003	2004	D-Ratio
3412	0.6572	0.5462	0.5044	0.484	4901	0.0919	0.0754	0.0704	0.521
3414	0.6396	0.5186	0.4852	0.559	4902	0.1177	0.0935	0.0886	0.623
3415	0.8862	0.7449	0.6916	0.459	4903	0.1757	0.1378	0.1305	0.658
3501	1.1999	0.9879	0.9272	0.534	4904	0.0374	0.0299	0.0284	0.601
3503	0.3753	0.3019	0.2907	0.605	4905	0.4089	0.3286	0.3151	0.607
3506	1.2438	1.0331	0.9430	0.469	4906	0.1157	0.0926	0.0875	0.603
3509	0.4913	0.3878	0.3712	0.643	4907	0.0599	0.0486	0.0460	0.566
3510	0.4383	0.3517	0.3328	0.593	4908	0.1641	0.1285	0.1266	0.659
3511	0.8393	0.6867	0.6461	0.545	4909	0.0725	0.0578	0.0567	0.617
3512	0.4132	0.3299	0.3147	0.606	4910	0.5261	0.4313	0.4056	0.538
3513	0.5362	0.4553	0.4286	0.452	5001	5.3608	4.5191	4.1290	0.443
3602	0.1494	0.1182	0.1127	0.629	5002	0.6924	0.5570	0.5236	0.588
3603	0.5418	0.4414	0.4161	0.554	5003	2.1101	1.7860	1.6330	0.435
3604	0.9344	0.7759	0.7300	0.499	5004	1.0586	0.8780	0.8237	0.508
3605	0.6028	0.4894	0.4584	0.563	5005	0.6429	0.5392	0.4980	0.467
3701	0.3342	0.2679	0.2536	0.593	5006	1.7908	1.5327	1.3997	0.399
3702	0.5396	0.4308	0.4082	0.605	5101	1.0732	0.8602	0.8113	0.596
3708	0.7476	0.6104	0.5712	0.545	5103	0.8988	0.7191	0.6853	0.606
3802	0.2187	0.1742	0.1657	0.623	5106	0.8988	0.7191	0.6853	0.606
3808	0.4930	0.4055	0.3774	0.519	5108	1.0860	0.8621	0.8190	0.622
3901	0.2047	0.1623	0.1562	0.634	5109	0.7087	0.5774	0.5403	0.545
3902	0.6023	0.4908	0.4641	0.558	5201	0.5048	0.4070	0.3823	0.571
3903	1.2941	1.0600	1.0089	0.551	5204	1.0660	0.8881	0.8279	0.484
3905	0.1954	0.1556	0.1496	0.621	5206	0.4615	0.3789	0.3523	0.522
3906	0.5770	0.4700	0.4455	0.565	5207	0.2171	0.1709	0.1650	0.649
3909	0.3220	0.2536	0.2432	0.650	5208	1.0014	0.8278	0.7764	0.516
4002	1.5699	1.2733	1.1816	0.560	5209	0.8788	0.7265	0.6782	0.509
4101	0.3293	0.2681	0.2518	0.551	5301	0.0395	0.0312	0.0299	0.634
4103	0.5175	0.4090	0.3940	0.643	5302	0.0251	0.0203	0.0192	0.568
4107	0.1967	0.1595	0.1507	0.570	5305	0.0661	0.0518	0.0499	0.660
4108	0.1712	0.1390	0.1314	0.556	5306	0.0750	0.0594	0.0567	0.627
4109	0.2468	0.2020	0.1898	0.539	5307	0.5942	0.4783	0.4490	0.585
4201	0.7668	0.6209	0.5753	0.561	6103	0.1021	0.0801	0.0775	0.658
4301	0.7931	0.6332	0.6019	0.614	6104	0.4446	0.3577	0.3411	0.599
4302	0.7589	0.6128	0.5784	0.581	6105	0.3932	0.3212	0.3013	0.543
4304	1.1651	0.9555	0.9029	0.548	6107	0.1728	0.1368	0.1316	0.618
4305	1.3713	1.1131	1.0302	0.550	6108	0.5147	0.4099	0.3936	0.623
4401	0.4581	0.3812	0.3584	0.497	6109	0.1098	0.0884	0.0835	0.583
4402	0.9894	0.7892	0.7507	0.610	6110	0.6838	0.5516	0.5215	0.585
4404	0.6502	0.5199	0.4946	0.612	6201	0.3780	0.3133	0.2906	0.485
4501	0.2325	0.1833	0.1756	0.647	6202	0.7585	0.6247	0.5903	0.533
4502	0.0495	0.0402	0.0383	0.568	6203	0.1273	0.0985	0.0961	0.691
4504	0.1415	0.1105	0.1068	0.663	6204	0.1599	0.1273	0.1215	0.604
4601	0.8454	0.6926	0.6528	0.549	6205	0.2967	0.2391	0.2276	0.590
4802	0.3326	0.2741	0.2590	0.530	6206	0.2690	0.2158	0.2048	0.594
4803	0.3178	0.2569	0.2464	0.590	6207	1.2483	1.0339	0.9902	0.528
4804	0.6370	0.5098	0.4838	0.609	6208	0.2935	0.2361	0.2269	0.598
4805	0.3489	0.2815	0.2685	0.589	6209	0.3657	0.2944	0.2811	0.594
4806	0.0677	0.0550	0.0521	0.560	6301	0.1435	0.1195	0.1103	0.473
4808	0.5594	0.4598	0.4326	0.533	6302	0.1954	0.1599	0.1515	0.544
4809	0.4508	0.3631	0.3459	0.594	6303	0.0809	0.0660	0.0624	0.551
4810	0.1737	0.1391	0.1335	0.612	6304	0.4869	0.3927	0.3767	0.601
4811	0.3189	0.2565	0.2450	0.590	6305	0.1210	0.0967	0.0930	0.618
4812	0.4699	0.3754	0.3569	0.608	6306	0.3936	0.3166	0.2998	0.591
4813	0.1915	0.1563	0.1490	0.562	6308	0.0746	0.0599	0.0567	0.597
4900	0.3838	0.3213	0.2960	0.464	6309	0.2147	0.1716	0.1640	0.611

((Class	2002	2003	2004	D-Ratio	((Class	2002	2003	2004	D-Ratio
6402	0.3559	0.2802	0.2686	0.651	7109	0.1575	0.1252	0.1198	0.629
6403	0.1951	0.1565	0.1498	0.603	7110	0.3927	0.3250	0.3023	0.508
6404	0.2577	0.2066	0.1971	0.607	7111	0.4408	0.3639	0.3391	0.518
6405	0.7024	0.5727	0.5365	0.544	7112	0.7449	0.6029	0.5708	0.571
6406	0.1365	0.1082	0.1038	0.634	7113	0.4383	0.3537	0.3386	0.588
6407	0.3279	0.2641	0.2509	0.591	7114	0.6840	0.5416	0.5207	0.641
6408	0.4588	0.3657	0.3455	0.600	7115	0.6922	0.5518	0.5283	0.618
6409	1.0220	0.8442	0.7825	0.503	7116	0.8052	0.6511	0.6187	0.591
6410	0.3358	0.2724	0.2568	0.556	7117	1.7991	1.4335	1.3622	0.615
6501	0.2034	0.1613	0.1538	0.637	7118	1.5548	1.2448	1.1848	0.606
6502	0.0490	0.0393	0.0374	0.601	7119	1.5223	1.2285	1.1602	0.585
6503	0.0863	0.0701	0.0650	0.546	7120	7.0870	5.8015	5.4564	0.542
6504	0.4922	0.3905	0.3756	0.629	7121	6.6433	5.4387	5.1167	0.542
6505	0.1312	0.1044	0.1006	0.624	7122	0.6840	0.5416	0.5207	0.641
6506	0.1286	0.1015	0.0975	0.636	7201	1.4688	1.1870	1.1071	0.576
6508	0.3735	0.2998	0.2874	0.608	7202	0.0438	0.0357	0.0332	0.541
6509	0.4459	0.3590	0.3434	0.598	7203	0.1548	0.1241	0.1199	0.607
6510	0.5409	0.4567	0.4215	0.451	7204	0.0000	0.0000	0.0000	1.000
6511	0.3805	0.3049	0.2918	0.610	7301	0.5754	0.4762	0.4498	0.524
6601	0.2286	0.1845	0.1759	0.592	7302	1.1130	0.9195	0.8693	0.533
6602	0.5102	0.4137	0.3924	0.576	7307	0.5899	0.4824	0.4589	0.564
6603	0.3874	0.3132	0.2948	0.576	7308	0.3585	0.2850	0.2758	0.631
6604	0.0993	0.0792	0.0754	0.620	7309	0.3288	0.2624	0.2526	0.625))
6605	0.3764	0.2993	0.2883	0.623					
6607	0.2045	0.1661	0.1571	0.569					
6608	0.6192	0.5175	0.4713	0.447	<b>Class</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>Primary</b>
6620	5.4294	4.2046	3.9961	0.691	<u>0101</u>	<u>1.3002</u>	<u>1.1927</u>	<u>0.9948</u>	<u>0.444</u>
6704	0.2007	0.1595	0.1513	0.624	<u>0103</u>	<u>1.6586</u>	<u>1.5221</u>	<u>1.2671</u>	<u>0.466</u>
6705	1.0391	0.8299	0.8028	0.617	<u>0104</u>	<u>0.9361</u>	<u>0.8592</u>	<u>0.7154</u>	<u>0.466</u>
6706	0.3863	0.3150	0.3001	0.556	<u>0105</u>	<u>1.3515</u>	<u>1.2515</u>	<u>1.0468</u>	<u>0.522</u>
6707	4.1413	3.1884	3.0724	0.717	<u>0107</u>	<u>1.2411</u>	<u>1.1353</u>	<u>0.9440</u>	<u>0.441</u>
6708	9.7342	8.3312	7.9715	0.452	<u>0108</u>	<u>0.9361</u>	<u>0.8592</u>	<u>0.7154</u>	<u>0.466</u>
6709	0.3543	0.2812	0.2709	0.639	<u>0112</u>	<u>0.7750</u>	<u>0.7136</u>	<u>0.5958</u>	<u>0.476</u>
6801	0.7005	0.5546	0.5219	0.621	<u>0201</u>	<u>2.4024</u>	<u>2.1843</u>	<u>1.8073</u>	<u>0.416</u>
6802	0.5126	0.4073	0.3880	0.623	<u>0202</u>	<u>3.1360</u>	<u>2.8764</u>	<u>2.4111</u>	<u>0.396</u>
6803	0.9573	0.8240	0.7519	0.378	<u>0210</u>	<u>1.2040</u>	<u>1.0989</u>	<u>0.9127</u>	<u>0.425</u>
6804	0.3338	0.2703	0.2541	0.561	<u>0212</u>	<u>1.3292</u>	<u>1.2168</u>	<u>1.0124</u>	<u>0.442</u>
6809	5.7966	4.7009	4.4765	0.575	<u>0214</u>	<u>1.2908</u>	<u>1.1790</u>	<u>0.9755</u>	<u>0.468</u>
6901	0.0543	0.0415	0.0427	0.736	<u>0217</u>	<u>1.1079</u>	<u>1.0177</u>	<u>0.8466</u>	<u>0.481</u>
6902	1.1343	0.9571	0.8696	0.433	<u>0219</u>	<u>0.9444</u>	<u>0.8735</u>	<u>0.7350</u>	<u>0.456</u>
6903	8.2283	7.1994	6.5416	0.323	<u>0301</u>	<u>0.6030</u>	<u>0.5612</u>	<u>0.4713</u>	<u>0.540</u>
6904	0.4649	0.3653	0.3429	0.654	<u>0302</u>	<u>1.9333</u>	<u>1.7593</u>	<u>1.4542</u>	<u>0.435</u>
6905	0.4520	0.3569	0.3366	0.633	<u>0303</u>	<u>1.8529</u>	<u>1.6876</u>	<u>1.3978</u>	<u>0.426</u>
6906	0.2122	0.1638	0.1689	0.715	<u>0306</u>	<u>0.9909</u>	<u>0.9048</u>	<u>0.7488</u>	<u>0.462</u>
6907	1.3956	1.1239	1.0613	0.592	<u>0307</u>	<u>0.9332</u>	<u>0.8578</u>	<u>0.7136</u>	<u>0.489</u>
6908	0.5598	0.4495	0.4252	0.598	<u>0308</u>	<u>0.5434</u>	<u>0.5087</u>	<u>0.4288</u>	<u>0.570</u>
6909	0.1396	0.1113	0.1062	0.616	<u>0403</u>	<u>1.6833</u>	<u>1.5639</u>	<u>1.3084</u>	<u>0.555</u>
7100	0.0378	0.0313	0.0295	0.502	<u>0502</u>	<u>1.5220</u>	<u>1.3889</u>	<u>1.1496</u>	<u>0.453</u>
7101	0.0282	0.0237	0.0221	0.464	<u>0504</u>	<u>1.4965</u>	<u>1.3785</u>	<u>1.1547</u>	<u>0.450</u>
7102	5.0817	4.1052	4.0046	0.601	<u>0507</u>	<u>2.8587</u>	<u>2.6401</u>	<u>2.2154</u>	<u>0.463</u>
7103	0.6621	0.5395	0.5027	0.548	<u>0508</u>	<u>1.9404</u>	<u>1.7630</u>	<u>1.4602</u>	<u>0.400</u>
7104	0.0360	0.0284	0.0271	0.642	<u>0509</u>	<u>1.5837</u>	<u>1.4442</u>	<u>1.1972</u>	<u>0.433</u>
7105	0.0378	0.0296	0.0284	0.666	<u>0510</u>	<u>1.5221</u>	<u>1.4062</u>	<u>1.1761</u>	<u>0.496</u>
7106	0.2326	0.1853	0.1773	0.625	<u>0511</u>	<u>1.6148</u>	<u>1.4800</u>	<u>1.2292</u>	<u>0.472</u>
7107	0.2695	0.2187	0.2095	0.575	<u>0512</u>	<u>1.5271</u>	<u>1.3959</u>	<u>1.1594</u>	<u>0.442</u>
7108	0.2380	0.1920	0.1849	0.595	<u>0513</u>	<u>0.8476</u>	<u>0.7780</u>	<u>0.6469</u>	<u>0.478</u>

<u>Class</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>Primary Ratio</u>	<u>Class</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>Primary Ratio</u>
0514	1.8596	1.7086	1.4222	0.479	2201	0.2479	0.2314	0.1951	0.530
0516	1.6310	1.4971	1.2481	0.455	2202	0.7180	0.6670	0.5586	0.546
0517	1.7394	1.6035	1.3452	0.446	2203	0.4763	0.4465	0.3764	0.579
0518	1.5740	1.4369	1.1931	0.431	2204	0.2479	0.2314	0.1951	0.530
0519	2.2161	2.0261	1.6886	0.412	2401	0.4900	0.4551	0.3808	0.553
0521	0.5535	0.5115	0.4291	0.476	2903	0.6526	0.6101	0.5146	0.552
0601	0.6359	0.5849	0.4870	0.486	2904	0.7452	0.6937	0.5855	0.499
0602	0.7730	0.7093	0.5871	0.514	2905	0.5552	0.5215	0.4414	0.569
0603	1.0130	0.9215	0.7620	0.427	2906	0.3270	0.3047	0.2559	0.550
0604	0.9723	0.9056	0.7635	0.515	2907	0.5307	0.4969	0.4183	0.583
0606	0.5300	0.4935	0.4141	0.557	2908	1.0383	0.9586	0.8018	0.488
0607	0.4977	0.4618	0.3861	0.544	2909	0.3883	0.3633	0.3067	0.556
0608	0.3904	0.3608	0.3022	0.488	3101	0.9538	0.8780	0.7343	0.458
0701	2.0358	1.8290	1.4994	0.365	3102	0.2745	0.2561	0.2150	0.565
0803	0.4625	0.4301	0.3598	0.568	3103	0.5689	0.5288	0.4450	0.507
0901	1.5740	1.4369	1.1931	0.431	3104	0.5997	0.5536	0.4628	0.490
1002	0.9693	0.8996	0.7564	0.500	3105	0.7432	0.6924	0.5820	0.544
1003	0.7891	0.7308	0.6138	0.487	3303	0.4418	0.4120	0.3455	0.573
1004	0.5047	0.4656	0.3875	0.527	3304	0.4754	0.4476	0.3787	0.595
1005	8.2420	7.5668	6.3058	0.459	3309	0.4372	0.4069	0.3421	0.531
1007	0.3725	0.3431	0.2861	0.490	3402	0.5376	0.4989	0.4188	0.514
1101	0.7051	0.6553	0.5495	0.538	3403	0.2027	0.1883	0.1584	0.508
1102	1.3280	1.2212	1.0168	0.487	3404	0.4801	0.4481	0.3769	0.553
1103	1.2321	1.1421	0.9637	0.454	3405	0.3202	0.2977	0.2499	0.530
1104	0.5356	0.5016	0.4245	0.540	3406	0.1983	0.1865	0.1579	0.592
1105	0.9143	0.8454	0.7097	0.472	3407	0.7076	0.6552	0.5495	0.493
1106	0.3417	0.3212	0.2733	0.533	3408	0.1731	0.1617	0.1351	0.617
1108	0.6391	0.5942	0.4981	0.548	3409	0.1714	0.1617	0.1361	0.662
1109	1.4817	1.3789	1.1610	0.518	3410	0.2914	0.2738	0.2316	0.584
1301	0.6502	0.6003	0.4950	0.612	3411	0.4780	0.4424	0.3703	0.510
1303	0.2230	0.2077	0.1736	0.592	3412	0.5850	0.5374	0.4476	0.472
1304	0.0276	0.0257	0.0215	0.564	3414	0.5649	0.5232	0.4368	0.540
1305	0.4086	0.3807	0.3189	0.572	3415	0.8062	0.7447	0.6268	0.438
1401	0.4911	0.4576	0.3888	0.449	3501	1.0604	0.9859	0.8288	0.518
1404	0.7420	0.6923	0.5823	0.551	3503	0.3095	0.2932	0.2502	0.581
1405	0.5516	0.5146	0.4302	0.602	3506	1.1142	1.0148	0.8383	0.452
1407	0.6186	0.5785	0.4886	0.540	3509	0.4107	0.3866	0.3259	0.622
1501	0.5812	0.5390	0.4506	0.542	3510	0.3711	0.3466	0.2915	0.567
1507	0.5248	0.4864	0.4065	0.536	3511	0.7201	0.6702	0.5640	0.524
1701	0.9180	0.8472	0.7100	0.466	3512	0.3361	0.3158	0.2672	0.576
1702	2.1109	1.9174	1.5913	0.379	3513	0.4723	0.4416	0.3771	0.437
1703	0.8700	0.7875	0.6474	0.426	3602	0.1257	0.1177	0.0990	0.593
1704	0.9180	0.8472	0.7100	0.466	3603	0.4703	0.4386	0.3695	0.534
1801	0.5376	0.4969	0.4187	0.438	3604	0.8148	0.7606	0.6452	0.479
1802	0.7070	0.6531	0.5445	0.522	3605	0.5243	0.4859	0.4060	0.543
2002	0.7175	0.6699	0.5645	0.542	3701	0.2745	0.2561	0.2150	0.565
2004	0.9662	0.9004	0.7562	0.553	3702	0.4558	0.4253	0.3568	0.578
2007	0.4589	0.4271	0.3590	0.531	3708	0.6488	0.6008	0.5025	0.522
2008	0.3223	0.2991	0.2519	0.484	3802	0.1904	0.1784	0.1499	0.598
2009	0.3982	0.3737	0.3164	0.559	3808	0.4286	0.3959	0.3310	0.498
2101	0.6768	0.6307	0.5320	0.511	3901	0.1687	0.1596	0.1356	0.612
2102	0.5574	0.5215	0.4393	0.568	3902	0.5038	0.4713	0.3984	0.535
2104	0.3557	0.3354	0.2851	0.570	3903	1.1085	1.0421	0.8867	0.529
2105	0.5783	0.5390	0.4506	0.594	3905	0.1567	0.1482	0.1261	0.593
2106	0.4267	0.3992	0.3371	0.550	3906	0.4808	0.4501	0.3802	0.548

<u>Class</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>Primary</u> <u>Ratio</u>	<u>Class</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>Primary</u> <u>Ratio</u>
3909	0.2595	0.2448	0.2069	0.620	5206	0.4139	0.3820	0.3188	0.508
4002	1.3863	1.2755	1.0570	0.534	5207	0.1731	0.1641	0.1395	0.622
4101	0.2967	0.2757	0.2314	0.528	5208	0.8347	0.7759	0.6536	0.498
4103	0.4320	0.4083	0.3462	0.617	5209	0.7538	0.6986	0.5870	0.489
4107	0.1636	0.1528	0.1289	0.539	5301	0.0327	0.0307	0.0259	0.604
4108	0.1471	0.1375	0.1160	0.538	5302	0.0205	0.0191	0.0161	0.544
4109	0.2118	0.1972	0.1661	0.521	5305	0.0524	0.0496	0.0419	0.637
4201	0.6866	0.6307	0.5212	0.539	5306	0.0608	0.0571	0.0482	0.602
4301	0.6683	0.6264	0.5276	0.589	5307	0.5369	0.4984	0.4160	0.564
4302	0.6574	0.6127	0.5141	0.560	6103	0.0818	0.0775	0.0658	0.633
4304	1.0079	0.9422	0.7968	0.525	6104	0.3640	0.3421	0.2894	0.578
4305	1.2164	1.1179	0.9247	0.537	6105	0.3478	0.3233	0.2715	0.530
4401	0.4022	0.3751	0.3179	0.481	6107	0.1321	0.1252	0.1067	0.590
4402	0.8363	0.7840	0.6604	0.591	6108	0.4412	0.4162	0.3527	0.602
4404	0.5546	0.5196	0.4373	0.590	6109	0.0925	0.0864	0.0725	0.561
4501	0.1872	0.1765	0.1490	0.625	6110	0.6150	0.5740	0.4826	0.560
4502	0.0405	0.0380	0.0323	0.541	6201	0.3215	0.2966	0.2486	0.464
4504	0.1082	0.1025	0.0871	0.635	6202	0.6584	0.6155	0.5212	0.514
4601	0.7410	0.6907	0.5817	0.532	6203	0.0985	0.0942	0.0806	0.674
4802	0.3017	0.2821	0.2394	0.501	6204	0.1257	0.1184	0.1003	0.583
4803	0.2766	0.2618	0.2233	0.576	6205	0.2497	0.2341	0.1979	0.565
4804	0.5277	0.4939	0.4154	0.586	6206	0.2331	0.2183	0.1839	0.578
4805	0.2981	0.2808	0.2381	0.578	6207	1.0628	1.0063	0.8652	0.511
4806	0.0581	0.0545	0.0462	0.539	6208	0.2425	0.2293	0.1955	0.576
4808	0.4851	0.4523	0.3820	0.508	6209	0.3114	0.2929	0.2483	0.571
4809	0.3925	0.3689	0.3120	0.580	6301	0.1330	0.1220	0.1018	0.456
4810	0.1444	0.1365	0.1160	0.586	6302	0.1818	0.1710	0.1446	0.585
4811	0.2657	0.2504	0.2128	0.568	6303	0.0694	0.0647	0.0545	0.532
4812	0.3940	0.3693	0.3112	0.586	6304	0.4120	0.3894	0.3313	0.584
4813	0.1595	0.1501	0.1277	0.542	6305	0.1004	0.0950	0.0809	0.597
4900	0.3343	0.3062	0.2554	0.430	6306	0.3306	0.3090	0.2600	0.571
4901	0.0787	0.0728	0.0610	0.499	6308	0.0654	0.0611	0.0514	0.581
4902	0.1035	0.0966	0.0808	0.597	6309	0.1818	0.1710	0.1446	0.585
4903	0.1516	0.1413	0.1176	0.637	6402	0.2935	0.2765	0.2333	0.634
4904	0.0298	0.0281	0.0236	0.573	6403	0.1683	0.1587	0.1347	0.585
4905	0.3538	0.3343	0.2844	0.581	6404	0.2219	0.2083	0.1760	0.583
4906	0.0942	0.0880	0.0738	0.583	6405	0.5863	0.5437	0.4558	0.518
4907	0.0512	0.0479	0.0406	0.548	6406	0.1168	0.1101	0.0932	0.610
4908	0.0815	0.0781	0.0678	0.565	6407	0.2772	0.2596	0.2189	0.576
4909	0.0407	0.0392	0.0344	0.532	6408	0.3908	0.3642	0.3052	0.575
4910	0.4629	0.4310	0.3631	0.511	6409	0.8714	0.8032	0.6700	0.495
4911	0.0674	0.0628	0.0531	0.525	6410	0.2841	0.2651	0.2233	0.539
5001	5.0574	4.6226	3.8427	0.433	6501	0.1710	0.1605	0.1349	0.616
5002	0.5958	0.5533	0.4620	0.568	6502	0.0399	0.0373	0.0315	0.570
5003	1.9974	1.8258	1.5207	0.417	6503	0.0760	0.0699	0.0579	0.531
5004	0.9321	0.8667	0.7316	0.484	6504	0.3983	0.3770	0.3204	0.608
5005	0.5785	0.5323	0.4453	0.452	6505	0.1051	0.0997	0.0849	0.602
5006	1.6200	1.4803	1.2356	0.393	6506	0.1061	0.1000	0.0847	0.613
5101	0.9020	0.8400	0.7033	0.573	6509	0.3705	0.3493	0.2964	0.582
5103	0.7352	0.6899	0.5825	0.581	6510	0.4791	0.4408	0.3687	0.450
5106	0.7352	0.6899	0.5825	0.581	6511	0.3464	0.3264	0.2764	0.594
5108	0.8982	0.8409	0.7063	0.600	6512	0.2818	0.2647	0.2238	0.574
5109	0.5941	0.5509	0.4610	0.531	6601	0.1900	0.1785	0.1511	0.561
5201	0.4322	0.4013	0.3360	0.548	6602	0.4752	0.4452	0.3761	0.556
5204	0.9313	0.8623	0.7259	0.463	6603	0.3338	0.3106	0.2603	0.556

<u>Class</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>Primary Ratio</u>
6604	0.0832	0.0781	0.0658	0.599
6605	0.3004	0.2844	0.2422	0.598
6607	0.1723	0.1611	0.1359	0.546
6608	0.5550	0.5046	0.4169	0.429
6620	4.3471	4.0529	3.3620	0.665
6704	0.1687	0.1577	0.1321	0.603
6705	0.8304	0.7903	0.6775	0.593
6706	0.3245	0.3053	0.2599	0.534
6707	3.3484	3.1625	2.6539	0.699
6708	8.5624	8.1221	7.0557	0.434
6709	0.2900	0.2742	0.2326	0.611
6801	0.5907	0.5484	0.4563	0.597
6802	0.4463	0.4181	0.3515	0.601
6803	0.8728	0.7962	0.6652	0.367
6804	0.2742	0.2549	0.2139	0.538
6809	4.8700	4.5804	3.8879	0.557
6901	0.0181	0.0191	0.0181	0.699
6902	1.0364	0.9424	0.7793	0.421
6903	7.5675	6.9051	5.8009	0.317
6904	0.4097	0.3793	0.3129	0.639
6905	0.3807	0.3536	0.2939	0.607
6906	0.1463	0.1482	0.1345	0.696
6907	1.2537	1.1688	0.9813	0.561
6908	0.4654	0.4342	0.3644	0.576
6909	0.1179	0.1109	0.0937	0.601
7100	0.0329	0.0306	0.0259	0.482
7101	0.0246	0.0228	0.0193	0.447
7102	4.1468	3.9788	3.4480	0.578
7103	0.6039	0.5583	0.4653	0.537
7104	0.0302	0.0283	0.0238	0.622
7105	0.0317	0.0300	0.0251	0.648
7106	0.1985	0.1871	0.1584	0.603
7107	0.2231	0.2109	0.1802	0.553
7108	0.1947	0.1845	0.1578	0.574
7109	0.1317	0.1241	0.1049	0.613
7110	0.3469	0.3203	0.2678	0.495
7111	0.3820	0.3530	0.2952	0.498
7112	0.6431	0.6014	0.5073	0.553
7113	0.3676	0.3466	0.2949	0.563
7114	0.5580	0.5265	0.4454	0.619
7115	0.5750	0.5419	0.4594	0.591
7116	0.7040	0.6601	0.5573	0.570
7117	1.5934	1.4945	1.2581	0.601
7118	1.3430	1.2596	1.0627	0.581
7119	1.3218	1.2328	1.0345	0.569
7120	6.1185	5.6949	4.7930	0.521
7121	5.6948	5.3007	4.4623	0.520
7122	0.5720	0.5406	0.4582	0.622
7201	1.3596	1.2563	1.0435	0.558
7202	0.0362	0.0334	0.0278	0.523
7203	0.1251	0.1190	0.1022	0.586
7204	0.0000	0.0000	0.0000	0.500
7301	0.5068	0.4737	0.4015	0.502
7302	1.0016	0.9381	0.7956	0.521
7307	0.4998	0.4693	0.3981	0.541

<u>Class</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>Primary Ratio</u>
7308	0.3009	0.2858	0.2441	0.606
7309	0.2702	0.2558	0.2178	0.596

**Expected Loss Rates in Dollars Per Sq. Ft. of Wallboard Installed**

<u>Class</u>	<u>((2002)) 2003</u>	<u>((2003)) 2004</u>	<u>((2004)) 2005</u>	<u>((D-)) Primary Ratio</u>
((0524	0.0248	0.0206	0.0189	0.473
0526	0.0133	0.0112	0.0102	0.438
0527	0.0011	0.0009	0.0009	0.438
0528	0.0034	0.0028	0.0026	0.493
0529	0.0018	0.0015	0.0014	0.473
0530	0.0327	0.0279	0.0252	0.378
0531	0.0178	0.0152	0.0137	0.391
0532	0.0016	0.0014	0.0012	0.391
0533	0.0042	0.0035	0.0033	0.434
0534	0.0030	0.0025	0.0023	0.378
0540	0.0259	0.0216	0.0198	0.473
0541	0.0142	0.0119	0.0109	0.438
0550	0.0332	0.0284	0.0256	0.378
0551	0.0186	0.0159	0.0143	0.391
0540	0.0221	0.0202	0.0168	0.463
0541	0.0132	0.0120	0.0099	0.432
0550	0.0297	0.0269	0.0222	0.374
0551	0.0173	0.0156	0.0130	0.382

**AMENDATORY SECTION** (Amending WSR 05-23-162, filed 11/22/05, effective 1/1/06)

**WAC 296-17-890 Table IV.**

**Maximum experience modifications for firms with no compensable accidents: Effective ((1/1/2006)) 1/1/2007**

<u>((Expected Loss Range</u>	<u>Maximum Experience Modification</u>
+ - 2,905	0.90
2,906 - 3,534	0.89
3,535 - 4,192	0.88
4,193 - 4,880	0.87
4,881 - 5,603	0.86
5,604 - 6,361	0.85
6,362 - 7,159	0.84
7,160 - 7,998	0.83
7,999 - 8,882	0.82
8,883 - 9,816	0.81
9,817 - 10,802	0.80
10,803 - 11,847	0.79
11,848 - 12,954	0.78
12,955 - 14,131	0.77
14,132 - 15,383	0.76

<u>((Expected Loss Range</u>	<u>Maximum Experi- ence Modification</u>
15,384 - 16,719	0.75
16,720 - 18,146	0.74
18,147 - 19,675	0.73
19,676 - 21,316	0.72
21,317 - 23,084	0.71
23,085 - 24,992	0.70
24,993 - 27,059	0.69
27,060 - 29,305	0.68
29,306 - 31,754	0.67
31,755 - 34,435	0.66
34,436 - 37,383	0.65
37,384 - 40,640	0.64
40,641 - 44,257	0.63
44,258 - 48,296	0.62
48,297 - 52,838	0.61
52,839 & Higher	0.60))

<u>Expected Loss Range</u>	<u>Maximum Experi- ence Modification</u>
34,824 - 37,807	0.63
37,808 - 41,254	0.62
41,255 - 47,959	0.61
47,960 & Over	0.60

AMENDATORY SECTION (Amending WSR 05-23-162, filed 11/22/05, effective 1/1/06)

**WAC 296-17-875 Table I.**

**Primary Losses for Selected Claim Values  
Effective January 1, ((2006) 2007**

<u>CLAIM VALUE</u>	<u>PRIMARY LOSS</u>
((18,972	18,972
20,750	20,000
24,620	22,000
29,150	24,000
34,527	26,000
41,010	28,000
48,981	30,000
59,019	32,000
80,131	35,000
100,000	36,923
125,000	38,634
150,000	39,867
208,747*	41,740
300,000	43,321
474,300**	44,745))
19,560	19,560
20,304	20,000
23,996	22,000
28,280	24,000
33,312	26,000
39,307	28,000
46,571	30,000
55,555	32,000
73,878	35,000
100,000	37,807
125,000	39,604
150,000	40,900
191,760*	42,411
300,000	44,544
489,000**	46,132

<u>Expected Loss Range</u>	<u>Maximum Experi- ence Modification</u>
1 - 6,468	0.90
6,469 - 7,900	0.89
7,901 - 8,752	0.88
8,753 - 9,539	0.87
9,540 - 10,369	0.86
10,370 - 11,240	0.85
11,241 - 12,006	0.84
12,007 - 12,783	0.83
12,784 - 13,593	0.82
13,594 - 14,435	0.81
14,436 - 15,312	0.80
15,313 - 16,220	0.79
16,221 - 17,163	0.78
17,164 - 18,140	0.77
18,141 - 19,151	0.76
19,152 - 20,198	0.75
20,199 - 21,279	0.74
21,280 - 22,395	0.73
22,396 - 23,548	0.72
23,549 - 24,736	0.71
24,737 - 25,961	0.70
25,962 - 27,221	0.69
27,222 - 28,518	0.68
28,519 - 29,852	0.67
29,853 - 31,222	0.66
31,223 - 32,629	0.65
32,630 - 34,823	0.64

\* Average death value  
\*\* Maximum claim value

AMENDATORY SECTION (Amending WSR 05-23-162, filed 11/22/05, effective 1/1/06)

**WAC 296-17-895 Industrial insurance accident fund base rates and medical aid base rates by class of industry.** Industrial insurance accident fund and medical aid fund base rates by class of industry shall be as set forth below.

Class	Base Rates Effective January 1, ((2006)) 2007	
	Accident Fund	Medical Aid Fund
((0101	1.6667	0.7139
0103	2.0294	0.9182
0104	1.1890	0.5209
0105	1.6273	0.8626
0107	1.5402	0.6622
0108	1.1890	0.5209
0112	0.9342	0.4573
0201	3.1182	1.1403
0202	3.7959	1.7571
0210	1.5605	0.6115
0212	1.6140	0.6799
0214	1.6659	0.6528
0217	1.3891	0.6051
0219	1.0705	0.5971
0301	0.6494	0.4089
0302	2.4810	0.8697
0303	2.4361	0.8739
0306	1.3038	0.5123
0307	1.1135	0.5331
0308	0.5709	0.3927
0403	1.9319	1.1305
0502	1.9519	0.7404
0504	1.6418	0.8019
0507	3.4346	1.7575
0508	2.5557	0.8931
0509	1.9463	0.7589
0510	1.8251	0.9186
0511	2.0611	0.8811
0512	1.8684	0.7535
0513	1.0999	0.4801
0514	2.2714	1.0608
0516	2.0142	0.8931
0517	2.0049	1.0194
0518	1.9774	0.8082
0519	2.7292	1.1580
0521	0.6453	0.3491
0601	0.7893	0.3779
0602	0.9445	0.4256
0603	1.3300	0.4828

Class	Base Rates Effective January 1, ((2006)) 2007	
	Accident Fund	Medical Aid Fund
0604	1.0466	0.6733
0606	0.5768	0.3671
0607	0.5473	0.3210
0608	0.4546	0.2440
0701	2.8537	0.7345
0803	0.5366	0.3250
0901	1.9774	0.8082
1002	1.0991	0.6519
1003	0.9242	0.5153
1004	0.6115	0.3001
1005	10.0606	4.3933
1007	0.4532	0.2273
1101	0.7815	0.4640
1102	1.6467	0.7382
1103	1.3317	0.7833
1104	0.5551	0.4086
1105	1.0710	0.5933
1106	0.3395	0.2765
1108	0.7077	0.4348
1109	1.5600	0.9744
1301	0.8487	0.3704
1303	0.2469	0.1507
1304	0.0306	0.0187
1305	0.4485	0.2772
1401	0.5165	0.3556
1404	0.7903	0.5117
1405	0.6079	0.3753
1407	0.6990	0.4668
1501	0.6613	0.3673
1507	0.5901	0.3266
1701	1.0877	0.5505
1702	2.7163	0.9725
1703	1.2060	0.3676
1704	1.0877	0.5505
1801	0.6202	0.3491
1802	0.8298	0.4127
2002	0.7620	0.5293
2004	1.0344	0.6347
2007	0.4941	0.3051
2008	0.3583	0.2182
2009	0.3974	0.3136
2101	0.7442	0.4735
2102	0.6095	0.4198
2104	0.3415	0.2937



Class	Base Rates Effective January 1, ((2006)) 2007		Class	Base Rates Effective January 1, ((2006)) 2007	
	Accident Fund	Medical Aid Fund		Accident Fund	Medical Aid Fund
2105	0.6561	0.4143	3603	0.5061	0.3332
2106	0.4611	0.3139	3604	0.8491	0.5972
2201	0.2725	0.1811	3605	0.6089	0.3368
2202	0.8065	0.4685	3701	0.3060	0.2070
2203	0.5048	0.3752	3702	0.4924	0.3347
2204	0.2725	0.1811	3708	0.7507	0.4214
2401	0.5503	0.3272	3802	0.1986	0.1380
2903	0.7091	0.4978	3808	0.5082	0.2679
2904	0.8083	0.5403	3901	0.1598	0.1472
2905	0.5751	0.4428	3902	0.5475	0.3830
2906	0.3735	0.2377	3903	1.0957	0.8900
2907	0.5634	0.4034	3905	0.1523	0.1408
2908	1.2207	0.6328	3906	0.5216	0.3715
2909	0.4155	0.2960	3909	0.2685	0.2180
3101	1.1844	0.5697	4002	1.7271	0.7695
3102	0.3060	0.2070	4101	0.3168	0.1947
3103	0.6309	0.3837	4103	0.4050	0.3712
3104	0.6947	0.3585	4107	0.1815	0.1226
3105	0.8220	0.5389	4108	0.1533	0.1091
3303	0.4833	0.3067	4109	0.2331	0.1498
3304	0.4806	0.3905	4201	0.8508	0.3682
3309	0.4740	0.3056	4301	0.7154	0.5029
3402	0.5977	0.3631	4302	0.7207	0.4572
3403	0.2248	0.1408	4304	1.0793	0.7356
3404	0.5414	0.3628	4305	1.5167	0.6592
3405	0.3571	0.2217	4401	0.4228	0.2897
3406	0.2129	0.1716	4402	0.8686	0.6393
3407	0.7800	0.4469	4404	0.5823	0.4166
3408	0.1977	0.1193	4501	0.1970	0.1556
3409	0.1760	0.1425	4502	0.0415	0.0340
3410	0.2818	0.2192	4504	0.1056	0.1033
3411	0.5652	0.3113	4601	0.8062	0.5159
3412	0.7102	0.3337	4802	0.2995	0.2156
3414	0.6435	0.3556	4803	0.2554	0.2277
3415	0.8990	0.4995	4804	0.5866	0.3966
3501	1.1818	0.7067	4805	0.2944	0.2376
3503	0.2910	0.2762	4806	0.0589	0.0447
3506	1.4514	0.5401	4808	0.5288	0.3427
3509	0.4156	0.3285	4809	0.3928	0.2985
3510	0.4011	0.2721	4810	0.1413	0.1223
3511	0.8038	0.5052	4811	0.2620	0.2207
3512	0.3479	0.2775	4812	0.4157	0.3024
3513	0.4784	0.3590	4813	0.1615	0.1322
3602	0.1317	0.0959	4900	0.4203	0.1921

Class	Base Rates Effective January 1, ((2006)) 2007		Class	Base Rates Effective January 1, ((2006)) 2007	
	Accident Fund	Medical Aid Fund		Accident Fund	Medical Aid Fund
4901	0.0918	0.0518	6206	0.2400	0.1717
4902	0.1100	0.0712	6207	0.9595	0.9400
4903	0.1710	0.1008	6208	0.2284	0.2140
4904	0.0327	0.0242	6209	0.3065	0.2502
4905	0.3334	0.2884	6301	0.1540	0.0733
4906	0.1089	0.0696	6302	0.1712	0.1291
4907	0.0532	0.0387	6303	0.0735	0.0513
4908	0.0871	0.1458	6304	0.3980	0.3448
4909	0.0402	0.0640	6305	0.0939	0.0882
4910	0.4994	0.3196	6306	0.3622	0.2446
5001	6.2800	2.4003	6308	0.0682	0.0465
5002	0.6881	0.3928	6309	0.1806	0.1456
5003	2.4567	0.9638	6402	0.2992	0.2395
5004	1.0147	0.6423	6403	0.1587	0.1366
5005	0.6985	0.3299	6404	0.2227	0.1714
5006	2.0512	0.8452	6405	0.6891	0.4046
5101	1.0291	0.6327	6406	0.1121	0.0943
5103	0.7765	0.5937	6407	0.2903	0.2129
5106	0.7765	0.5937	6408	0.4236	0.2778
5108	0.9811	0.6798	6409	1.0814	0.5343
5109	0.7020	0.4028	6410	0.3073	0.2082
5201	0.4875	0.2933	6501	0.1833	0.1293
5204	1.0538	0.6174	6502	0.0428	0.0320
5206	0.4817	0.2459	6503	0.0935	0.0427
5207	0.1662	0.1577	6504	0.3848	0.3529
5208	0.9682	0.5996	6505	0.1001	0.0962
5209	0.8769	0.5024	6506	0.1040	0.0890
5301	0.0338	0.0261	6509	0.3704	0.3088
5302	0.0226	0.0160	6510	0.5882	0.2795
5305	0.0522	0.0465	6511	0.3178	0.2617
5306	0.0632	0.0500	6601	0.1971	0.1535
5307	0.5971	0.3322	6602	0.4588	0.3286
6103	0.0762	0.0752	6603	0.3750	0.2278
6104	0.3845	0.2969	6604	0.0873	0.0646
6105	0.3820	0.2308	6605	0.2871	0.2751
6107	0.1253	0.1285	6607	0.1886	0.1281
6108	0.4155	0.3619	6608	0.7260	0.2664
6109	0.1019	0.0671	6614	970*	759*
6110	0.6422	0.4177	6615	332*	278*
6201	0.3859	0.2058	6616	237*	167*
6202	0.6887	0.4884	6617	90*	64*
6203	0.0839	0.1007	6618	99*	50*
6204	0.1301	0.1093	6620	5.2052	3.1434
6205	0.2585	0.1960	6704	0.1870	0.1224

Base Rates Effective  
January 1, ((2006)) 2007

Class	Accident Fund	Medical Aid Fund
6705	0.7436	0.8004
6706	0.3189	0.2689
6707	3.5422	2.7284
6708	7.2474	7.7311
6709	0.2805	0.2541
6801	0.6933	0.3908
6802	0.4493	0.3320
6803	1.0793	0.4628
6804	0.3197	0.1970
6809	4.9672	3.9116
6901	0.0000	0.0646
6902	1.3737	0.4702
6903	9.2654	4.0006
6904	0.4954	0.2367
6905	0.4448	0.2549
6906	0.0000	0.2549
6907	1.3407	0.8325
6908	0.5268	0.3400
6909	0.1194	0.0930
7100	0.0343	0.0242
7101	0.0267	0.0173
7102	3.2317	4.2799
7103	0.6939	0.3507
7104	0.0325	0.0227
7105	0.0320	0.0252
7106	0.1962	0.1576
7107	0.2121	0.1954
7108	0.1801	0.1781
7109	0.1319	0.1071
7110	0.4097	0.2124
7111	0.4567	0.2412
7112	0.6717	0.4732
7113	0.3535	0.3104
7114	0.5515	0.4804
7115	0.5717	0.4762
7116	0.7301	0.5178
7117	1.6140	1.1401
7118	1.3678	1.0116
7119	1.4485	0.9175
7120	6.7543	4.2809
7121	6.3091	4.0293
7122	0.5515	0.4804
7201	1.5727	0.7553
7202	0.0454	0.0232

Base Rates Effective  
January 1, ((2006)) 2007

Class	Accident Fund	Medical Aid Fund
7203	0.1113	0.1192
7204	0.0000	0.0000
7301	0.5252	0.3714
7302	1.0210	0.7168
7307	0.5208	0.3937
7308	0.2623	0.2718
7309	0.2590	0.2375))

Base Rates Effective  
January 1, ((2006)) 2007

Class	Accident Fund	Medical Aid Fund
<u>0101</u>	<u>1.5102</u>	<u>0.7102</u>
<u>0103</u>	<u>1.9285</u>	<u>0.9063</u>
<u>0104</u>	<u>1.0954</u>	<u>0.5189</u>
<u>0105</u>	<u>1.4873</u>	<u>0.8554</u>
<u>0107</u>	<u>1.4779</u>	<u>0.6467</u>
<u>0108</u>	<u>1.0954</u>	<u>0.5189</u>
<u>0112</u>	<u>0.8855</u>	<u>0.4502</u>
<u>0201</u>	<u>2.9771</u>	<u>1.1228</u>
<u>0202</u>	<u>3.5865</u>	<u>1.7260</u>
<u>0210</u>	<u>1.4481</u>	<u>0.5946</u>
<u>0212</u>	<u>1.5741</u>	<u>0.6908</u>
<u>0214</u>	<u>1.5723</u>	<u>0.6391</u>
<u>0217</u>	<u>1.2903</u>	<u>0.6064</u>
<u>0219</u>	<u>1.0310</u>	<u>0.5979</u>
<u>0301</u>	<u>0.6338</u>	<u>0.4127</u>
<u>0302</u>	<u>2.4031</u>	<u>0.8991</u>
<u>0303</u>	<u>2.2735</u>	<u>0.8789</u>
<u>0306</u>	<u>1.2097</u>	<u>0.5013</u>
<u>0307</u>	<u>1.0909</u>	<u>0.5375</u>
<u>0308</u>	<u>0.5462</u>	<u>0.3967</u>
<u>0403</u>	<u>1.8151</u>	<u>1.0914</u>
<u>0502</u>	<u>1.8533</u>	<u>0.7421</u>
<u>0504</u>	<u>1.6756</u>	<u>0.8618</u>
<u>0507</u>	<u>3.1395</u>	<u>1.7331</u>
<u>0508</u>	<u>2.4004</u>	<u>0.8899</u>
<u>0509</u>	<u>1.9140</u>	<u>0.7798</u>
<u>0510</u>	<u>1.6923</u>	<u>0.9163</u>
<u>0511</u>	<u>1.9177</u>	<u>0.8731</u>
<u>0512</u>	<u>1.8329</u>	<u>0.7927</u>
<u>0513</u>	<u>0.9923</u>	<u>0.4630</u>
<u>0514</u>	<u>2.1735</u>	<u>1.0436</u>
<u>0516</u>	<u>1.8907</u>	<u>0.8933</u>
<u>0517</u>	<u>1.9313</u>	<u>1.0352</u>

Base Rates Effective January 1, ((2006)) 2007			Base Rates Effective January 1, ((2006)) 2007		
Class	Accident Fund	Medical Aid Fund	Class	Accident Fund	Medical Aid Fund
<u>0518</u>	<u>1.9005</u>	<u>0.8052</u>	<u>2007</u>	<u>0.4854</u>	<u>0.3184</u>
<u>0519</u>	<u>2.6218</u>	<u>1.1503</u>	<u>2008</u>	<u>0.3401</u>	<u>0.2179</u>
<u>0521</u>	<u>0.6073</u>	<u>0.3376</u>	<u>2009</u>	<u>0.3930</u>	<u>0.3170</u>
<u>0601</u>	<u>0.7416</u>	<u>0.3729</u>	<u>2101</u>	<u>0.7007</u>	<u>0.4712</u>
<u>0602</u>	<u>0.9248</u>	<u>0.4189</u>	<u>2102</u>	<u>0.5642</u>	<u>0.4120</u>
<u>0603</u>	<u>1.2551</u>	<u>0.4830</u>	<u>2104</u>	<u>0.3307</u>	<u>0.2965</u>
<u>0604</u>	<u>1.0086</u>	<u>0.6823</u>	<u>2105</u>	<u>0.6213</u>	<u>0.4048</u>
<u>0606</u>	<u>0.5608</u>	<u>0.3679</u>	<u>2106</u>	<u>0.4365</u>	<u>0.3199</u>
<u>0607</u>	<u>0.5428</u>	<u>0.3239</u>	<u>2201</u>	<u>0.2530</u>	<u>0.1745</u>
<u>0608</u>	<u>0.4330</u>	<u>0.2432</u>	<u>2202</u>	<u>0.7733</u>	<u>0.4742</u>
<u>0701</u>	<u>2.7040</u>	<u>0.7317</u>	<u>2203</u>	<u>0.4765</u>	<u>0.3581</u>
<u>0803</u>	<u>0.4986</u>	<u>0.3150</u>	<u>2204</u>	<u>0.2530</u>	<u>0.1745</u>
<u>0901</u>	<u>1.9005</u>	<u>0.8052</u>	<u>2401</u>	<u>0.5360</u>	<u>0.3290</u>
<u>1002</u>	<u>1.0349</u>	<u>0.6322</u>	<u>2903</u>	<u>0.6629</u>	<u>0.4833</u>
<u>1003</u>	<u>0.8552</u>	<u>0.5082</u>	<u>2904</u>	<u>0.7700</u>	<u>0.5325</u>
<u>1004</u>	<u>0.5814</u>	<u>0.3011</u>	<u>2905</u>	<u>0.5443</u>	<u>0.4428</u>
<u>1005</u>	<u>9.6730</u>	<u>4.4009</u>	<u>2906</u>	<u>0.3483</u>	<u>0.2395</u>
<u>1007</u>	<u>0.4244</u>	<u>0.2189</u>	<u>2907</u>	<u>0.5409</u>	<u>0.3986</u>
<u>1101</u>	<u>0.7541</u>	<u>0.4688</u>	<u>2908</u>	<u>1.1619</u>	<u>0.6262</u>
<u>1102</u>	<u>1.5286</u>	<u>0.7283</u>	<u>2909</u>	<u>0.3916</u>	<u>0.2927</u>
<u>1103</u>	<u>1.3045</u>	<u>0.7863</u>	<u>3101</u>	<u>1.0863</u>	<u>0.5612</u>
<u>1104</u>	<u>0.5311</u>	<u>0.4052</u>	<u>3102</u>	<u>0.2872</u>	<u>0.1983</u>
<u>1105</u>	<u>1.0005</u>	<u>0.5747</u>	<u>3103</u>	<u>0.6003</u>	<u>0.3802</u>
<u>1106</u>	<u>0.3267</u>	<u>0.2807</u>	<u>3104</u>	<u>0.6744</u>	<u>0.3701</u>
<u>1108</u>	<u>0.6894</u>	<u>0.4434</u>	<u>3105</u>	<u>0.7886</u>	<u>0.5375</u>
<u>1109</u>	<u>1.5396</u>	<u>0.9942</u>	<u>3303</u>	<u>0.4653</u>	<u>0.3088</u>
<u>1301</u>	<u>0.7669</u>	<u>0.3602</u>	<u>3304</u>	<u>0.4574</u>	<u>0.3817</u>
<u>1303</u>	<u>0.2400</u>	<u>0.1527</u>	<u>3309</u>	<u>0.4556</u>	<u>0.3036</u>
<u>1304</u>	<u>0.0296</u>	<u>0.0192</u>	<u>3402</u>	<u>0.5828</u>	<u>0.3664</u>
<u>1305</u>	<u>0.4356</u>	<u>0.2806</u>	<u>3403</u>	<u>0.2137</u>	<u>0.1418</u>
<u>1401</u>	<u>0.4876</u>	<u>0.3476</u>	<u>3404</u>	<u>0.5027</u>	<u>0.3517</u>
<u>1404</u>	<u>0.7669</u>	<u>0.5189</u>	<u>3405</u>	<u>0.3434</u>	<u>0.2232</u>
<u>1405</u>	<u>0.6008</u>	<u>0.3976</u>	<u>3406</u>	<u>0.1960</u>	<u>0.1695</u>
<u>1407</u>	<u>0.6165</u>	<u>0.4427</u>	<u>3407</u>	<u>0.7729</u>	<u>0.4525</u>
<u>1501</u>	<u>0.6346</u>	<u>0.3723</u>	<u>3408</u>	<u>0.1880</u>	<u>0.1246</u>
<u>1507</u>	<u>0.5820</u>	<u>0.3399</u>	<u>3409</u>	<u>0.1663</u>	<u>0.1403</u>
<u>1701</u>	<u>1.0239</u>	<u>0.5509</u>	<u>3410</u>	<u>0.2803</u>	<u>0.2240</u>
<u>1702</u>	<u>2.5949</u>	<u>0.9691</u>	<u>3411</u>	<u>0.5284</u>	<u>0.3058</u>
<u>1703</u>	<u>1.1204</u>	<u>0.3557</u>	<u>3412</u>	<u>0.6816</u>	<u>0.3328</u>
<u>1704</u>	<u>1.0239</u>	<u>0.5509</u>	<u>3414</u>	<u>0.6261</u>	<u>0.3601</u>
<u>1801</u>	<u>0.5826</u>	<u>0.3513</u>	<u>3415</u>	<u>0.8773</u>	<u>0.5152</u>
<u>1802</u>	<u>0.8068</u>	<u>0.4272</u>	<u>3501</u>	<u>1.1294</u>	<u>0.7094</u>
<u>2002</u>	<u>0.7386</u>	<u>0.5182</u>	<u>3503</u>	<u>0.2759</u>	<u>0.2748</u>
<u>2004</u>	<u>1.0135</u>	<u>0.6728</u>	<u>3506</u>	<u>1.3792</u>	<u>0.5391</u>

Base Rates Effective January 1, ((2006)) 2007			Base Rates Effective January 1, ((2006)) 2007		
Class	Accident Fund	Medical Aid Fund	Class	Accident Fund	Medical Aid Fund
<u>3509</u>	<u>0.3980</u>	<u>0.3263</u>	<u>4809</u>	<u>0.3766</u>	<u>0.3045</u>
<u>3510</u>	<u>0.3848</u>	<u>0.2760</u>	<u>4810</u>	<u>0.1332</u>	<u>0.1225</u>
<u>3511</u>	<u>0.7602</u>	<u>0.5032</u>	<u>4811</u>	<u>0.2506</u>	<u>0.2279</u>
<u>3512</u>	<u>0.3360</u>	<u>0.2880</u>	<u>4812</u>	<u>0.3967</u>	<u>0.3054</u>
<u>3513</u>	<u>0.4523</u>	<u>0.3564</u>	<u>4813</u>	<u>0.1493</u>	<u>0.1295</u>
<u>3602</u>	<u>0.1286</u>	<u>0.0963</u>	<u>4900</u>	<u>0.3884</u>	<u>0.1773</u>
<u>3603</u>	<u>0.4908</u>	<u>0.3451</u>	<u>4901</u>	<u>0.0867</u>	<u>0.0511</u>
<u>3604</u>	<u>0.8076</u>	<u>0.6067</u>	<u>4902</u>	<u>0.1098</u>	<u>0.0738</u>
<u>3605</u>	<u>0.5803</u>	<u>0.3382</u>	<u>4903</u>	<u>0.1675</u>	<u>0.1054</u>
<u>3701</u>	<u>0.2872</u>	<u>0.1983</u>	<u>4904</u>	<u>0.0304</u>	<u>0.0237</u>
<u>3702</u>	<u>0.4833</u>	<u>0.3360</u>	<u>4905</u>	<u>0.3208</u>	<u>0.2955</u>
<u>3708</u>	<u>0.7128</u>	<u>0.4106</u>	<u>4906</u>	<u>0.0986</u>	<u>0.0692</u>
<u>3802</u>	<u>0.1954</u>	<u>0.1415</u>	<u>4907</u>	<u>0.0513</u>	<u>0.0399</u>
<u>3808</u>	<u>0.4773</u>	<u>0.2627</u>	<u>4908</u>	<u>0.0799</u>	<u>0.1152</u>
<u>3901</u>	<u>0.1540</u>	<u>0.1481</u>	<u>4909</u>	<u>0.0381</u>	<u>0.0622</u>
<u>3902</u>	<u>0.5034</u>	<u>0.3777</u>	<u>4910</u>	<u>0.4829</u>	<u>0.3235</u>
<u>3903</u>	<u>1.0439</u>	<u>0.8858</u>	<u>4911</u>	<u>0.0697</u>	<u>0.0500</u>
<u>3905</u>	<u>0.1447</u>	<u>0.1398</u>	<u>5001</u>	<u>6.0252</u>	<u>2.4999</u>
<u>3906</u>	<u>0.4803</u>	<u>0.3556</u>	<u>5002</u>	<u>0.6557</u>	<u>0.3944</u>
<u>3909</u>	<u>0.2474</u>	<u>0.2162</u>	<u>5003</u>	<u>2.3613</u>	<u>0.9947</u>
<u>4002</u>	<u>1.6280</u>	<u>0.7618</u>	<u>5004</u>	<u>0.9584</u>	<u>0.6259</u>
<u>4101</u>	<u>0.3183</u>	<u>0.2031</u>	<u>5005</u>	<u>0.6550</u>	<u>0.3265</u>
<u>4103</u>	<u>0.4048</u>	<u>0.3771</u>	<u>5006</u>	<u>1.9073</u>	<u>0.8254</u>
<u>4107</u>	<u>0.1686</u>	<u>0.1219</u>	<u>5101</u>	<u>0.9648</u>	<u>0.6286</u>
<u>4108</u>	<u>0.1487</u>	<u>0.1119</u>	<u>5103</u>	<u>0.7356</u>	<u>0.5874</u>
<u>4109</u>	<u>0.2210</u>	<u>0.1513</u>	<u>5106</u>	<u>0.7356</u>	<u>0.5874</u>
<u>4201</u>	<u>0.8230</u>	<u>0.3679</u>	<u>5108</u>	<u>0.9177</u>	<u>0.6739</u>
<u>4301</u>	<u>0.6687</u>	<u>0.5001</u>	<u>5109</u>	<u>0.6542</u>	<u>0.3966</u>
<u>4302</u>	<u>0.6992</u>	<u>0.4650</u>	<u>5201</u>	<u>0.4666</u>	<u>0.2945</u>
<u>4304</u>	<u>1.0132</u>	<u>0.7360</u>	<u>5204</u>	<u>0.9946</u>	<u>0.6060</u>
<u>4305</u>	<u>1.4391</u>	<u>0.6544</u>	<u>5206</u>	<u>0.4708</u>	<u>0.2584</u>
<u>4401</u>	<u>0.4070</u>	<u>0.2945</u>	<u>5207</u>	<u>0.1551</u>	<u>0.1536</u>
<u>4402</u>	<u>0.8309</u>	<u>0.6355</u>	<u>5208</u>	<u>0.8852</u>	<u>0.5790</u>
<u>4404</u>	<u>0.5665</u>	<u>0.4215</u>	<u>5209</u>	<u>0.8151</u>	<u>0.4940</u>
<u>4501</u>	<u>0.1849</u>	<u>0.1590</u>	<u>5300</u>	<u>0.1098</u>	<u>0.0738</u>
<u>4502</u>	<u>0.0399</u>	<u>0.0354</u>	<u>5301</u>	<u>0.0330</u>	<u>0.0267</u>
<u>4504</u>	<u>0.1011</u>	<u>0.1050</u>	<u>5302</u>	<u>0.0207</u>	<u>0.0154</u>
<u>4601</u>	<u>0.7733</u>	<u>0.5186</u>	<u>5305</u>	<u>0.0498</u>	<u>0.0464</u>
<u>4802</u>	<u>0.2979</u>	<u>0.2248</u>	<u>5306</u>	<u>0.0605</u>	<u>0.0494</u>
<u>4803</u>	<u>0.2438</u>	<u>0.2354</u>	<u>5307</u>	<u>0.5858</u>	<u>0.3420</u>
<u>4804</u>	<u>0.5360</u>	<u>0.3861</u>	<u>6103</u>	<u>0.0753</u>	<u>0.0755</u>
<u>4805</u>	<u>0.2812</u>	<u>0.2436</u>	<u>6104</u>	<u>0.3560</u>	<u>0.2884</u>
<u>4806</u>	<u>0.0566</u>	<u>0.0450</u>	<u>6105</u>	<u>0.3714</u>	<u>0.2395</u>
<u>4808</u>	<u>0.4945</u>	<u>0.3441</u>	<u>6107</u>	<u>0.1224</u>	<u>0.1320</u>

Class	Base Rates Effective January 1, ((2006)) 2007		Class	Base Rates Effective January 1, ((2006)) 2007	
	Accident Fund	Medical Aid Fund		Accident Fund	Medical Aid Fund
<u>6108</u>	<u>0.4166</u>	<u>0.3694</u>	<u>6604</u>	<u>0.0833</u>	<u>0.0656</u>
<u>6109</u>	<u>0.0980</u>	<u>0.0688</u>	<u>6605</u>	<u>0.2779</u>	<u>0.2818</u>
<u>6110</u>	<u>0.6353</u>	<u>0.4328</u>	<u>6607</u>	<u>0.1746</u>	<u>0.1260</u>
<u>6120</u>	<u>0.2971</u>	<u>0.1916</u>	<u>6608</u>	<u>0.6917</u>	<u>0.2648</u>
<u>6121</u>	<u>0.3714</u>	<u>0.2395</u>	<u>6614</u>	<u>394*</u>	<u>170*</u>
<u>6201</u>	<u>0.3576</u>	<u>0.2052</u>	<u>6615</u>	<u>904*</u>	<u>720*</u>
<u>6202</u>	<u>0.6582</u>	<u>0.4908</u>	<u>6616</u>	<u>378*</u>	<u>331*</u>
<u>6203</u>	<u>0.0825</u>	<u>0.1050</u>	<u>6617</u>	<u>267*</u>	<u>192*</u>
<u>6204</u>	<u>0.1219</u>	<u>0.1102</u>	<u>6618</u>	<u>99*</u>	<u>50*</u>
<u>6205</u>	<u>0.2469</u>	<u>0.1932</u>	<u>6620</u>	<u>4.8308</u>	<u>2.9905</u>
<u>6206</u>	<u>0.2350</u>	<u>0.1773</u>	<u>6622</u>	<u>394*</u>	<u>170*</u>
<u>6207</u>	<u>0.9090</u>	<u>0.9446</u>	<u>6623</u>	<u>378*</u>	<u>331*</u>
<u>6208</u>	<u>0.2207</u>	<u>0.2133</u>	<u>6704</u>	<u>0.1754</u>	<u>0.1209</u>
<u>6209</u>	<u>0.3010</u>	<u>0.2576</u>	<u>6705</u>	<u>0.6966</u>	<u>0.7926</u>
<u>6301</u>	<u>0.1529</u>	<u>0.0747</u>	<u>6706</u>	<u>0.3005</u>	<u>0.2637</u>
<u>6302</u>	<u>0.1776</u>	<u>0.1483</u>	<u>6707</u>	<u>3.4221</u>	<u>2.9240</u>
<u>6303</u>	<u>0.0725</u>	<u>0.0510</u>	<u>6708</u>	<u>6.9097</u>	<u>7.8371</u>
<u>6304</u>	<u>0.3757</u>	<u>0.3458</u>	<u>6709</u>	<u>0.2714</u>	<u>0.2477</u>
<u>6305</u>	<u>0.0909</u>	<u>0.0884</u>	<u>6801</u>	<u>0.6708</u>	<u>0.4154</u>
<u>6306</u>	<u>0.3406</u>	<u>0.2448</u>	<u>6802</u>	<u>0.4546</u>	<u>0.3395</u>
<u>6308</u>	<u>0.0669</u>	<u>0.0483</u>	<u>6803</u>	<u>1.0265</u>	<u>0.4432</u>
<u>6309</u>	<u>0.1776</u>	<u>0.1483</u>	<u>6804</u>	<u>0.2946</u>	<u>0.1943</u>
<u>6402</u>	<u>0.2832</u>	<u>0.2378</u>	<u>6809</u>	<u>4.7278</u>	<u>4.0617</u>
<u>6403</u>	<u>0.1593</u>	<u>0.1422</u>	<u>6901</u>	<u>0.0000</u>	<u>0.0584</u>
<u>6404</u>	<u>0.2184</u>	<u>0.1745</u>	<u>6902</u>	<u>1.2857</u>	<u>0.4644</u>
<u>6405</u>	<u>0.6377</u>	<u>0.3937</u>	<u>6903</u>	<u>8.6855</u>	<u>3.9709</u>
<u>6406</u>	<u>0.1116</u>	<u>0.0981</u>	<u>6904</u>	<u>0.4799</u>	<u>0.2432</u>
<u>6407</u>	<u>0.2793</u>	<u>0.2110</u>	<u>6905</u>	<u>0.4281</u>	<u>0.2567</u>
<u>6408</u>	<u>0.4131</u>	<u>0.2828</u>	<u>6906</u>	<u>0.0000</u>	<u>0.2567</u>
<u>6409</u>	<u>0.9934</u>	<u>0.5215</u>	<u>6907</u>	<u>1.3109</u>	<u>0.8611</u>
<u>6410</u>	<u>0.2946</u>	<u>0.2151</u>	<u>6908</u>	<u>0.4925</u>	<u>0.3340</u>
<u>6501</u>	<u>0.1719</u>	<u>0.1293</u>	<u>6909</u>	<u>0.1169</u>	<u>0.0963</u>
<u>6502</u>	<u>0.0403</u>	<u>0.0313</u>	<u>7100</u>	<u>0.0327</u>	<u>0.0243</u>
<u>6503</u>	<u>0.0902</u>	<u>0.0447</u>	<u>7101</u>	<u>0.0255</u>	<u>0.0175</u>
<u>6504</u>	<u>0.3636</u>	<u>0.3535</u>	<u>7102</u>	<u>3.0801</u>	<u>4.2970</u>
<u>6505</u>	<u>0.0944</u>	<u>0.0974</u>	<u>7103</u>	<u>0.6772</u>	<u>0.3641</u>
<u>6506</u>	<u>0.0994</u>	<u>0.0899</u>	<u>7104</u>	<u>0.0310</u>	<u>0.0234</u>
<u>6509</u>	<u>0.3492</u>	<u>0.3076</u>	<u>7105</u>	<u>0.0316</u>	<u>0.0254</u>
<u>6510</u>	<u>0.5441</u>	<u>0.2700</u>	<u>7106</u>	<u>0.1887</u>	<u>0.1614</u>
<u>6511</u>	<u>0.3269</u>	<u>0.2768</u>	<u>7107</u>	<u>0.2015</u>	<u>0.1987</u>
<u>6512</u>	<u>0.2715</u>	<u>0.2105</u>	<u>7108</u>	<u>0.1703</u>	<u>0.1730</u>
<u>6601</u>	<u>0.1848</u>	<u>0.1493</u>	<u>7109</u>	<u>0.1259</u>	<u>0.1085</u>
<u>6602</u>	<u>0.4685</u>	<u>0.3511</u>	<u>7110</u>	<u>0.3871</u>	<u>0.2062</u>
<u>6603</u>	<u>0.3564</u>	<u>0.2275</u>	<u>7111</u>	<u>0.4265</u>	<u>0.2329</u>

Base Rates Effective  
January 1, ((2006)) 2007

Class	Accident Fund	Medical Aid Fund
7112	0.6466	0.4776
7113	0.3368	0.3040
7114	0.5211	0.4502
7115	0.5380	0.4693
7116	0.6929	0.5136
7117	1.5938	1.2207
7118	1.3242	1.0182
7119	1.3808	0.9103
7120	6.4082	4.2401
7121	5.9556	3.9464
7122	0.5236	0.4754
7200	1.2338	0.6227
7201	1.5423	0.7784
7202	0.0414	0.0226
7203	0.1053	0.1217
7204	0.0000	0.0000
7205	0.0000	0.0000
7301	0.5041	0.3715
7302	0.9770	0.7401
7307	0.4868	0.3880
7308	0.2678	0.2871
7309	0.2410	0.2315
7400	1.5423	0.7784

\* These rates are calculated on a per license basis for parimutuel race tracks and are base rated.

AMENDATORY SECTION (Amending WSR 05-23-162, filed 11/22/05, effective 1/1/06)

WAC 296-17-90492 Table I.

((RETROSPECTIVE RATING PLANS A, A1, A2, A3, AND B STANDARD PREMIUM SIZE RANGES Effective January 1, 2006

Size Group Number	Standard Premium Range
63	\$4,852 - \$5,862
62	5,863 - 7,040
61	7,041 - 8,376
60	8,377 - 9,910
59	9,911 - 11,665
58	11,666 - 13,639
57	13,640 - 15,889
56	15,890 - 18,269
55	18,270 - 20,789
54	20,790 - 23,439
53	23,440 - 26,239
52	26,240 - 29,179
51	29,180 - 32,249
50	32,250 - 35,479
49	35,480 - 38,859
48	38,860 - 42,289
47	42,290 - 45,729
46	45,730 - 49,509
45	49,510 - 53,709
44	53,710 - 58,389
43	58,390 - 63,569
42	63,570 - 69,369
41	69,370 - 75,869
40	75,870 - 83,119
39	83,120 - 91,309
38	91,310 - 100,579
37	100,580 - 111,019
36	111,020 - 122,199
35	122,200 - 134,299
34	134,300 - 147,799
33	147,800 - 162,499
32	162,500 - 178,799
31	178,800 - 195,699
30	195,700 - 214,499
29	214,500 - 235,799
28	235,800 - 259,899
27	259,900 - 287,799
26	287,800 - 319,899
25	319,900 - 356,799
24	356,800 - 399,999

AMENDATORY SECTION (Amending WSR 05-23-162, filed 11/22/05, effective 1/1/06)

**WAC 296-17-89502 Industrial insurance accident fund, medical aid and supplemental pension rates by class of industry for nonhourly rated classifications.** The base rates as set forth below are for classifications whose premium rates are based on units other than hours worked.

Base Rates Effective  
January 1, ((2006)) 2007

Class	Accident Fund	Medical Aid Fund	Supplemental Pension Fund
((0540	0.0301	0.0115	0.0005
0541	0.0169	0.0061	0.0005
0550	0.0412	0.0128	0.0005
0551	0.0230	0.0073	0.0005))
0540	0.0268	0.0111	0.0005
0541	0.0161	0.0062	0.0005
0550	0.0375	0.0124	0.0005
0551	0.0218	0.0073	0.0005

Size Group Number	Standard Premium Range
23	400,000 - 450,899
22	450,900 - 510,399
21	510,400 - 581,599
20	581,600 - 667,499
19	667,500 - 770,499
18	770,500 - 897,399
17	897,400 - 1,055,599
16	1,055,600 - 1,282,999
15	1,283,000 - 1,597,999
14	1,598,000 - 2,041,999
13	2,042,000 - 2,609,999
12	2,610,000 - 3,332,999
11	3,333,000 - 4,417,999
10	4,418,000 - 6,119,999
9	6,120,000 - 8,820,999
8	8,821,000 - 12,779,999
7	12,780,000 - 18,819,999
6	18,820,000 - 29,259,999
5	29,260,000 - 46,189,999
4	46,190,000 & Over (99,999,999))

RETROSPECTIVE RATING PLANS A, A1, A2, A3, AND B  
STANDARD PREMIUM SIZE RANGES  
Effective January 1, 2007

Size Group Number	Standard Premium Range
63	\$4,700 - \$5,678
62	5,679 - 6,819
61	6,820 - 8,114
60	8,115 - 9,599
59	9,600 - 11,299
58	11,300 - 13,209
57	13,210 - 15,389
56	15,390 - 17,699
55	17,700 - 20,139
54	20,140 - 22,709
53	22,710 - 25,419
52	25,420 - 28,269
51	28,270 - 31,239
50	31,240 - 34,369
49	34,370 - 37,639
48	37,640 - 40,959
47	40,960 - 44,299
46	44,300 - 47,959
45	47,960 - 52,029
44	52,030 - 56,559

Size Group Number	Standard Premium Range
43	56,560 - 61,579
42	61,580 - 67,199
41	67,200 - 73,489
40	73,490 - 80,519
39	80,520 - 88,449
38	88,450 - 97,429
37	97,430 - 107,539
36	107,540 - 118,399
35	118,400 - 130,099
34	130,100 - 143,199
33	143,200 - 157,399
32	157,400 - 173,199
31	173,200 - 189,599
30	189,600 - 207,799
29	207,800 - 228,399
28	228,400 - 251,799
27	251,800 - 278,799
26	278,800 - 309,899
25	309,900 - 345,599
24	345,600 - 387,499
23	387,500 - 436,799
22	436,800 - 494,399
21	494,400 - 563,399
20	563,400 - 646,599
19	646,600 - 746,399
18	746,400 - 869,299
17	869,300 - 1,022,499
16	1,022,500 - 1,242,999
15	1,243,000 - 1,547,999
14	1,548,000 - 1,977,999
13	1,978,000 - 2,527,999
12	2,528,000 - 3,228,999
11	3,229,000 - 4,279,999
10	4,280,000 - 5,927,999
9	5,928,000 - 8,544,999
8	8,545,000 - 12,379,999
7	12,380,000 - 18,229,999
6	18,230,000 - 28,339,999
5	28,340,000 - 44,739,999
4	44,740,000 & Over

AMENDATORY SECTION (Amending WSR 05-23-162, filed 11/22/05, effective 1/1/06)

**WAC 296-17-920 Assessment for supplemental pension fund.** The amount of ((31.2 mills (\$0.0312))) 33.4 mils (\$0.0334) shall be retained by each employer from the earn-



ings of each worker for each hour or fraction thereof the worker is employed. The amount of money so retained from the employee shall be matched in an equal amount by each employer, except as otherwise provided in these rules, all such moneys shall be remitted to the department on or before the last day of January, April, July and October of each year for the preceding calendar quarter, provided self-insured employers shall remit to the department as provided under WAC 296-15-060. All such moneys shall be deposited in the supplemental pension fund.

**WSR 06-18-079**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed September 5, 2006, 9:55 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-09-068.

Title of Rule and Other Identifying Information: Chapter 296-400A WAC, Plumber certification rules.

Hearing Location(s): Department of Labor and Industries, 7273 Linderson Way S.W., Room S117, Tumwater, WA, on October 12, 2006, at 8:30 a.m.

Date of Intended Adoption: November 21, 2006.

Submit Written Comments to: Sally Elliott, P.O. Box 44400, Olympia, WA 98504-4400, e-mail [yous235@lni.wa.gov](mailto:yous235@lni.wa.gov), fax (360) 902-5292, by October 12, 2006.

Assistance for Persons with Disabilities: Contact Sally Elliott by October 1, 2006, at [yous235@lni.wa.gov](mailto:yous235@lni.wa.gov) or (360) 902-6411.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this rule making is to incorporate amendments to the plumber certification rules from the passage of SSB 6225, which passed the 2006 legislature. SSB 6225 requires the plumbing program to create specialties for domestic water and farm irrigation systems plumbers.

The rule making will:

- Define the renewal time for the trainees doing pump installations work, to a two year renewal cycle instead of annual renewal as statute requires plumbing trainees. This change will ensure the plumbing and electrical programs are consistent with two year trainee renewal requirement.
- Outline the classifications and scope of work that each plumber's certification can perform.
- Outline the continuing education requirements of the pump installers due to a three year renewal and adds electrical continuing education hours.
- Outline the procedures to get an unsupervised trainee certification under the pump installers certification processes.
- Incorporate two policies regarding like-in-kind replacement and certification for retired plumbers into the rules.

Reasons Supporting Proposal: See Purpose above.

Statutory Authority for Adoption: RCW 18.106.040, 18.106.140.

Statute Being Implemented: Chapter 18.106 RCW.

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

Name of Proponent: Department of labor and industries, governmental.

Name of Agency Personnel Responsible for Drafting: Pete Schmidt, Tumwater, Washington, (360) 902-5571; Implementation and Enforcement: Patrick Woods, Tumwater, Washington, (360) 902-6348.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule is specifically exempt from the small business economic impact statement requirement because the proposed changes are updating the rule based upon Washington state statutes (see RCW 34.05.328 (5)(b)(iii)) and the amendments will clarify rule language without changing its effect (see RCW 34.05.328 (5)(b)(iv)).

A cost-benefit analysis is not required under RCW 34.05.328. This rule is specifically exempt from the cost-benefit analysis requirement because the proposed changes are exempted by law since the proposed changes are updating the rule based upon Washington state statutes (see RCW 34.05.310 (4)(c)) and the amendments will clarify rule language without changing its effect (see RCW 34.05.310 (4)(d)).

September 5, 2006

Gary Weeks

Director

AMENDATORY SECTION (Amending WSR 05-11-061, filed 5/17/05, effective 6/30/05)

**WAC 296-400A-005 What definitions do I need to know to understand these rules?** Unless a different meaning is clearly required by the context, the following terms and definitions are important:

**"Advisory board"** is the state advisory board of plumbers.

**"Audit"** means an assessment, evaluation, examination or investigation of, contractor's accounts, books and records for the purpose of verifying the contractor's compliance with RCW 18.106.320.

**"Backflow assembly"** or **"backflow prevention assembly"** or **"backflow preventer"** is a device as described in the Uniform Plumbing Code used to prevent the undesired reversal of flow of water or other substances through a cross-connection into the public water system or consumer's potable water system.

**"Backflow assembly tester"** is an individual certified by the department of health to perform tests to backflow assemblies.

**"Continuing education"** is approved plumbing and electrical courses for journeyman, domestic pump specialty plumber, and residential specialty plumbers, to meet the requirements to maintain their plumbing certification and for trainees or individuals to become certified plumbers in Washington.

**"Continuing education course provider"** is an entity approved by the department, in consultation with the state advisory board of plumbers, to provide continuing education training for journeyman, domestic pump specialty plumbers, specialty residential (also read residential specialty) plumbers, and trainees. All training course providers must comply with the requirements in WAC 296-400A-028.

**"Continuity affidavit"** is a form developed by the department that is used to verify whether medical gas pipe installation work (brazing process) has been performed biannually. This form is provided to the department annually by the person holding the medical gas piping installer endorsement and requires the signature of the employer of the medical gas piping installer or another qualified verifier as determined by the department. Continuity is a visual examination by the employer of the brazing that was performed.

**"Contractor"** means any person, corporate or otherwise, who engages in, or offers or advertises to engage in, any work covered by the provisions of chapter 18.106 RCW by way of trade or business, or any person, corporate or otherwise, who employs anyone, or offers or advertises to employ anyone, to engage in any work covered by the provisions of chapter 18.106 RCW and is registered as a contractor under chapter 18.27 RCW.

**"Dispatcher"** means the contractor's employee who authorized the work assignment of the person employed in violation of chapter 18.106 RCW.

**"Department"** is the department of labor and industries.

**"Director"** is the director of the department of labor and industries.

**"Journeyman plumber"** is anyone who has learned the commercial plumbing trade and has been issued a journeyman certificate of competency by the department. A journeyman plumber may work on plumbing projects including residential, commercial and industrial worksite locations.

**"Medical gas piping installer"** is anyone who has been issued a medical gas piping installer endorsement of competency by the department.

**"Medical gas piping systems"** are piping systems that convey or involve oxygen, nitrous oxide, high pressure nitrogen, medical compressed air, or medical vacuum systems.

**"Plumbing"** is that craft involved in installing, altering, repairing and renovating potable water systems, liquid waste systems and medical gas piping systems within a building. The installation of water softening or water treatment equipment into a water system is not considered plumbing.

**"Records"** include, but are not limited to, all bids, invoices, billing receipts, time cards and payroll records that show the work was performed, advertised, or bid.

**"Specialty plumber"** is anyone who has been issued a specialty plumbers certificate of competency by the department limited to:

(a) Installation, maintenance and repair of plumbing for single-family dwellings, duplexes and apartment buildings which do not exceed three stories; or

(b) Maintenance and repair of backflow assemblies located within a residential or commercial building or structure. For the purposes of this subsection, "maintenance and repair" includes cleaning and replacing internal parts of an

assembly, but does not include installing or replacing backflow assemblies.

(c) "Domestic pump specialty" means the installation, maintenance, and repair of a domestic water pumping system consisting of the pressurization, treatment, and filtration components of a domestic water system consisting of: One or more pumps; pressure, storage, and other tanks; filtration and treatment equipment; if appropriate, a pitless adapter; along with valves, transducers, and other plumbing components that:

(i) Are used to acquire, treat, store, or move water suitable for either drinking or other domestic purposes, including irrigation, to:

(A) A single-family dwelling, duplex, or other similar place of residence;

(B) A public water system, as defined in RCW 70.119.020 and as limited under RCW 70.119.040; or

(C) A farm owned and operated by a person whose primary residence is located within thirty miles of any part of the farm;

(ii) Are located within the interior space, including but not limited to an attic, basement, crawl space, or garage, of a residential structure, which space is separated from the living area of the residence by a lockable entrance and fixed walls, ceiling, or floor;

(iii) If located within the interior space of a residential structure, are connected to a plumbing distribution system supplied and installed into the interior space by either:

(A) A person who, pursuant to RCW 18.106.070 or 18.106.090, possesses a valid temporary permit or certificate of competency as a journeyman plumber, specialty plumber, or trainee, as defined in this chapter; or

(B) A person exempt from the requirement to obtain a certified plumber to do such plumbing work under RCW 18.106.150;

(iv) For the purposes of the domestic pump specialty, residential structure includes any improvement to real property where that property is primarily used as a residence.

**"Supervision"** for the purpose of these rules means within sight or sound. Supervision requirements are met when the supervising plumber is on the premises and within sight or sound of the individual who is being trained.

**"Training course provider"** is an entity approved by the department, in consultation with the state advisory board of plumbers, to provide medical gas piping installer training. All training course providers must comply with the requirements in WAC 296-400A-026.

**"Trainee plumber"** is anyone who has been issued a trainee certificate and is learning or being trained in the plumbing trade with direct supervision of either a journeyman plumber or specialty plumber working in their specialty.

## NEW SECTION

**WAC 296-400A-010 Plumbing certificate types and scope of work.** (1) **Journeyman plumber (PL01):** A journeyman plumber may work on all phases of plumbing projects including residential, commercial and industrial worksite locations. A plumber trainee must have a training

certificate in order to perform plumbing work under the supervision of a certified journeyman plumber.

(2) **Residential specialty plumber (PL02):** Installation, maintenance and repair of all phases of plumbing for single-family dwellings, duplexes and apartment buildings which do not exceed three stories. A plumber trainee must have a training certificate in order to perform plumbing work as a residential specialty plumber under the supervision of a certified residential or journeyman plumber.

(3) **Backflow specialty plumber (PL30):** Maintenance and repair of backflow assemblies located within a residential or commercial building or structure. For the purposes of this subsection, "maintenance and repair" includes cleaning and replacing internal parts of an assembly, but does not include installing or replacing backflow assemblies. A plumber trainee must have a PT31 certificate in order to do work as a backflow specialty plumber under the supervision of a certified backflow specialty plumber, certified residential specialty plumber or certified journeyman plumber. PT31 trainee requires one hundred percent supervision.

(4) **Pump and irrigation specialty plumber (PL03):** Installation, maintenance and repair of equipment that is used to acquire, treat, store, or move water suitable for either drinking or other domestic purposes, including irrigation or to a domestic water pumping system consisting of the pressurization, treatment, and filtration components of a domestic water system consisting of: One or more pumps; pressure, storage, and other tanks; filtration and treatment equipment. For the purposes of this subsection, if located within the interior space of a residential structure as stated in RCW 18.106.010 (10)(c), only the equipment and piping defined by RCW 18.106.010 (10)(c) are included in this specialty and other parts of the system must be worked on by the appropriate certification.

(5) **Limited volume domestic pump specialty plumber (PL03A):** Installation, maintenance and repair of equipment that is used to acquire, treat, store, or move water suitable for either drinking or other domestic purposes on pumping systems not exceeding one hundred gallons per minute. A domestic water pumping system consisting of the pressurization, treatment, and filtration components of a domestic water system consisting of: One or more pumps; pressure, storage, and other tanks; filtration and treatment equipment. For the purposes of this subsection, if located within the interior space of a residential structure as stated in RCW 18.106.010 (10)(c), only the equipment and piping to stated equipment in this locked room can be worked on by this certification; other parts of the system must be worked on by the appropriate certification.

(6) **Plumber trainee (PT00, PT03, PT03A, and PT31):** Is an individual learning the trade or craft of plumbing. Trainees are required to have and maintain a valid plumber's training certificate. Trainees will be accredited for those hours worked within the scope of their supervising plumber. Any plumber trainee may perform plumbing work within the scope of their supervising journeyman or specialty plumber. A trainee shall keep a record of the hours worked as a trainee as required by WAC 296-400A-120(3).

(7) **Certified journeyman electricians, certified residential specialty electricians, or electrical trainees (EL01**

**and EL02):** According to RCW 18.106.150 (2)(b), a current plumbing certificate of competency or apprentice permit is not required for: Certified journeyman electricians, certified residential specialty electricians, or electrical trainees working for an electrical contractor and performing exempt work under RCW 18.27.090(18). A plumber trainee must have a ET00 certificate in order to work with a journeyman electrician, residential specialty electrician, or electrical trainee.

The plumbing work must be directly and immediately appropriate to the like-in-kind replacement of a household fixture or its component(s) that requires limited power and waste/water connections.

An example would be replacing the heating element (a component) of an electric hot water heater. An electrician performing a like-in-kind replacement of an electric hot water tank could only disconnect and then reconnect the water supply lines to the tank and drain line from the temperature and pressure relief valve. Gas hot water tanks are not part of the electrician's exemption.

AMENDATORY SECTION (Amending WSR 04-12-046, filed 5/28/04, effective 6/30/04)

**WAC 296-400A-020 How do I obtain a certificate of competency?** You can obtain a certificate of competency by completing the following requirements for:

(1) Journeyman and specialty plumber certificate (excluding backflow assembly maintenance and repair specialty certification):

(a) Submitting a competency examination application to the department;

(b) Paying the examination fee shown in WAC 296-400A-045(1);

(c) Submitting the required evidence of competency and experience to the department as required under WAC 296-400A-120 and 296-400A-121;

(d) Passing the competency examination; (~~and~~)

(e) Providing documentation to the department with continuing education requirements;

(f) In lieu of (a), (b) and (c) of this subsection and with the approval of the advisory board, the department may accept the successful passage of an examination administered by a nationally recognized testing entity; and

(g) For specialty domestic pump specialty plumbers, in lieu of (a), (b) and (c) of this subsection and with the approval of the advisory board, the department may accept a certification issued by professional trade association.

(2) Backflow assembly maintenance and repair specialty certificate:

(a) Submitting a competency examination application to the department;

(b) Paying the application and certificate fee shown in WAC 296-400A-045(2); and

(c) Passing the competency examination.

AMENDATORY SECTION (Amending WSR 04-12-046, filed 5/28/04, effective 6/30/04)

**WAC 296-400A-023 What process is required for renewal of journeyman, domestic pump specialty, and residential specialty plumber certificates of competency?**

(1) An individual must apply for renewal of their plumbing certificate before the expiration date of the certificate. The individual may not apply for renewal more than ninety days prior to the expiration date. Journeyman and residential specialty plumber certificates are renewed (~~certificates are valid for~~) every two years. Domestic pump specialty plumber certificates are renewed every three years.

(2) An individual may renew their certificate within ninety days after the expiration date without reexamination if the individual pays the late renewal fee listed in WAC 296-400A-045.

(3) All applications for renewal received more than ninety days after the expiration date of the plumbing certificate require that the plumber pass the appropriate competency examination before being recertified.

(4) All applicants for plumbing certificate renewal must:

(a) Submit a complete renewal application;

(b) Pay all appropriate fees; and

(c) Provide accurate evidence on the renewal form that the individual has completed the continuing education requirements described in WAC 296-400A-028.

If an individual files inaccurate or false evidence of continuing education information when renewing a plumbing certificate, the individual's plumbing certificate may be suspended or revoked.

(5) A journeyman, domestic pump specialty, or residential specialty plumber certificate holder who has not completed the required hours of continuing education prior to the renewal date must pay a doubled fee according to RCW 18.106.070. Also, if the required hours of continuing education are not completed within ninety days after the expiration date the applicant will be required to retake the examination and pay the appropriate fees prior to being placed in active status.

(6) An individual may renew a suspended plumbing certificate by submitting a complete renewal application including obtaining and submitting the continuing education required for renewal. However, the certificate will remain in a suspended status for the duration of the suspension period.

(7) An individual may not renew a revoked plumbing certificate.

AMENDATORY SECTION (Amending WSR 04-12-046, filed 5/28/04, effective 6/30/04)

**WAC 296-400A-028 What are the requirements for continuing education and classroom training?**

**What are the general and continuing education course requirements for journeyman, residential specialty plumbers, domestic pump specialty plumbers, and plumber trainees?**

(1) Journeyman, residential specialty plumber, domestic pump specialty plumber, and plumber trainee.

(a) To be eligible for renewal of a journeyman plumber or residential specialty plumber certificate, the individual must have completed at least sixteen hours of approved continuing education for each two years of the prior certification period. Individuals will be required in the prior two-year period to have completed at least eight hours of plumbing

code and at least four hours of electrical code from the currently adopted Washington state plumbing and electrical codes. The remaining four hours may be plumbing or electrical trade related classes.

(b) Domestic pump specialty plumbers shall renew their domestic pump specialty certificate once every three years, on or before the individual's birthday. Individuals will be required to complete at least four hours of approved continuing education in plumbing for each year prior to the certification period and at least four hours of approved continuing education in electrical for each year prior to the certification.

(c) Plumber trainees must complete at least eight hours per year of classroom training from an approved continuing education course for each year of the prior certification period. Trainee will be required during a two-year period to complete at least eight hours of plumbing code and at least four hours of electrical code from the currently adopted Washington state plumbing and electrical codes. The remaining four hours may be plumbing or electrical trade related classes.

~~((e))~~ Domestic pump specialty plumber trainee must have eight hours of plumbing continuing education and eight hours of electrical continuing education, which total sixteen hours of continuing education for a two-year renewal.

(d) Any portion of a year of a prior plumber certification period is equal to one year for the purposes of the required continuing education.

(2) An individual will not be given credit for the same approved continuing education course taken more than once in the two years prior to the renewal date. No credit will be granted for any course not approved by the department.

(3) Continuing education requirements do not apply to backflow specialty plumbers under chapter 18.106 RCW and this chapter.

**Note:** Subsections (1), (2) and (3) of this section take effect July 1, 2005.

**Approval process - continuing education course.**

(4) The advisory board of plumbers or plumbing board subcommittee will review each continuing education course. The advisory board of plumbers or plumbing board subcommittee will recommend approval or disapproval to the department. The department will either approve or disapprove the course.

(5) To be considered for approval, a continuing education course must consist of not less than two hours of instruction and must be open to monitoring by a representative of the department and/or the plumbing board at no charge. If the department determines that the continuing education course does not meet or exceed the minimum requirements for approval, the department may revoke the course approval or reduce the number of credited hours.

(6) Approved courses must be based on:

(a) Currently adopted edition of the *Uniform Plumbing Code and National Electrical Code*;

(b) Chapters 18.106 or 19.28 RCW or chapters 296-400A or 296-46B WAC; or

(c) Materials and methods as they pertain to the industrial practices of plumbing or electrical construction, building

management systems, plumbing or electrical maintenance, or workplace health and safety.

(7) Code-update courses must be based on the entire currently adopted Uniform Plumbing Code or National Electrical Code.

**Application - for continuing education course approval.**

(8) All applications for course approval must be on forms provided by the department. The plumbing board and the department will only consider the written information submitted with the application when considering approval of the continuing education training course.

(9) The department will provide continuing education application forms to sponsors upon request. The course sponsor must submit an original completed application for course approval and three copies (unless submitted electronically using department prescribed technology) to the department. The department must receive the complete course application from the sponsor in writing at least forty-five days before the first class requested for approval is offered.

(10) A complete application for course approval must include:

- (a) The appropriate course application fee;
- (b) Course title, number of classroom instruction hours, and whether the training is open to the public;
- (c) Sponsor's name, address, contact's name and phone number;
- (d) Course outline (general description of the training, including specific Uniform Plumbing Code or National Electrical Code articles referenced);
- (e) Lists of resources (texts, references, visual aids);
- (f) Names and qualifications of instructors. Course instructors must show prior instructor qualification and experience similar to that required by the work force training and education coordinating board under chapter 28C.10 RCW;
- (g) Any additional documentation to be considered; and
- (h) A sample copy of the completion certificate issued to the course participants.

(11) The course sponsor seeking approval of a continuing education course will be notified of the subcommittee's decision within five days of the completed review of the application.

(12) If the application is not approved, the rejection notice will include an explanation of the reason(s) for rejection. If the course sponsor disagrees with the subcommittee's decision, the course sponsor may request a reconsideration hearing by the full plumbing board. A request to appeal course rejection must be received by the department forty-five days before a regularly scheduled board meeting. The course sponsor must submit, to the department, any additional information to be considered during the hearing, in writing, at least thirty days before the board hearing. The course sponsor must provide at least twenty copies of any written information to be submitted to the board.

**Offering - continuing education course.**

(13) The course sponsor may offer an approved course for up to three years without additional approval. However, if the course is classified as code-update or code-related and a new edition of the *Uniform Plumbing Code* or *National Elec-*

*trical Code* is adopted within the course approval period, the course approval will be considered automatically revoked and the course sponsor must submit a new application for review by the department and approval by the plumbing board subcommittee.

(14) A continuing education course attended or completed by an individual before final approval by the plumbing board subcommittee cannot be used to meet the plumbing certificate renewal requirements.

**Documentation - Washington approved training course attendance/completion.**

(15) The department is not responsible for providing verification of an individual's continuing education history with the course sponsor.

(16) The course sponsor must provide the department with an accurate and typed course attendance/completion roster for each course given.

(a) The attendance/completion roster must be provided within thirty days of course completion.

(b) In addition, the course sponsor must provide the attendance/completion roster in an electronic format provided by the department.

(c) The attendance/completion roster must show each participant's name, Washington certificate number, course number, location of course, date of completion, and instructor's name. The typed roster must contain the signature of the course sponsor's authorized representative.

(17) If the course sponsor fails to submit the required attendance/completion rosters within thirty days of the course completion, the department may revoke or suspend the course approval.

(18) Course sponsors must award a certificate to each participant completing the course from which the participant will be able to obtain:

- (a) Name of course sponsor;
- (b) Name of course;
- (c) Date of course;
- (d) Course approval number;
- (e) The number of continuing education units; and
- (f) The type of continuing education units.

(19) The department will only use a copy of the sponsor's attendance/completion roster as final evidence that the participant completed the training course.

(20) The department will keep submitted rosters of the continuing education courses on file only for audit purposes. The department is not responsible for the original of any completion certificate issued.

**Documentation - out-of-state training course attendance/completion.**

(21) To apply continuing education units earned out-of-state from course sponsors who do not have state of Washington approved courses, one of the following conditions must be met:

(a) The individual must request that the course sponsor submit a complete continuing education course application and requirements as described in this section for in-state courses.

Application for course approval will not be considered more than three years after the date of the course.

(b) The department must have entered into a reciprocal agreement with the state providing course approval.

The participant must provide a copy of an accurate and completed award or certificate from the course sponsor identifying the course location, date of completion, participant's name, and Washington certificate number. The department will only accept a copy of the sponsor's certificate or form as evidence that the participant attended and completed the course.

**AMENDATORY SECTION** (Amending WSR 04-12-046, filed 5/28/04, effective 6/30/04)

**WAC 296-400A-030 Do I need a temporary permit?**

You need a temporary permit if you are an active out-of-state journeyman plumber, domestic pump specialty plumber, or a residential specialty plumber residing in a state that does not have a reciprocal agreement with Washington and you would like to work as a plumber in Washington. Temporary permits are not issued for installers of medical gas piping systems.

Temporary permits are not issued for the backflow assembly maintenance and repair specialty. Therefore, WAC 296-400A-030 through 296-400A-033 do not apply to this specialty.

**AMENDATORY SECTION** (Amending WSR 04-12-046, filed 5/28/04, effective 6/30/04)

**WAC 296-400A-031 How do I qualify for a temporary permit?** To qualify for a temporary permit, you must:

(1) Have an active state-issued journeyman plumber((s)), domestic pump specialty plumber, or a residential specialty plumber certificate;

(2) Give the department sufficient qualifying evidence for a journeyman plumber, domestic pump specialty

plumber, or a residential specialty plumber certificate of competency;

(3) Never have taken the journeyman plumber, domestic pump specialty plumber, or a residential specialty plumber competency examination in Washington state; and

(4) Not be an apprentice plumber.

**NEW SECTION**

**WAC 296-400A-036 How can I maintain my plumbing certificate as an honorary accomplishment?** (1) To maintain your plumbing certificate as an honorary accomplishment, you must meet the following four requirements:

(a) You must renew your certificate on or before your renewal date and pay the current fee as established in WAC 296-400A-045.

(b) You must provide the department with a signed affidavit stating you aren't working in the plumbing trade.

(c) The affidavit must state you are not acting in a supervisory manner for any person working in the plumbing trade.

(2) If you return to work, you must provide the proper documentation of sixteen hours continuing education with a minimum of eight hours plumbing code, a minimum of four hours industry-related electrical, and four hours industry-related plumbing from the approved list of courses from the department of labor and industries plumbing certification program.

(3) If you are found working in the plumbing trade while your certificate is in honorary status, your certificate will be revoked.

**AMENDATORY SECTION** (Amending WSR 06-10-066, filed 5/2/06, effective 6/30/06)

**WAC 296-400A-045 What fees will I have to pay?**

The following are the department's plumbers fees:

(1) Fees related to journeyman and specialty plumber certification:

<u>Type of Fee</u>	<u>Period Covered by Fee</u>	<u>Dollar Amount of Fee</u>
Examination application	Per examination	\$122.00
<u>Domestic pump specialty application</u> fee*****	<u>Per application</u>	<u>\$122.00</u>
Reciprocity application*	Per application	\$122.00
Trainee certificate**	One year	\$36.50
<u>Domestic pump specialty trainee certificate**</u>	<u>Two years</u>	<u>\$73.00</u>
Temporary permit (not applicable for backflow assembly maintenance and repair specialty)	90 days	\$60.70
Journeyman or residential specialty certificate***	Two years (fee may be prorated based on months)	\$97.70
<u>Domestic pump specialty plumber certificate***</u>	<u>Three years (fee may be prorated based on months)</u>	<u>\$146.55</u>
Backflow assembly maintenance and repair specialty certificate	Two years (fee may be prorated based on months)	\$67.50
Medical gas endorsement application	Per application	\$45.00

<u>Type of Fee</u>	<u>Period Covered by Fee</u>	<u>Dollar Amount of Fee</u>
Medical gas endorsement***	One year	\$33.60
Medical gas endorsement examination fee****		See note below.
Medical gas endorsement training course fee*****		See note below.
<u>Domestic pump specialty examination fee****</u>		<u>See note below.</u>
Reinstatement fee for residential and journeyman certificates		\$195.80
Reinstatement fee for backflow assembly maintenance and repair specialty certificates		\$112.70
<u>Reinstatement fee for domestic pump</u>		<u>\$293.10</u>
Replacement fee for all certificates		\$16.60
Refund processing fee		\$26.40
Unsupervised trainee endorsement		\$26.40
Inactive status fee		\$26.40
<u>Honorary plumbing certification</u>		<u>\$97.70</u>
Certified letter fee		\$26.40
Continuing education new course fee*****		\$158.80
Continuing education renewal course fee*****		\$79.30
Continuing education classes provided by the department		\$12 per continuing education training hour \$8 per continuing education training hour for correspondence and internet courses

\* Reciprocity application is only allowed for applicants that are applying work experience toward certification that was obtained in state(s) with which the department has a reciprocity agreement. The reciprocity application is valid for one year.

\*\* The trainee certificate shall expire one year from the date of issuance and must be renewed on or before the date of expiration. The domestic pump specialty trainee certificate shall expire two years from the date of issuance and must be renewed on or before the date of expiration.

\*\*\* This fee applies to either the original issuance or a renewal of a certificate. If you have passed the plumbers certificate of competency examination or the medical gas piping installer endorsement examination and paid the certificate fee, you will be issued a plumber certificate of competency or a medical gas endorsement that will expire on your birth date.  
The annual renewal of a Medical Gas Piping Installer Endorsement shall include a continuity affidavit verifying that brazing work has been performed biannually.

\*\*\*\* This fee is paid directly to a nationally recognized testing agency under contract with the department. It covers the cost of preparing and administering the written competency examination and the materials necessary to conduct the practical competency examination required for the medical gas piping system installers endorsement. **This fee is not paid to the department.**

\*\*\*\*\* This fee is paid directly to a training course provider approved by the department, in consultation with the state advisory board of plumbers. It covers the cost of providing training courses required for the medical gas piping system installer endorsement. **This fee is not paid to the department.**

\*\*\*\*\* This fee is for a three-year period or code cycle.

\*\*\*\*\* The domestic pump specialty application is valid for one year.

(2) If your birth year is:

(a) In an even-numbered year, your certificate will expire on your birth date in the next even-numbered year.

(b) In an odd-numbered year, your certificate will expire on your birth date in the next odd-numbered year.

AMENDATORY SECTION (Amending WSR 04-12-046, filed 5/28/04, effective 6/30/04)

**WAC 296-400A-120 What do I need to know about plumber trainee certificates (excluding backflow assembly maintenance and repair specialty certification)? (1) Journeyman and specialty plumber trainee certification:**

(a) The department issues separate trainee certificates once a year.

(b) The plumbing trainee may not apply for renewal more than ninety days prior to the expiration date. ((Renewed)) Journeyman, residential specialty, and backflow specialty plumber trainee certificates are valid for one year. Domestic pump specialty plumber trainee certificate is valid for two years.

(c) All applicants for trainee certificate of renewal must:

(i) Submit a complete renewal application;

(ii) Pay all appropriate fees; and

(iii) Provide accurate evidence on the renewal form that the individual has completed the continuing education requirements described in chapter 296-400A WAC.

(d) If an individual files inaccurate or false evidence of continuing education information when renewing a plumbing trainee certificate, the individual's certificate may be suspended or revoked.

(e) An individual who has not completed the required hours of continuing education cannot renew a trainee certificate.

(f) Individuals will not be able to apply to test for journeyman plumber, domestic pump specialty plumber, or specialty residential (also read residential specialty) plumber certificates until the continuing education requirements have been met.

(g) If continuing education hours have not been met, trainee certificates will become expired and any experience obtained by the trainee in expired status will not be credited toward plumbing certificate application.

(h) An individual may renew an expired certificate of competency by submitting a complete renewal application including obtaining and submitting the continuing education required for renewal. However, the certificate will remain in an expired status for the duration of the expired period.

(i) An individual may not renew a revoked trainee certificate.

(j) Apprentices registered in an approved program according to chapter 49.04 RCW who are obtaining classroom training consistent with the continuing education requirements under chapter 18.106 RCW and this chapter, as approved by the department, are deemed to have met the continuing education requirements necessary to renew a trainee certificate.

(k) If you are a trainee applying for a journeyman certificate, you must complete a minimum of two of the required four years in commercial plumbing experience.

(l) A certified residential specialty plumber or domestic pump specialty plumber working on a commercial job site may work as a journeyman trainee only if they have a current trainee certificate on their person while performing commercial plumbing work.

(m) On a job site, the ratio of certified plumbers to non-certified plumbers must be:

(i) One residential specialty plumber or journeyman working on a residential plumbing job site may supervise no more than two trainees.

(ii) One journeyman plumber working on a commercial job site may supervise no more than one trainee or one residential specialty plumber who holds a current trainee certificate.

(iii) One appropriate domestic pump specialty plumber or one journeyman plumber working on a domestic pump system may supervise no more than two trainees.

(n) A plumber trainee who has a current trainee certificate with the state of Washington and has successfully completed or is enrolled in an approved medical gas piping installer training course may work on medical gas piping systems. Work may only occur when there is direct supervision by an active Washington state certified journeyman plumber with an active medical gas piping installer endorsement issued by the department. Supervision must be one hundred percent of the working day on a one-to-one ratio.

(2) **Trainee work hours.** Journeyman, residential specialty, and backflow specialty plumber trainee((s)) shall renew the certificate annually but not more than ninety days before the expiration date. Domestic pump specialty plumber trainee shall renew the certificate every two years but not more than ninety days before the expiration date.

(a) An annual fee shall be charged for the issuance or renewal of the certificate.

(b) The trainee will not be issued a renewed or reinstated training certificate if the individual owes the department money as a result of an outstanding final judgment.

(c) Trainee hours will not be credited if the trainee owes outstanding penalties for violations of this chapter.

(3) At the time of renewal, the holder shall provide the department with an accurate list of the holder's employers in the plumbing construction industry for the previous annual period. The individual must submit a completed, signed, and notarized affidavit(s) of experience. The affidavit of experience must accurately attest to:

(a) The plumbing installation work performed for each employer the individual worked for in the plumbing trade during the previous period;

(b) The correct plumbing category the individual worked in; and

(c) The actual number of hours worked in each category, worked under the proper supervision of a Washington certified journeyman plumber, certified domestic pump specialty plumber, or residential specialty plumber.

(4) The trainee should ask each employer and/or apprenticeship-training director for an accurately completed, signed, and notarized affidavit of experience for the previous certification period. The employer(s) or apprenticeship training director(s) must provide the previous period's affidavit of experience to the individual within twenty days of the request.

(5) If hours for previous period are not submitted within the thirty days after renewing a plumbing training certificate, the individual may not receive credit for these previous period hours.

AMENDATORY SECTION (Amending WSR 04-12-046, filed 5/28/04, effective 6/30/04)

**WAC 296-400A-121 What do I need to know about trainee experience and plumber examination requirements for the journeyman and specialty plumber (excluding the backflow assembly maintenance and repair specialty)?** (1) If you possess a trainee certificate:

(a) You may take the residential specialty plumber examination after completing 6,000 hours of documented training.

(b) You may take the journeyman examination after completing 8,000 hours of documented training which must include 4,000 hours of commercial plumbing experience.

(2) All journeyman trainees must work under the direct supervision of a journeyman plumber until they have completed 8,000 hours of training.

When 8,000 training hours have been completed, the trainee must take the journeyman examination. Any trainee who has failed the journeyman plumber examination cannot



retake the examination for at least one month and must work under the direct supervision of a journeyman plumber until the examination is passed.

(3) To be eligible for the residential specialty plumber's examination, a residential specialty trainee must complete 6,000 hours of training under the direct supervision of either a certified specialty plumber or a journeyman plumber. Any residential specialty trainee who has failed the residential specialty examination, cannot retake the examination for at least one month and must work under the direct supervision of a certified plumber until the examination is passed.

(4) For domestic pump specialty plumbers:

(a) To be eligible for a limited volume domestic pump specialty plumbers examination defined by RCW 18.106.010 (10)(c), the trainee must complete 2,000 hours practical experience working under the direct supervision of a certified limited volume domestic pump specialty plumber, a certified unrestricted domestic pump specialty plumber, or a journeyman plumber on pumping systems not exceeding one hundred gallons per minute. The experience may be obtained at the same time the individual is meeting the experience required by RCW 19.28.191, or equivalent experience may be accepted as determined by rule by the department in consultation with the advisory board.

(b) To be eligible for an unrestricted domestic pump specialty plumbers examination defined by RCW 18.106.010 (10)(c), the trainee must complete 4,000 hours practical experience working under the direct supervision of a certified unrestricted domestic pump specialty plumber or a journeyman plumber on pumping systems. The experience may be obtained at the same time the individual is meeting the experience required by RCW 19.28.191 or equivalent experience may be accepted as determined by rule by the department in consultation with the advisory board.

(5) Effective January 1, 2005, all plumber trainees will be required to meet the current hour requirements to test.

~~((5))~~ **(6) Apprentice/trade school endorsement requirements.** An individual who has a current journeyman plumber, domestic pump specialty plumber, or residential specialty plumber trainee certificate and who has successfully completed or is currently enrolled in an approved apprenticeship program or in a technical school program in the plumbing construction trade in a school approved by the work force training and education coordinating board, may work without direct on-site supervision during the last six months of meeting the practical experience requirements of this chapter. In order to work without direct on-site supervision applicable to the type (residential or journeyman) of training hours for which certification is being sought by the individual. This individual must obtain an apprentice/trade school trainee endorsement by submitting the applicable forms provided by the department and paying the applicable fees. This individual may work without direct on-site supervision until he or she receives the remaining hours required to be eligible to take the applicable examination. This individual may not supervise trainees. (See RCW 18.106.070.)

~~((6))~~ **(7) Any applicant** (trainee, specialty plumber or journeyman) who fails an examination, will be required to wait at least until the next scheduled examination date and location. Examinations are held the first Thursday of every

month, unless that date falls on a holiday. Applications shall be submitted and received by the plumbing certification program office two weeks before the next scheduled date.

AMENDATORY SECTION (Amending WSR 04-12-046, filed 5/28/04, effective 6/30/04)

**WAC 296-400A-135 How does the department enforce trainee supervision?** (1) A journeyman plumber on each and every commercial job site shall supervise either a residential specialty plumber or a domestic pump specialty plumber with a current plumber trainee card or trainee with a current plumber trainee card.

(a) The ratio on each commercial site shall be not more than one residential plumber or one plumber trainee working on any one job site for every certified journeyman plumber working as a journeyman plumber on that site.

(b) The time of supervision shall be a minimum of seventy-five percent of the time spent on each and every job site.

(2) A journeyman plumber or residential specialty plumber on each and every residential specialty job site shall supervise a plumber trainee with a current plumber trainee card.

(a) The ratio on each residential specialty job site shall be not more than two trainees with current plumber trainee cards on any one residential specialty job site for every certified journeyman plumber or residential specialty plumber on that site.

(b) The time of supervision shall be a minimum of seventy-five percent of the time spent on each and every job site.

(3) A journeyman plumber with current medical gas endorsement may supervise either a residential specialty plumber with a current trainee card or a plumber trainee with a current trainee card.

(a) The residential specialty plumber or the plumber trainee has to have successfully completed or is currently enrolled in an approved medical gas piping installer training course approved by the department.

(b) The residential specialty plumber or other plumber trainee is under the direct supervision of a certified medical gas journeyman plumber on one-to-one ratio for one hundred percent of the time on each and every medical gas site.

(4) A backflow specialty plumber, a journeyman plumber or a residential specialty plumber shall supervise a backflow trainee to do maintenance and repair work on every backflow assembly on potable water systems, inside every commercial or residential building. The ratio shall be one-to-one for one hundred percent of the time on every job site.

(5) A journeyman plumber or appropriate domestic pump specialty plumber on each and every domestic pump job site shall supervise a plumber trainee with a current plumber trainee card.

(a) The ratio on each domestic pump job site shall be not more than two trainees with current plumber trainee cards on any one residential specialty job site for every certified journeyman plumber or appropriate domestic specialty plumber on that site.

(b) The time of supervision shall be a minimum of seventy-five percent of the time spent on each and every job site. For restricted domestic pump specialty trainees who have

completed at least seven hundred twenty hours of on-the-job training and passed the competency examination required by WAC 296-400A-020 may work unsupervised for the remainder of the time required for work experience to become a restricted domestic pump specialty plumber.

**WSR 06-18-080**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed September 5, 2006, 9:56 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-13-082.

Title of Rule and Other Identifying Information: Chapter 296-17 WAC, General reporting rules, classifications, audit and recordkeeping, rates and rating system for workers' compensation insurance.

By January 1, 2007, chapter 165, Laws of 2006 (ESHB 1672) known as the safe patient handling law, requires the department to develop rules to provide a reduced workers' compensation premium for hospitals that implement a safe patient handling program.

Hearing Location(s): Labor and Industries Offices, Room S118, 7273 Linderson Way S.W., Tumwater, WA 98501, on October 18, 2006, at 10 a.m.

Date of Intended Adoption: November 21, 2006.

Submit Written Comments to: Bill Moomau, P.O. Box 44148, Olympia, WA 98504-4148, e-mail moom235@lni.wa.gov, fax (360) 902-4729, by 5 p.m., October 18, 2006.

Assistance for Persons with Disabilities: Contact Office of Information and Assistance by October 13, 2006, TTY (360) 602-5797.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To comply with the safe patient handling law, chapter 165, Laws of 2006 (ESHB 1672) the department is proposing to revise one existing hospital classification; create two new classifications for acute care hospitals, one for hospitals with a fully implemented safe patient handling program and one for hospitals without a fully implemented safe patient handling program; create two new classifications for state government hospitals, one for hospitals with a fully implemented safe patient handling program and one for hospitals without a fully implemented safe patient handling program; to amend four state government personnel classifications regarding patient handling and to amend the special reporting instructions as they apply to safe patient handling.

Reasons Supporting Proposal: Labor and industries is required by law to establish and maintain a workers' compensation classification plan that classifies all occupations or industries within the state and is permitted to review and make changes to the plan (RCW 51.16.035 and 51.16.100).

This law was passed by the 2006 legislature requiring the department to create a reduced premium rate for hospitals complying with the safe patient handling law provisions.

Statutory Authority for Adoption: RCW 51.16.035 and 51.16.100.

Statute Being Implemented: RCW 51.16.035 and 51.16.100.

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

Name of Proponent: Department of labor and industries, governmental.

Name of Agency Personnel Responsible for Drafting: Renee Brady and Bill Moomau, Tumwater, Washington, (360) 902-4774; Implementation: Ronald Moore, Tumwater, Washington, (360) 902-4748; and Enforcement: Robert Malooly, Tumwater, Washington, (360) 902-4209.

No small business economic impact statement has been prepared under chapter 19.85 RCW. In this case the agency is exempt from conducting a small business economic impact statement since the proposed rules set or adjust fees or rates pursuant to legislative standards described in RCW 34.05.-310 (4)(f) and because the content of the rules is specifically dictated by statute described in RCW 34.05.310 (4)(e).

A cost-benefit analysis is not required under RCW 34.05.328. In this case, the agency is exempt from conducting a cost-benefit analysis since the proposed rules set or adjust fees or rates pursuant to legislative standards described in RCW 34.05.328 (5)(b)(vi) and because the content of the rules is specifically dictated by statute described in RCW 34.05.328 (5)(b)(v).

September 5, 2006

Gary Weeks

Director

AMENDATORY SECTION (Amending WSR 05-23-161, filed 11/22/05, effective 1/1/06)

**WAC 296-17-35203 Special reporting instruction. (1) Professional and semiprofessional athletic teams.** Athletes assigned to a Washington-domiciled sports team are mandatorily covered by Washington industrial insurance: Provided, That a professional athlete who is under contract with a parent team domiciled outside of the state of Washington while assigned to a team domiciled within Washington is subject to mandatory coverage by Washington industrial insurance unless the player and employer (parent team) have agreed in writing as to which state shall provide coverage in accordance with RCW 51.12.120(~~(5)~~) (6).

The following rules shall apply to the written agreement:

(a) Agreement must be in writing and signed by the employer and the individual athlete.

(b) Agreement must specify the state that is to provide coverage. The state agreed upon to provide coverage must be a state in which the player's team, during the course of the season, will engage in an athletic event. For example, if the Washington-based team is a part of a league with teams in only Washington, Oregon, and Idaho, the player and the employer can agree to any of those three states to provide coverage. However, they could not agree to have California provide the coverage as this would not qualify as a state in which the player regularly performs assigned duties.

(c) The state agreed upon accepts responsibility for providing coverage and acknowledges such to the department by certified mail.

(d) Agreement and certification by the other state must be received by this department's underwriting section prior to any injury incurred by the athlete.

(e) Agreement will be for one season only commencing with the assigning of the player to a particular team. A separate agreement and certification must be on file for each additional season.

Failure to meet all of these requirements will result in the athlete being considered a Washington worker for premium and benefit purposes until such time as all requirements have been met.

Professional sports teams who are domiciled outside the state of Washington and who participate in sporting events with Washington-domiciled teams are not subject to Washington industrial insurance for their team members while in this state. These out-of-state teams are not considered employers subject to Title 51 on the basis that they are not conducting a business within this state.

(2) **Excluded employments.** Any employer having any person in their employ excluded from industrial insurance whose application for coverage under the elective adoption provisions of RCW 51.12.110 or authority of RCW 51.12.-095 or 51.32.030 has been accepted by the director shall report and pay premium on the actual hours worked for each such person who is paid on an hourly, salaried-part time, percentage of profit or piece basis; or one hundred sixty hours per month for any such person paid on a salary basis employed full time. In the event records disclosing actual hours worked are not maintained by the employer for any person paid on an hourly, salaried-part time, percentage of profits or piece basis the worker hours of such person shall be determined by dividing the gross wages of such person by the state minimum wage for the purpose of premium calculation. However, when applying the state minimum wage the maximum number of hours assessed for a month will be one hundred sixty.

(3) **Special trucking industry rules.** The following subsection shall apply to all trucking industry employers as applicable.

(a) Insurance liability. Every trucking industry employer operating as an intrastate carrier or a combined intrastate and interstate carrier must insure their workers' compensation insurance liability through the Washington state fund or be self-insured with the state of Washington.

Washington employers operating exclusively in interstate or foreign commerce or any combination of interstate and foreign commerce must insure their workers' compensation insurance liability for their Washington employees with the Washington state fund, be self-insured with the state of Washington, or provide workers' compensation insurance for their Washington employees under the laws of another state when such other state law provides for such coverage.

Interstate or foreign commerce trucking employers who insure their workers' compensation insurance liability under the laws of another state must provide the department with copies of their current policy and applicable endorsements upon request.

Employers who elect to insure their workers' compensation insurance liability under the laws of another state and who fail to provide updated policy information when requested to do so will be declared an unregistered employer and subject to all the penalties contained in Title 51 RCW.

(b) Reporting. Trucking industry employers insuring their workers' compensation insurance liability with the Washington state fund shall keep and preserve all original time records/books including supporting information from drivers' logs for a period of three calendar years plus three months.

Employers are to report actual hours worked, including time spent loading and unloading trucks, for each driver in their employ. For purposes of this section, actual hours worked does not include time spent during lunch or rest periods or overnight lodging.

Failure of employers to keep accurate records of actual hours worked by their employees will result in the department estimating work hours by dividing gross payroll wages by the state minimum wage for each worker for whom records were not kept. However, in no case will the estimated or actual hours to be reported exceed five hundred twenty hours per calendar quarter for each worker.

(c) Exclusions. Trucking industry employers meeting all of the following conditions are exempted from mandatory coverage.

(i) Must be engaged exclusively in interstate or foreign commerce.

(ii) Must have elected to cover their Washington workers on a voluntary basis under the Washington state fund and must have elected such coverage in writing on forms provided by the department.

(iii) After having elected coverage, withdrew such coverage in writing to the department on or before January 2, 1987.

If all the conditions set forth in (i), (ii), and (iii) of this subsection have not been met, employers must insure their workers' compensation insurance liability with the Washington state fund or under the laws of another state.

(d) Definitions. For purposes of interpretation of RCW 51.12.095(1) and administration of this section, the following terms shall have the meanings given below:

(i) "Agents" means individuals hired to perform services for the interstate or foreign commerce carrier that are intended to be carried out by the individual and not contracted out to others but does not include owner operators as defined in RCW 51.12.095(1).

(ii) "Contacts" means locations at which freight, merchandise, or goods are picked up or dropped off within the boundaries of this state.

(iii) "Doing business" means having any terminals, agents or contacts within the boundaries of this state.

(iv) "Employees" means the same as the term "worker" as contained in RCW 51.08.180.

(v) "Terminals" means a physical location wherein the business activities (operations) of the trucking company are conducted on a routine basis. Terminals will generally include loading or shipping docks, warehouse space, dispatch offices and may also include administrative offices.

(vi) "Washington" shall be used to limit the scope of the term "employees." When used with the term "employees" it will require the following test for benefit purposes (all conditions must be met).

- The individual must be hired in Washington or must have been transferred to Washington; and
- The individual must perform some work in Washington (i.e., driving, loading, or unloading trucks).

(4) **Forest, range, or timber land services—Industry rule.** Washington law (RCW 51.48.030) requires every employer to make, keep, and preserve records which are adequate to facilitate the determination of premiums (taxes) due to the state for workers' compensation insurance coverage for their covered workers. In the administration of Title 51 RCW, and as it pertains to the forest, range, or timber land services industry, the department of labor and industries has deemed the records and information required in the various subsections of this section to be essential in the determination of premiums (taxes) due to the state fund. The records so specified and required, shall be provided at the time of audit to any representative of the department who has requested them.

Failure to produce these required records within thirty days of the request, or within an agreed upon time period, shall constitute noncompliance of this rule and RCW 51.48.030 and 51.48.040. Employers whose premium computations are made by the department in accordance with (d) of this subsection are barred from questioning, in an appeal before the board of industrial insurance appeals or the courts, the correctness of any assessment by the department on any period for which such records have not been kept, preserved, or produced for inspection as provided by law.

(a) General definitions. For purpose of interpretation of this section, the following terms shall have the meanings given below:

(i) "Actual hours worked" means each workers' composite work period beginning with the starting time of day that the employees' work day commenced, and includes the entire work period, excluding any nonpaid lunch period, and ending with the quitting time each day work was performed by the employee.

(ii) "Work day" shall mean any consecutive twenty-four-hour period.

(b) Employment records. Every employer shall with respect to each worker, make, keep, and preserve original records containing all of the following information for three full calendar years following the calendar year in which the employment occurred:

- (i) The name of each worker;
- (ii) The Social Security number of each worker;
- (iii) The beginning date of employment for each worker and, if applicable, the separation date of employment for each such worker;
- (iv) The basis upon which wages are paid to each worker;
- (v) The number of units earned or produced for each worker paid on a piece-work basis;
- (vi) The risk classification(s) applicable to each worker;
- (vii) The number of actual hours worked by each worker, unless another basis of computing hours worked is prescribed

in WAC 296-17-31021. For purposes of chapter 296-17 WAC, this record must clearly show, by work day, the time of day the employee commenced work, and the time of day work ended;

(viii) A summary time record for each worker showing the calendar day or days of the week work was performed and the actual number of hours worked each work day;

(ix) In the event a single worker's time is divided between two or more risk classifications, the summary contained in (b)(viii) of this subsection shall be further broken down to show the actual hours worked in each risk classification for the worker;

(x) The workers' total gross pay period earnings;

(xi) The specific sums withheld from the earnings of each worker, and the purpose of each sum withheld;

(xii) The net pay earned by each such worker.

(c) Business, financial records, and record retention. Every employer is required to keep and preserve all original time records completed by their employees for a three-year period. The three-year period is specified in WAC 296-17-352 as the composite period from the date any such premium became due.

Employers who pay their workers by check are required to keep and preserve a record of all check registers and cancelled checks; and employers who pay their workers by cash are required to keep and preserve records of these cash transactions which provide a detailed record of wages paid to each worker.

(d) Recordkeeping - estimated premium computation. Any employer required by this section to make, keep, and preserve records containing the information as specified in (b) and (c) of this subsection, who fails to make, keep, and preserve such records, shall have premiums calculated as follows:

(i) Estimated worker hours shall be computed by dividing the gross wages of each worker for whom records were not maintained and preserved, by the state's minimum wage, in effect at the time the wages were paid or would have been paid. However, the maximum number of hours to be assessed under this provision will not exceed five hundred twenty hours for each worker, per quarter for the first audited period. Estimated worker hours computed on all subsequent audits of the same employer that disclose a continued failure to make, keep, or preserve the required payroll and employment records shall be subject to a maximum of seven hundred eighty hours for each worker, per quarter.

(ii) In the event an employer also has failed to make, keep, and preserve the records containing payroll information and wages paid to each worker, estimated average wages for each worker for whom a payroll and wage record was not maintained will be determined as follows: The employer's total gross income for the audit period (earned, received, or anticipated) shall be reduced by thirty-five percent to arrive at "total estimated wages." Total estimated wages will then be divided by the number of employees for whom a record of actual hours worked was not made, kept, or preserved to arrive at an "estimated average wage" per worker. Estimated hours for each worker will then be computed by dividing the estimated average wage by the state's minimum wage in

effect at the time the wages were paid or would have been paid as described in (d)(i) of this subsection.

(e) Reporting requirements and premium payments.

(i) Every employer who is awarded a forest, range, or timber land services contract must report the contract to the department promptly when it is awarded, and prior to any work being commenced, except as provided in (e)(iii) of this subsection. Employers reporting under the provisions of (e)(iii) of this subsection shall submit the informational report with their quarterly report of premium. The report shall include the following information:

(I) The employers' unified business identification account number (UBI).

(II) Identification of the landowner, firm, or primary contractor who awarded the contract, including the name, address, and phone number of a contact person.

(III) The total contract award.

(IV) Description of the forest, range, or timber land services work to be performed under terms of the contract.

(V) Physical location/site where the work will be performed including legal description.

(VI) Number of acres covered by the contract.

(VII) Dates during which the work will be performed.

(VIII) Estimated payroll and hours to be worked by employees in performance of the contract.

(ii) Upon completion of every contract issued by a landowner or firm that exceeds a total of ten thousand dollars, the contractor primarily responsible for the overall project shall submit in addition to the required informational report described in (e)(i) of this subsection, report the payroll and hours worked under the contract, and payment for required industrial insurance premiums. In the event that the contracted work is not completed within a calendar quarter, interim quarterly reports and premium payments are required for each contract for all work done during the calendar quarter. The first such report and payment is due at the end of the first calendar quarter in which the contract work is begun. Additional interim reports and payments will be submitted each quarter thereafter until the contract is completed. This will be consistent with the quarterly reporting cycle used by other employers. Premiums for a calendar quarter, whether reported or not, shall become due and delinquent on the day immediately following the last day of the month following the calendar quarter.

(iii) A contractor may group contracts issued by a landowner, firm, or other contractor that total less than ten thousand dollars together and submit a combined quarterly report of hours, payroll, and the required premium payment in the same manner and periods as nonforestation, range, or timber land services employers.

(f) Out-of-state employers. Forest, range, or timber land services contractors domiciled outside of Washington state must report on a contract basis regardless of contract size for all forest, range, or timber land services work done in Washington state. Out-of-state employers will not be permitted to have an active Washington state industrial insurance account for reporting forest, range, or timber land services work in the absence of an active Washington forest, range, or timber land services contract.

(g) Work done by subcontract. Any firm primarily responsible for work to be performed under the terms of a forest, range, or timber land services contract, that subcontracts out any work under a forest, range, or timber land services contract must send written notification to the department prior to any work being done by the subcontractor. This notification must include the name, address, Social Security number, farm labor contractor number, (UBI) of each subcontractor, and the amount and description of contract work to be done by subcontract.

(h) Forest, range, or timber land services contract release - verification of hours, payroll, and premium. The department may verify reporting of contractors by way of an on-site visit to an employers' work site. This on-site visit may include close monitoring of employees and employee work hours. Upon receipt of a premium report for a finished contract, the department may conduct an audit of the firm's payroll, employment, and financial records to validate reporting. The entity that awarded the contract can verify the status of the contractors' account online at the department's web site ([www.lni.wa.gov](http://www.lni.wa.gov)) or by calling the account manager. The landowner, firm, or contractor will not be released from premium liability until the final report for the contract from the primary contractor and any subcontractors has been received and verified by the department.

(i) Premium liability - work done by contract. Washington law (RCW 51.12.070) places the responsibility for industrial insurance premium payments primarily and directly upon the person, firm, or corporation who lets a contract for all covered employment involved in the fulfillment of the contract terms. Any such person, firm, or corporation letting a contract is authorized to collect from the contractor the full amount payable in premiums. The contractor is in turn authorized to collect premiums from any subcontractor they may employ his or her proportionate amount of the premium payment.

To eliminate premium liability for work done by contract permitted by Title 51 RCW, any person, firm, or corporation who lets a contract for forest, range, or timber land services work must submit a copy of the contract they have let to the department and verify that all premiums due under the contract have been paid.

Each contract submitted to the department must include within its body, or on a separate addendum, all of the following items:

(I) The name of the contractor who has been engaged to perform the work;

(II) The contractor's UBI number;

(III) The contractor's farm labor contractor number;

(IV) The total contract award;

(V) The date the work is to be commenced; a description of the work to be performed including any pertinent acreage information;

(VI) Location where the work is to be performed;

(VII) A contact name and phone number of the person, firm, or corporation who let the contract;

(VIII) The total estimated wages to be paid by the contractor and any subcontractors;

(IX) The amount to be subcontracted out if such subcontracting is permitted under the terms of the contract;

(X) The total estimated number of worker hours anticipated by the contractor and his/her subcontractors in the fulfillment of the contract terms;

(j) Reports to be mailed to the department. All contracts, reports, and information required by this section are to be sent to:

The Department of Labor and Industries  
Reforestation Team 8  
P.O. Box 44168  
Tumwater, Washington 98504-4168

(k) Rule applicability. If any portion of this section is declared invalid, only that portion is repealed. The balance of the section shall remain in effect.

**(5) Logging and/or tree thinning—Mechanized operations—Industry rule.** The following subsection shall apply to all employers assigned to report worker hours in risk classification 5005, WAC 296-17-66003.

(a) Every employer having operations subject to risk classification 5005 "logging and/or tree thinning - mechanized operations" shall have their operations surveyed by labor and industries insurance services staff prior to the assignment of risk classification 5005 to their account. Annual surveys may be required after the initial survey to retain the risk classification assignment.

(b) Every employer assigned to report exposure (work hours) in risk classification 5005 shall supply an addendum report with their quarterly premium report which lists the name of each employee reported under this classification during the quarter, the Social Security number of such worker, the piece or pieces of equipment the employee operated during the quarter, the number of hours worked by the employee during the quarter, and the wages earned by the employee during the quarter.

**(6) Special drywall industry rule.**

**(a) What is the unit of exposure for drywall reporting?** Your premiums for workers installing and finishing drywall (reportable in risk classifications 0540, 0541, 0550, and 0551) are based on the amount of material installed and finished, not the number of hours worked.

The amount of material installed equals the amount of material purchased or taken from inventory for a job. No deduction can be made for material scrapped (debris). A deduction is allowed for material returned to the supplier or inventory.

The amount of material finished for a job equals the amount of material installed. No deduction can be made for a portion of the job that is not finished (base layer of double-board application or unfinished rooms).

Example: Drywall installation firm purchases 96 4' x 8' sheets of material for a job which includes some double-wall installation. The firm hangs all or parts of 92 sheets, and returns 4 sheets to the supplier for credit. Drywall finishing firm tapes, primes and textures the same job. Both firms should report 2,944 square feet (4 x 8 x 92) for the job.

**(b) I do some of the work myself. Can I deduct material I as an owner install or finish?** Yes. Owners (sole proprietors, partners, and corporate officers) who have not elected coverage may deduct material they install or finish.

When you as an owner install (including scrap) or finish (including tape and prime or texture) only part of a job, you may deduct an amount of material proportional to the time you worked on the job, considering the total time you and your workers spent on the job.

To deduct material installed or finished by owners, you must report to the department by job, project, site or location the amount of material you are deducting for this reason. You must file this report at the same time you file your quarterly report:

$$\text{Total owners hours} \div (\text{owners hours} + \text{workers hours}) = \text{\% of owner discount.}$$

$$\text{\% of owner discount} \times (\text{total footage of job} - \text{subcontracted footage, if any}) = \text{Total owner deduction of footage.}$$

**(c) Can I deduct material installed or finished by subcontractors?** You may deduct material installed or taped by subcontractors you are not required to report as your workers. You may not deduct for material only scrapped or primed and textured by subcontractors.

To deduct material installed or taped by subcontractors, you must report to the department by job, project, site or location the amount of material being deducted. You must file this report at the same time you file your quarterly report. You must have and maintain business records that support the number of square feet worked by the subcontractor.

**(d) I understand there are discounted rates available for the drywall industry. How do I qualify for them?** To qualify for discounted drywall installation and finishing rates, you must:

(i) Have an owner attend two workshops the department offers (one workshop covers claims and risk management, the other covers premium reporting and recordkeeping);

(ii) Provide the department with a voluntary release authorizing the department to contact material suppliers directly about the firm's purchases;

(iii) Have and keep all your industrial insurance accounts in good standing (including the accounts of other businesses in which you have an ownership interest), which includes fully and accurately reporting and paying premiums as they come due, including reporting material deducted as owner or subcontractor work;

(iv) Provide the department with a supplemental report (filed with the firm's quarterly report) showing by employee the employee's name, Social Security number, the wages paid them during the quarter, how they are paid (piece rate, hourly, etc.), their rate of pay, and what work they performed (installation, scrapping, taping, priming/texturing); and

(v) Maintain accurate records about work you subcontracted to others and materials provided to subcontractors (as required by WAC 296-17-31013), and about payroll and employment (as required by WAC 296-17-35201).

The discounted rates will be in effect beginning with the first quarter your business meets all the requirements for the discounted rates.

Note: If you are being audited by the department while your application for the discounted classifications is pending, the department will not make a final decision regarding your rates until the audit is completed.

(e) **Can I be disqualified from using the discounted rates?** Yes. You can be disqualified from using the discounted rates for three years if you:

- (i) Do not file all reports, including supplemental reports, when due;
- (ii) Do not pay premiums on time;
- (iii) Underreport the amount of premium due; or
- (iv) Fail to maintain the requirements for qualifying for the discounted rates.

Disqualification takes effect when a criterion for disqualification exists.

Example: A field audit in 2002 reveals that the drywall installation firm underreported the amount of premium due in the second quarter of 2001. The firm will be disqualified from the discounted rates beginning with the second quarter of 2001, and the premiums it owed for that quarter and subsequent quarters for three years will be calculated using the nondiscounted rates.

If the drywall underwriter learns that your business has failed to meet the conditions as required in this rule, your business will need to comply to retain using the discounted classifications. If your business does not comply promptly, the drywall underwriter may refer your business for an audit.

If, as a result of an audit, the department determines your business has not complied with the conditions in this rule, your business will be disqualified from using the discounted classifications for three years (thirty-six months) from the period of last noncompliance.

(f) **If I discover I have made an error in reporting or paying premium, what should I do?** If you discover you have made a mistake in reporting or paying premium, you should contact the department and correct the mistake. Firms not being audited by the department who find errors in their reporting and paying premiums, and who voluntarily report their errors and pay any required premiums, penalties and interest promptly, will not be disqualified from using the discounted rates unless the department determines they acted in bad faith.

**(7) Safe patient handling rule.** The following subsection will apply to all hospital industry employers as applicable.

(a) Definitions. For the purpose of interpretation of this section, the following terms shall have the meanings given below:

(i) "Hospital" means an "acute care hospital" as defined in (a)(ii) of this subsection, a "mental health hospital" as defined in (a)(iii) of this subsection, or a "hospital, N.O.C. (not otherwise classified)" as defined in (a)(iv) of this subsection.

(ii) "Acute care hospital" means any institution, place, building, or agency providing accommodations, facilities, and services over a continuous period of twenty-four hours or more for observation, diagnosis, or care of two or more individuals not related to the operator who are suffering from illness, injury, deformity, or abnormality, or from any other condition for which obstetrical, medical, or surgical services would be appropriate for care or diagnosis. "Hospital" as used in this rule does not include:

Hotels, or similar places furnishing only food and lodging, or simply domiciliary care; nor does it include

Clinics, or physicians' offices where patients are not regularly kept as bed patients for twenty-four hours or more; nor does it include

Nursing homes, as defined and which come within the scope of chapter 18.51 RCW; nor does it include

Birth centers, which come within the scope of chapter 18.46 RCW; nor does it include

Psychiatric or alcoholism hospitals, which come within the scope of chapter 71.12 RCW; nor

Any other hospital or institution specifically intended for use in the diagnosis and care of those suffering from mental illness, mental retardation, convulsive disorders, or other abnormal mental conditions.

Furthermore, nothing in this chapter will be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents or patients in any hospital conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well-recognized church or religious denominations.

(ii) "Mental health hospital" means any hospital operated and maintained by the state of Washington for the care of the mentally ill.

(iv) "Hospitals, N.O.C." means health care facilities that do not qualify as acute care or mental health hospitals and may be privately owned facilities established for purposes such as, but not limited to, treating psychiatric disorders and chemical dependencies or providing physical rehabilitation.

(v) "Safe patient handling" means the use of engineering controls, lifting and transfer aids, or assistance devices, by lift teams or other staff, instead of manual lifting to perform the acts of lifting, transferring and repositioning health care patients.

(vi) "Lift team" means hospital employees specially trained to conduct patient lifts, transfers, and repositioning using lifting equipment when appropriate.

(vii) "Department" means the department of labor and industries.

(b) Hospitals will report worker hours in the risk classification that describes the nature of their operations and either their level of implementation of, or need for, the safe patient handling program.

(c) A fully implemented safe patient handling program must include:

(i) Acquisition of at least the minimum number of lifts and/or appropriate equipment for use by lift teams as specified in chapters 70.41 and 72.23 RCW.

(ii) An established safe patient handling committee with at least one-half of its membership being front line, nonmanagerial direct care staff to design and recommend the process for implementing a safe patient handling program.

(iii) Implementation of a safe patient handling policy for all shifts and units.

(iv) Conducting patient handling hazard assessments to include such variables as patient-handling tasks, types of nursing units, patient populations, and the physical environment of patient care areas.

(v) Developing a process to identify appropriate use of safe patient handling policy based on a patient's condition and availability of lifting equipment or lift teams.

(vi) Conducting an annual performance evaluation of the program to determine its effectiveness with results reported to the safe patient handling committee.

(vii) Consideration, when appropriate, to incorporate patient handling equipment or the physical space and construction design needed to incorporate that equipment at a later date during new construction or remodeling.

(viii) Development of procedures that allow employees to refuse to perform patient handling activities that the employee believes will pose a risk to him/herself or to the patient.

(d) Department staff will conduct an on-site survey of each acute care and mental health hospital before assigning a risk classification. Subsequent surveys may be conducted to confirm whether the assigned risk classification is still appropriate.

(e) To remain in classification 6120-00 or 7200-00, a hospital must submit a copy of the annual performance evaluation of their safe patient handling program, as required by chapters 70.41 and 72.23 RCW, to the Employer Services Program, Department of Labor and Industries, P.O. Box 44161, Olympia, Washington, 98504.

AMENDATORY SECTION (Amending WSR 06-12-075, filed 6/6/06, effective 1/1/07)

**WAC 296-17-651 Classification 4902.**

**4902-00 State government clerical and administrative office personnel**

Applies to state employees who are assigned to work in an office environment in a clerical or administrative capacity, with no field duties. The work performed in this classification normally includes working with telephones, correspondence, creating financial, employment, personnel or payroll records, research, composing informational material at a computer, creating or maintaining computer software, or library work, but may include other administrative work performed in an office location. For the purpose of this classification, employees reported in 4902 would have no field work or routine travel outside of the office, other than occasional errands, a trip to the bank or post office, attendance at training, meetings or a conference in support of their normal duties. This classification may include, but is not limited to, jobs such as office support, secretary, administrative assistant, customer service representative, accountant, fiscal analyst, information systems, when normal job duties do not require travel and are completed in an office environment.

This classification excludes: Employees whose duties include field exposure, employees who may be called upon to restrain individuals or participate in recreational activities in state hospitals, schools, homes, detention or correctional facilities, who are to be reported separately in the appropriate classification (5307, 7103, or 7201); administrative field employees who are to be reported separately in risk classification 5300; law enforcement officers in any capacity who are to be reported separately in risk classification 7103; ((☞)) employees who provide patient or health care at state-operated mental health or acute care hospitals with a fully implemented safe patient handling program who are to be reported in classification 7200; employees who provide patient or

health care at state-operated mental health or acute care hospitals that do not have a fully implemented safe patient handling program who are to be reported separately in classification 7400; employees who provide patient or health care and work in state hospitals, homes, schools, detention or correctional facilities who are not otherwise classified who are to be reported separately in risk classification 7201. Volunteers are to be reported in classification 6901, and law enforcement volunteers in classification 6906.

This classification may be assigned to all departments, agencies, boards, commissions and committees of either the executive, legislative or judicial branches of state government.

**Special notes:** A division of hours is not permitted between classification 4902 and any other classification. For purposes of this classification the term "clerical and administrative office personnel" shall have the same meaning as "clerical office employees" defined in the standard exception provision of the general reporting rule.

AMENDATORY SECTION (Amending WSR 06-12-075, filed 6/6/06, effective 1/1/07)

**WAC 296-17-67603 Classification 5300.**

**5300-00 State government - administrative field personnel**

Applies to state employees whose duties require them to travel to an alternative work location but their work assignment is administrative in nature. Workers reported in this classification have duties which routinely involve travel to meetings or appointments with clients, customers, or businesses. Typical work includes, but is not limited to, field auditor, collector, social worker, attorney, public relations or consulting staff with no hazardous exposures. Supervisors who occasionally travel to accompany field staff for purposes such as observation or information gathering, but who do not typically perform any work other than administrative, are also included in this classification. Employees in this classification may also have follow-up work that is completed in the office such as writing reports, correspondence, etc.

This classification excludes employees with duties outside of the office which are more than administrative in nature such as, but not limited to, engineers, inspectors, and biologists who may have some field exposure, and are to be reported in 5307. For purposes of this classification, field exposure is defined as any work period, other than the normal travel to or from a work environment, which involves "hands on" work.

This classification excludes: Employees whose duties include field or hazardous exposure, employees who perform work with inmates, residents, patients or potentially violent persons in state hospitals, schools, homes, detention or correctional facilities which may involve security, recreation, or staff who may be called upon to restrain individuals, who are to be reported separately in the appropriate classification (5307, 7103, 7201); clerical and administrative office personnel who are to be reported separately in classification 4902; law enforcement officers in any capacity who are to be reported separately in classification 7103; employees who provide patient or health care at state-operated mental health



or acute care hospitals with a fully implemented safe patient handling program who are to be reported in classification 7200; employees who provide patient or health care at state-operated mental health or acute care hospitals that do not have a fully implemented safe patient handling program who are to be reported in classification 7400; and employees who provide patient or health care and work in state hospitals, homes, schools, detention or correctional facilities who are not otherwise classified who are to be reported separately in classification 7201. Volunteers are to be reported in classification 6901, and law enforcement volunteers in classification 6906.

This classification may be assigned to all departments, agencies, boards, commissions and committees of either the executive, legislative or judicial branches of state government.

**Special notes:** A division of hours is not permitted between classification 5300 and any other classification.

For purposes of this classification, the term "administrative field personnel" shall have the same meaning as "sales personnel" defined in the standard exception provision of the general reporting rule.

AMENDATORY SECTION (Amending WSR 06-12-075, filed 6/6/06, effective 1/1/07)

**WAC 296-17-67901 Classification 5307.**

**5307-00 State government employees - N.O.C.**

Applies to state government employees not covered by another classification (N.O.C. - not otherwise classified). This is the basic state agency classification which covers employees who have duties that support the mission of the agency and have field or hazardous exposure. For purposes of this classification field or hazardous exposure is defined as any work which involves "hands on" work. Employees reported in this classification may have jobs that include, but are not limited to, performing manual labor or supervising a work crew performing manual labor, work in the trades, construction-type work or maintenance/repair work, operating machinery or equipment, stores/stock clerks, warehouse, supplies, deliveries, food services, facilities, recreational, or general security staff with no law enforcement duties. This classification also includes, but is not limited to, personnel such as engineers, inspectors, and biologists, who have field exposure. This classification includes supervisors who work at a field site and routinely perform supervision duties in the field. This classification includes nonpatient care employees in state operated homes, schools, detention or correctional facilities not described in another classification.

This classification excludes: Employees who have law enforcement power in any capacity, who are to be reported separately in classification 7103; employees who work in state hospitals, homes, schools, detention or correctional facilities who are not otherwise classified who provide patient or health care, who are to be reported separately in classification 7201; employees who provide patient or health care at state-operated mental health or acute care hospitals with a fully implemented safe patient handling program who are to be reported in classification 7200; employees who provide patient or health care at state-operated mental health or

acute care hospitals that do not have a fully implemented safe patient handling program who are to be reported in classification 7400; administrative field employees, who are to be reported separately in classification 5300; and clerical and administrative office personnel, who are to be reported separately in classification 4902. Volunteers are to be reported in classification 6901, and law enforcement volunteers in classification 6906.

This classification may be assigned to all departments, agencies, boards, commissions and committees of either the executive, legislative or judicial branches of state government.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

**WAC 296-17-682 Classification 6105.**

~~((6105-00 Hospitals: Religious, charitable or nonprofit~~

~~Applies to establishments engaged in operating religious, charitable, or nonprofit hospitals. These hospitals are usually corporations who are governed by a board and have an additional uncompensated care program to assess medically necessary situations and seek out any available resources to provide coverage. If no resources are available, the hospital usually provides care anyway because their mission includes addressing need and supplying care. Hospitals provide medical or surgical care and treatment for the sick and the injured. A hospital is an organization with six or more beds providing round the clock nursing care and access to physician's care, and operating at least a pharmacy, a diagnostic X ray and laboratory facility, and a surgical service. Most hospitals offer a variety of medical services. General care or community hospitals offer a wide range of short term treatments for a variety of medical conditions, whereas specialized institutions (such as children's hospitals, maternity hospitals and psychiatric hospitals) usually provide a more limited range of services to a specific class of patients. This classification contemplates all types of hospital employment including, but not limited to, admissions staff, medical staff, pharmacy staff, dietary staff, and laundry, housekeeping, custodial and grounds keeping staff. This classification also includes clerical office and sales personnel.~~

~~6105-01 Hospitals: Private proprietary~~

~~Applies to establishments engaged in operating private proprietary hospitals. These are for profit corporations that have a board and investors. All hospitals are required to provide initial emergency care. A proprietary hospital may recommend that an indigent or uninsured person find follow-up care elsewhere. Hospitals provide medical or surgical care and treatment for the sick and the injured. A hospital is an organization with six or more beds providing round the clock nursing care and access to physician's care, and operating at least a pharmacy, a diagnostic X ray and laboratory facility, and a surgical service. Most hospitals offer a variety of medical services. General care or community hospitals offer a wide range of short term treatments for a variety of medical conditions, whereas specialized institution (such as children's hospitals, maternity hospitals and psychiatric hospitals) usually provide a more limited range of services to a specific~~

class of patients. This classification contemplates all types of hospital employment including, but not limited to, admissions staff, medical staff, pharmacy staff, dietary staff, and laundry, housekeeping, custodial and grounds keeping staff. This classification also includes clerical office and sales personnel.)

**6105-05 Hospitals: N.O.C. - ((including hospital districts)) (to be assigned only by the hospital underwriter).**

Applies to establishments engaged in operating hospitals which are not covered by another classification (N.O.C.) ((including hospital districts. They are governed by a board of community members. A municipal hospital district operates similar to a charitable hospital; they will not turn away anyone in need of care, but must exercise discretion in allowing write-offs for charity cases. They will also make every effort to obtain available resources for a person before recognizing them as indigent. Hospitals provide medical or surgical care and treatment for the sick and the injured. A hospital is an organization with six or more beds providing round the clock nursing care and access to physician's care, and operating at least a pharmacy, a diagnostic X ray and laboratory facility, and a surgical service. Most hospitals offer a variety of medical services. General care or community hospitals offer a wide range of short-term treatments for a variety of medical conditions, whereas specialized institutions (such as children's hospitals, maternity hospitals, and psychiatric hospitals) usually provide a more limited range of services to a specific class of patients. This classification contemplates all types of hospital employment including but not limited to admissions staff, medical staff, pharmacy staff, dietary staff, and laundry, housekeeping, custodial and grounds keeping staff. This classification also includes clerical office and sales personnel)) and that do not have routine patient lifting and moving hazard. Types of hospitals covered by this classification include, but are not limited to, alcohol and chemical dependency, physical rehabilitation, and private psychiatric. This classification contemplates all necessary and usual employments found in hospitals including, but not limited to, admissions, clerical and sales staff, medical professionals, pharmacy staff, dietitians and food preparation staff, and laundry, housekeeping, custodial and grounds keeping staff.

This classification excludes acute care hospitals as defined in WAC 296-17-35203(7).

**NEW SECTION**

**WAC 296-17-68640 Classification 6120.**

**6120-00 Acute care hospitals - with a fully implemented safe patient handling program (to be assigned only by the hospital underwriter)**

Applies to establishments that meet the definition of an acute care hospital contained in WAC 296-17-35203(7) that are using the required patient lifting and moving equipment as part of a fully implemented safe patient handling program as defined in WAC 296-17-35203 (7)(c). This classification contemplates all necessary and usual employments found in hospitals including, but not limited to, admissions, clerical and sales staff, medical professionals, pharmacy staff, dieti-

tians and food preparation staff, and laundry housekeeping, custodial and grounds keeping staff.

**NEW SECTION**

**WAC 296-17-68641 Classification 6121.**

**6121-00 Acute care hospitals - without a fully implemented safe patient handling program (to be assigned only by the hospital underwriter)**

Applies to establishments that meet the definition of an acute care hospital contained in WAC 296-17-35203(7) but that are not using the required patient lifting and moving equipment as part of a fully implemented safe patient handling program as defined in WAC 296-17-35203 (7)(c). This classification contemplates all necessary and usual employments found in hospitals including, but not limited to, admissions, clerical, and sales staff, medical professionals, pharmacy staff, dietitians and food preparation staff, and laundry, housekeeping, custodial and grounds keeping staff.

**NEW SECTION**

**WAC 296-17-76240 Classification 7200.**

**7200-00 State government - mental health or acute care hospitals with a fully implemented safe patient handling program, patient or health care personnel (to be assigned only by the hospital underwriter)**

Applies to state employees who provide any type of patient or health care at state-operated mental health or acute care hospitals that are equipped with the required patient lifting and moving equipment as part of a fully implemented safe patient handling program as defined in WAC 296-17-35203 (7)(c). All employees who have responsibility for mental health care or medical care of patients in these facilities are included in this classification.

This classification excludes: Patient or health care personnel working at a mental health or acute care hospital that does not have a fully implemented safe patient handling program who are to be reported separately in classification 7400; patient or health care personnel at health care facilities that do not operate as a mental health or acute care hospital who are to be reported separately in classification 7201; employees who work in state hospitals, schools, or prisons who do not work directly in patient care such as food service, laundry, and janitorial, who are to be reported separately in classification 5307; administrative field employees who are to be reported separately in classification 5300; clerical and administrative office personnel who are to be reported separately in classification 4902; law enforcement officers who are to be reported separately in classification 7103; volunteers who are to be reported separately in classification 6901; and law enforcement volunteers who are to be reported separately in classification 6906.

AMENDATORY SECTION (Amending WSR 06-12-075, filed 6/6/06, effective 1/1/07)

**WAC 296-17-763 Classification 7201.**

**7201-00 State government - patient or health care personnel, N.O.C. (to be assigned only by the hospital underwriter)**

Applies to state employees who are not otherwise classified who provide any type of patient or health care at state-operated hospitals, schools, homes, camps, detention or correctional facilities, that are not operated as mental health or acute care hospitals as defined in WAC 296-17-35203(7) and that do not have routine patient lifting and moving exposure. All employees who have responsibility for physical or mental health care of patients in these facilities are included in this classification. Types of employment contemplated by this classification include, but are not limited to, doctors, nurses, therapists, attendants, or training and counseling staff who work with patients and may be called upon to restrain or attend to patients who are potentially aggressive or violent.

This classification excludes: Employees who provide patient or health care at state-operated mental health or acute care hospitals with a fully implemented safe patient handling program who are to be reported separately in classification 7200; employees who provide patient or health care at state-operated mental health or acute care hospitals that do not have a fully implemented safe patient handling program who are to be reported separately in classification 7400; law enforcement officers in any capacity who are to be separately reported in classification 7103; employees who work in state hospitals, schools or prisons, who do not work directly in patient care such as food service, laundry, and janitorial, who are to be separately reported in classification 5307; administrative field employees who are to be separately reported in classification 5300; or clerical and administrative office personnel who are to be separately reported in classification 4902. Volunteers are to be reported in classification 6901, and law enforcement volunteers in classification 6906.

NEW SECTION

**WAC 296-17-780 Classification 7400.**

**7400-00 State government - mental health or acute care hospitals without a fully implemented safe patient handling program - patient or health care personnel (to be assigned only by the hospital underwriter)**

Applies to state employees who provide any type of patient or health care at state-operated mental health or acute care hospitals that are not equipped with the required patient lifting and moving equipment as a part of a fully implemented safe patient handling program as defined in WAC 296-17-35203 (7)(c). All employees who have responsibility for mental health care or medical care of patients in these facilities are included in this classification.

This classification excludes: Patient or health care personnel working at a mental health or acute care hospital that has a fully implemented safe patient handling program who are to be reported separately in classification 7200; patient or health care personnel at health care facilities that do not operate as a mental health or acute care hospital who are to be

reported separately in classification 7201; employees who work in state hospitals, schools or prisons who do not work directly in patient care such as food service, laundry, and janitorial staff who are to be reported separately in classification 5307; administrative field employees who are to be reported separately in classification 5300; clerical and administrative office personnel who are to be reported separately in classification 4902; law enforcement officers who are to be reported separately in classification 7103; volunteers who are to be reported separately in classification 6901; and law enforcement volunteers who are to be reported separately in classification 6906.

**WSR 06-18-081**

**PROPOSED RULES**

**DEPARTMENT OF  
LABOR AND INDUSTRIES**

[Filed September 5, 2006, 9:56 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-15-112.

Title of Rule and Other Identifying Information: Chapter 296-17 WAC, General reporting rules, classifications, audit and recordkeeping, rates and rating system for workers' compensation insurance.

The department has been requested by the Washington horse racing commission to establish two new classifications for exercise riders at major tracks and exercise riders at minor tracks.

Hearing Location(s): Department of Labor and Industries Building, Room S119, Tumwater, WA 98501, on October 18, 2006, at 9 a.m.

Date of Intended Adoption: November 7, 2006.

Submit Written Comments to: Bill Moomau, Classifications Services, P.O. Box 44148, Olympia, WA 98504-4148, e-mail moom235@lni.wa.gov, fax (360) 902-4729, by 5 p.m., October 18, 2006.

Assistance for Persons with Disabilities: Contact Office of Information and Assistance by October 13, 2006, TTY (360) 602-5797.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Presently the department administers two classifications for the horse racing industry that include on and off track employees such as assistant trainers, pony riders and exercise riders. One classification applies to major tracks such as Emerald Downs and the other classification applies to minor tracks such as fair meets and bush tracks.

The Washington horse racing commission, which collects premiums on a per license basis, has requested the department create two additional classifications for exercise riders only and remove them from the existing classifications. Preliminary review would indicate that exercise riders have greater claim exposure than the other employees in the existing classifications.

This proposal creates a new classification for exercise riders at major tracks and another one for exercise riders at minor tracks.

No other rules are affected by this proposal.

Statutory Authority for Adoption: RCW 51.16.035 and 51.16.100.

Statute Being Implemented: RCW 51.16.035 and 51.16.100.

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

Name of Proponent: Department of labor and industries, governmental.

Name of Agency Personnel Responsible for Drafting: Bill Moomau, Tumwater, Washington, (360) 902-4774; Implementation: Ronald Moore, Tumwater, Washington, (360) 902-4748; and Enforcement: Robert Malooly, Tumwater, Washington, (360) 902-4209.

No small business economic impact statement has been prepared under chapter 19.85 RCW. In this case the agency is exempt from conducting a small business economic impact statement since the proposed rules set or adjust fees or rates pursuant to legislative standards described in RCW 34.05.-310 (4)(f).

A cost-benefit analysis is not required under RCW 34.05.328. In this case, the agency is exempt from conducting a cost-benefit analysis since the proposed rules set or adjust fees or rates pursuant to legislative standards described in RCW 34.05.328 (5)(b)(vi).

September 5, 2006

Gary Weeks

Director

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

**WAC 296-17-73105 Classification 6614.**

**6614-00 Parimutuel horse racing: All other employees, N.O.C. - major tracks**

*(to be assigned only by the horse racing underwriter)*

Applies to licensed employees of licensed horse trainers and/or horse owners who conduct business at a major parimutuel horse racing track (~~(- These tracks are currently Yakima Meadows in Yakima, Playfair in Spokane and))~~ such as as Emerald Downs in Auburn. This classification applies to on and off track employees such as assistant trainers(;) and pony riders ((and exercise riders. Jockeys are considered exercise riders when employed by a trainer and/or owner at a time other than during a scheduled race meet)). The dates of a race meet are set for each track by the Washington horse racing commission. Coverage provided in this classification is funded by premiums collected at the time of licensing. Trainer premiums are collected on a per license basis.

This classification excludes licensed grooms working at major tracks who are to be reported separately in classification 6615; unlicensed employees who work only on a farm or ranch who are to be reported separately in classification 7302; ~~((and))~~ assistant trainers(;) and pony riders ((and exercise riders)) working at a fair or bush track who are to be reported separately in classification 6616; exercise riders working at a major track who are to be reported in classifica-

tion 6622 and exercise riders at a fair or bush track who are to be reported in classification 6623.

*Special note:* All employees working at a major track must be licensed by the Washington state horse racing commission.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

**WAC 296-17-73107 Classification 6616.**

**6616-00 Parimutuel horse racing: All other employees, N.O.C. - fair meets or bush tracks**

*(to be assigned only by the horse racing underwriter)*

Applies to licensed employees of licensed horse trainers and/or horse owners who conduct business at a fair meet or bush track. This classification applies to on or off track employees such as assistant trainers(;) and pony riders(;) and exercise riders. Jockeys will be considered exercise riders when employed by a trainer and/or owner at a time other than during a scheduled race meet). The dates of a race meet are set for each track by the Washington state horse racing commission. Coverage provided in this classification is funded by premiums collected at the time of licensing. Trainer premiums are collected on a per license basis.

This classification excludes assistant trainers(;) and pony riders ((and exercise riders)) working at a major track who are to be reported separately in classification 6614; grooms working at a major track who are to be reported separately in classification 6615 (~~and~~), grooms working at a fair or bush track who are to be reported separately in classification 6617; exercise riders working at a major track who are to be reported in classification 6622 and exercise riders at a fair or bush track who are to be reported in classification 6623.

*Special note:* All employees working at a fair or bush track must be licensed by the Washington state horse racing commission.

NEW SECTION

**WAC 296-17-73201 Classification 6622.**

**6622-00 Parimutuel horse racing: Exercise riders - major tracks**

*(to be assigned only by the horse racing underwriter)*

Applies to licensed employees of licensed horse trainers and/or horse owners who conduct business at a major parimutuel horse racing track such as Emerald Downs. This classification applies to on and off track employment of exercise riders. Jockeys are considered exercise riders when employed by a trainer and/or owner at a time other than during a scheduled race meet. The dates of a race meet are set for each track by the Washington state horse racing commission. Coverage provided in this classification is funded by premiums collected at the time of licensing. Trainers' premiums are collected on a per license basis.

This classification excludes licensed grooms working at major tracks who are to be reported separately in classification 6615; licensed grooms working at fair or bush tracks who are to be reported in 6617; unlicensed employees who

work only on a farm or ranch who are to be reported separately in classification 7302; assistant trainers and pony riders working at a major track who are to be reported separately in classification 6614; assistant trainers and pony riders working at a fair or bush track who are to be reported in 6616; and exercise riders at a fair or bush track who are to be reported in 6623.

**Special note:** All employees working at a major track must be licensed by the Washington state horse racing commission.

#### NEW SECTION

#### **WAC 296-17-73203 Classification 6623.**

#### **6623-00 Parimutuel horse racing: Exercise riders - fair meets or bush tracks**

##### ***(to be assigned only by the horse racing underwriter)***

Applies to licensed employees of licensed horse trainers and/or horse owners who conduct business at a fair meet or bush track. This classification applies to on or off track employment of exercise riders. Jockeys will be considered exercise riders when employed by a trainer and/or owner at a time other than during a scheduled race meet. The dates of a race meet are set for each track by the Washington state horse racing commission. Coverage provided in this classification is funded by premiums collected at the time of licensing. Trainer premiums are collected on a per license basis.

This classification excludes assistant trainers and pony riders working at a major track who are to be reported separately in classification 6614; assistant trainers and pony riders working at a fair or bush track who are to be reported in 6616; grooms working at a major track who are to be reported separately in classification 6615; grooms working at a fair or bush track who are to be reported separately in classification 6617; and exercise riders working at a major track who are to be reported in 6622.

**Special note:** All employees working at a fair or bush track must be licensed by the Washington state horse racing commission.

#### **WSR 06-18-086**

#### **PROPOSED RULES**

#### **WASHINGTON STATE UNIVERSITY**

[Filed September 5, 2006, 2:36 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-15-102.

Title of Rule and Other Identifying Information: Amending WAC 504-24-020 Social policies and procedures and adding new section WAC 504-24-025 University staff access to residence halls.

Hearing Location(s): Washington State University, Lighty Room 405, Pullman, Washington, on October 19, 2006, at 3:45 p.m. - 5:00 p.m.

Date of Intended Adoption: November 17, 2006.

Submit Written Comments to: Ralph T. Jenks, Director, Procedures Records and Forms and University Rules Coordi-

nator, P.O. Box 641225, Pullman, WA 99164-1225, e-mail [jenks@wsu.edu](mailto:jenks@wsu.edu), fax (509) 335-3969, by October 19, 2006.

Assistance for Persons with Disabilities: Contact Linda Nelson, (509) 335-3928, by October 12, 2006.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The rules are being changed to allow authorized Washington State University residence hall, custodial, maintenance, operations, police, fire, and administrative staff to have access to residence halls at all times while performing university duties.

Reasons Supporting Proposal: Current rules do not provide for staff access to residence halls.

Statutory Authority for Adoption: RCW 28B.30.150.

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

Name of Proponent: Washington State University, public.

Name of Agency Personnel Responsible for Drafting: Richard Heath, Senior Associate Vice-President, Business Affairs, (509) 335-5524; Implementation: Gregory Royer, Vice-President, Business Affairs, (509) 335-5524; and Enforcement: Steve Hansen, Police Chief, Public Safety, (509) 335-8548.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rule has no impact on small business.

A cost-benefit analysis is not required under RCW 34.05.328. The university does not consider this rule to be a significant legislative rule.

September 1, 2006

Ralph T. Jenks, Director

Procedures Records and Forms and

University Rules Coordinator

#### AMENDATORY SECTION (Amending Order 87-1, filed 5/26/87)

#### **WAC 504-24-020 Social policies and procedures. (1) Security hours.**

(a) Living groups are secured during the following hours: 11:00 p.m. - 6:30 a.m. daily.

(b) It is understood that a living group has the prerogative of maintaining additional security hours if decided by a vote of the living group. The living group's current security hours should be on file in the department of residence living.

(2) Guest rules.

(a) Guests must comply with the regulations of the living groups they are visiting.

(b) Keys or card keys will not be issued to guests.

(c) The host or hostess shall be responsible for the action(s) of guests.

(d) All guests must be escorted while in the building.

(e) Except for those persons authorized access by WAC 504-24-025, guests are defined as anyone not residing in the residence hall.

(3) Visitation.

Each living group is permitted to develop its own visitation schedule for its main lounge and lobbies. No visitation on living floors is permitted between hours of 2:00 a.m. and 6:30 a.m.

NEW SECTION

**WAC 504-24-025 University staff access to residence halls.** Washington State University staff whose job duties include working with residence hall residents or programs, or custodial, maintenance, or operations of residence halls, and university police, fire marshal, and administrators, shall have access to residence halls at all times while they are performing their university duties.

**WSR 06-18-087****PROPOSED RULES****WASHINGTON STATE UNIVERSITY**

[Filed September 5, 2006, 2:38 p.m.]

## Original Notice.

Preproposal statement of inquiry was filed as WSR 06-14-087.

Title of Rule and Other Identifying Information: Repeal of chapter 504-25 WAC, Standards of conduct for students and new chapter 504-26 WAC, Standards of conduct for students.

Hearing Location(s): Washington State University, Lighty Room 405, Pullman, Washington, on October 17, 2006, at 3:45 p.m. - 5:00 p.m.

Date of Intended Adoption: November 17, 2006.

Submit Written Comments to: Ralph T. Jenks, Director, Procedures Records and Forms and University Rules Coordinator, P.O. Box 641225, Pullman, WA 99164-1225, e-mail [jenks@wsu.edu](mailto:jenks@wsu.edu), fax (509) 335-3969, by October 17, 2006.

Assistance for Persons with Disabilities: Contact Linda Nelson, (509) 335-3928, by October 10, 2006.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The rules for standards of conduct for students are being updated and clarified.

Reasons Supporting Proposal: To update WSU's current code in conformance with national standards.

Statutory Authority for Adoption: RCW 28B.30.150.

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

Name of Proponent: Washington State University, public.

Name of Agency Personnel Responsible for Drafting: Elaine Voss, Director, Student Conduct, (509) 335-4532; Implementation and Enforcement: Alton Jamison, Vice-President, Student Affairs, (509) 335-4531.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rule has no impact on small business.

A cost-benefit analysis is not required under RCW 34.05.328. The university does not consider this rule to be a significant legislative rule.

September 1, 2006

Ralph T. Jenks, Director  
Procedures Records and Forms and  
University Rules Coordinator

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 504-25-001	Terms of enrollment.
WAC 504-25-002	Washington State University.
WAC 504-25-003	Definition of a student.
WAC 504-25-011	Good standing.
WAC 504-25-013	Responsibility for guests.
WAC 504-25-014	Students studying abroad.
WAC 504-25-015	Academic dishonesty.
WAC 504-25-018	Copyright and intellectual property.
WAC 504-25-020	Discrimination.
WAC 504-25-025	Sexual offenses.
WAC 504-25-030	Physical abuse or threatened physical abuse.
WAC 504-25-035	Hazing is prohibited.
WAC 504-25-040	Harassment.
WAC 504-25-041	Malicious harassment.
WAC 504-25-042	Stalking.
WAC 504-25-043	Abuse of self or others.
WAC 504-25-045	Reckless endangerment.
WAC 504-25-050	Alcohol.
WAC 504-25-051	Effect of alcohol or drugs.
WAC 504-25-055	Drugs and drug paraphernalia.
WAC 504-25-060	Firearms and dangerous weapons.
WAC 504-25-065	Illegal entry and trespassing.
WAC 504-25-070	Theft or damage of property or services.
WAC 504-25-075	Safety equipment.
WAC 504-25-080	Misrepresentation, fraud and falsification of university records.
WAC 504-25-085	Computer abuses.
WAC 504-25-090	Disruption.
WAC 504-25-095	Disturbing the peace.
WAC 504-25-100	Public indecency.
WAC 504-25-105	Interference with university or student programs or activities.

WAC 504-25-110 Violation of university policies.

WAC 504-25-115 Violation of local ordinances, state or federal law.

WAC 504-25-120 Failure to comply with a proper order.

WAC 504-25-125 Assisting illegal or prohibited conduct.

WAC 504-25-130 Violation of a disciplinary sanction.

WAC 504-25-135 Failure to cooperate with a university investigation.

WAC 504-25-137 Misuse of keys or access cards.

WAC 504-25-138 Misuse of identification.

WAC 504-25-139 Identity theft.

WAC 504-25-140 Other conduct.

WAC 504-25-200 Disciplinary action.

WAC 504-25-201 Student rights.

WAC 504-25-202 Emergency interventions and interim action.

WAC 504-25-203 Parental notification.

WAC 504-25-205 Types of hearings.

WAC 504-25-215 University officer, conduct board, and appeal board.

WAC 504-25-221 Complaint.

WAC 504-25-222 Preliminary conference.

WAC 504-25-223 Notice.

WAC 504-25-224 Service of notice.

WAC 504-25-226 Administrative hearing.

WAC 504-25-227 Administrative hearing appeal.

WAC 504-25-228 Conduct board hearing.

WAC 504-25-229 Conduct board appeal.

WAC 504-25-230 Sanctions.

WAC 504-25-245 Records.

WAC 504-25-300 Introduction.

WAC 504-25-305 Overview of academic integrity procedures.

WAC 504-25-310 Definitions.

WAC 504-25-315 Academic integrity processes.

WAC 504-25-320 Reports of academic dishonesty.

WAC 504-25-325 Conduct officer and hearing boards.

WAC 504-25-330 Acts of academic dishonesty that violate the conduct regulations and the academic integrity standards.

WAC 504-25-335 Academic integrity procedures.

WAC 504-25-340 Rights of students charged with violations of the academic integrity standards.

WAC 504-25-350 Hearing guidelines.

WAC 504-25-355 Sanctions.

WAC 504-25-360 Appeals.

WAC 504-25-365 Finding of no responsibility.

WAC 504-25-370 Other interventions.

WAC 504-25-375 Records.

**Chapter 504-26 WAC**

**STANDARDS OF CONDUCT FOR STUDENTS**

NEW SECTION

**WAC 504-26-001 Preamble.** Washington State University, a community dedicated to the advancement of knowledge, expects all students to behave in a manner consistent with its high standards of scholarship and conduct. Students are expected to uphold these standards both on and off campus and acknowledge the university's authority to take disciplinary action. The purpose of these standards and processes is to educate students and protect the welfare of the community.

NEW SECTION

**WAC 504-26-010 Definitions.** (1) The term "accused student" means any student accused of violating the standards of conduct for students (this chapter).

(2) The term "appellate board" means any person or persons authorized by the vice-president for student affairs to consider an appeal from a student conduct board's determination as to whether a student has violated the standards of conduct for students or from the sanctions imposed by the student conduct officer.

(3) The term "cheating" includes, but is not limited to:

(a) Use of any unauthorized assistance in taking quizzes, tests, or examinations.

(b) Use of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments.

(c) Acquisition, without permission, of tests or other academic material belonging to a member of the university faculty or staff.

(d) Fabrication, which is the intentional invention or counterfeiting of information in the course of an academic activity. Fabrication includes, but is not limited to:

(i) Counterfeiting data, research results, information, or procedures with inadequate foundation in fact;

(ii) Counterfeiting a record of internship or practicum experiences;

(iii) Submitting a false excuse for absence or tardiness.

(e) Engaging in any behavior for the purpose of gaining an unfair advantage specifically prohibited by a faculty member in the course syllabus or class discussion.

(f) Research misconduct. Falsification, fabrication, plagiarism, or other forms of dishonesty in scientific and scholarly research are prohibited. Complaints and inquiries involving cases of research misconduct are managed according to WSU's policy for responding to allegations of scientific misconduct. A finding of research misconduct is subject to sanctions by the office of student conduct. The policy for responding to allegations of scientific misconduct may be reviewed by contacting the vice-provost for research.

(4) The term "complainant" means any person who submits a charge alleging that a student violated the standards of conduct for students.

(5) The term "faculty member" for purposes of this chapter, means any person hired by the university to conduct classroom or teaching activities or who is otherwise considered by the university to be a member of its faculty.

(6) The term "gender identity" means having or being perceived as having a gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the sex assigned to the person at birth.

(7) The term "may" is used in the permissive sense.

(8) The term "member of the university community" includes any person who is a student, faculty member, university official, or any other person employed by the university. A person's status in a particular situation is determined by the vice-president for student affairs.

(9) The term "organization" means any number of persons who have complied with the formal requirements for university recognition.

(10) The term "plagiarism" includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.

(11) The term "policy" means the written regulations of the university as found in, but not limited to, the standards of conduct for students, residence life handbook, the university web page and computer use policy, and graduate/undergraduate catalogs.

(12) The term "shall" is used in the imperative sense.

(13) The term "student" includes all persons taking courses at the university, either full-time or part-time, pursuing undergraduate, graduate, or professional studies. Persons who withdraw after allegedly violating the standards of conduct for students, who are not officially enrolled for a particular term but who have a continuing relationship with the uni-

versity (including suspended students) or who have been notified of their acceptance for admission are considered "students" as are persons who are living in university residence halls, although not enrolled in this institution.

(14) The term "student conduct officer" means a university official authorized by the vice-president for student affairs to manage conduct complaints including the imposition of sanctions upon any student(s) found to have violated the standards of conduct for students.

(15) The term "university" means all locations of Washington State University.

(16) The term "university conduct board" means those persons who, collectively, have been authorized by the vice-president for student affairs to determine whether a student has violated the standards of conduct for students and to impose sanctions when a rules violation has been committed.

(17) The term "university official" includes any person employed by the university, performing assigned administrative or professional responsibilities.

(18) The term "university premises" includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the university (including adjacent streets and sidewalks).

(19) The vice-president for student affairs is that person designated by the university president to be responsible for the administration of the standards of conduct for students.

## ARTICLE I AUTHORITY FOR STANDARDS OF CONDUCT FOR STUDENTS

### NEW SECTION

**WAC 504-26-100 Composition of conduct and appellate boards.** (1) The university conduct board shall be composed of five individuals appointed by the vice-president for student affairs: Two students, two faculty members, and a fifth person, who may be any category of university employee and who shall be named by the vice-president for student affairs as the chairperson of the board.

Any three persons constitute a quorum of a conduct board and may act, provided that at least one student and the chairperson are present.

(2) The appeals board shall be composed of three university employees appointed by the vice-president for student affairs. Three persons constitute a quorum of the appeals board.

### NEW SECTION

**WAC 504-26-101 Convening boards.** The student conduct officer convenes boards for each conduct matter and for appeals of decisions.

### NEW SECTION

**WAC 504-26-102 Policies.** The vice-president for student affairs or designee shall develop policies for the administration of the student conduct system and procedural rules for the conduct of student conduct board hearings that are



consistent with provisions of the standards of conduct for students.

NEW SECTION

**WAC 504-26-103 Decisions.** Decisions made by a student conduct board and/or student conduct officer become final twenty-one days after the date the decision is signed, unless an appeal is filed prior to that date.

**ARTICLE II  
PROSCRIBED CONDUCT**

NEW SECTION

**WAC 504-26-200 Jurisdiction of the university standards of conduct for students.** The university standards of conduct for students shall apply to conduct that occurs on university premises, at university sponsored activities, and to off-campus conduct that adversely affects the university community and/or the pursuit of its objectives. Each student is responsible for his/her conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment. These standards shall apply to a student's conduct even if the student withdraws from school while a disciplinary matter is pending. The university has sole discretion to determine what conduct occurring off campus adversely impacts the university and/or the pursuit of its objectives.

NEW SECTION

**WAC 504-26-201 Misconduct—Rules and regulations.** Any individual or organization found to have committed or to have attempted to commit the following misconduct (WAC 504-26-202 through 504-26-226) is subject to the disciplinary sanctions outlined in WAC 504-26-405.

NEW SECTION

**WAC 504-26-202 Acts of dishonesty.** Acts of dishonesty, include but are not limited to the following:

- (1) Cheating, plagiarism, or other forms of academic dishonesty such as:
  - (a) Unauthorized collaborations on assignments;
  - (b) Facilitation of dishonesty, including not challenging academic dishonesty;
  - (c) Obtaining unauthorized knowledge of exam materials;
  - (d) Unauthorized multiple submission of the same work; and
  - (e) Sabotage of others' work.
- (2) Knowingly furnishing false information to any university official, faculty member, or office.
- (3) Forgery, alteration, or misuse of any university document, record, or instrument of identification.

NEW SECTION

**WAC 504-26-203 Disruption or obstruction.** Students have the right to freedom of speech, including the right to dissent or protest, but this expression may not interfere with the rights of others or disrupt the university's activities. Prohibited behavior includes: Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other university activities, including its public service functions on or off campus, or of other authorized nonuniversity activities when the conduct occurs on university premises.

NEW SECTION

**WAC 504-26-204 Abuse of self or others.** Physical abuse, threats, intimidation, and/or other conduct which threatens or endangers the health or safety of any person, including one's self.

NEW SECTION

**WAC 504-26-205 Theft or damage to property.** Theft of and/or the intentional or reckless damage to the property of another.

NEW SECTION

**WAC 504-26-206 Hazing.** (1) No student or student organization at Washington State University may conspire to engage in hazing or participate in hazing of another.

(a) Hazing includes any activity expected of someone joining a group (or maintaining full status in a group) that causes or is likely to cause a risk of mental, emotional and/or physical harm, regardless of the person's willingness to participate.

(b) Hazing activities may include but are not limited to the following: Abuse of alcohol during new member activities; striking another person whether by use of any object or one's body; creation of excessive fatigue; physical and/or psychological shock; morally degrading or humiliating games or activities that create a risk of bodily, emotional, or mental harm.

(c) Hazing does not include practice, training, conditioning and eligibility requirements for customary athletic events such as intramural or club sports and NCAA athletics, or other similar contests or competitions, but gratuitous hazing activities occurring as part of such customary athletic event or contest are prohibited.

(2) Washington state law also prohibits hazing which may subject violators to criminal prosecution. As used in RCW 28B.10.901 and 28B.10.902, "hazing" includes any method of initiation into a student organization or living group, or any pastime or amusement engaged in with respect to such an organization or living group that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any student or other person attending a public or private institution of higher education or other postsecondary education institution in this state.

(3) Washington state law (RCW 28B.10.901) also provides sanctions for hazing:

(a) Any person who violates this rule, in addition to other sanctions that may be imposed, shall forfeit any entitlement to state-funded grants, scholarships, or awards for a period of time determined by the university.

(b) Any organization, association, or student living group that knowingly permits hazing by its members or others subject to its direction or control shall be deprived of any official recognition or approval granted by the university.

#### NEW SECTION

**WAC 504-26-207 Failure to comply with university officials or law enforcement officers.** Failure to comply with directions of university officials and/or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.

#### NEW SECTION

**WAC 504-26-208 Unauthorized keys or unauthorized entry.** Unauthorized possession, duplication, or use of keys to any university premises or unauthorized entry to or use of university premises.

#### NEW SECTION

**WAC 504-26-209 Violation of university policy, rule, or regulation.** Violation of any university policy, rule, or regulation published in hard copy or available electronically on the university web site.

#### NEW SECTION

**WAC 504-26-210 Violation of law.** Violation of any federal, state, or local law.

#### NEW SECTION

**WAC 504-26-211 Drugs and drug paraphernalia.** Use, possession, manufacture, or distribution of marijuana, narcotics, or other controlled substances, and drug paraphernalia except as permitted by federal, state, and local law.

#### NEW SECTION

**WAC 504-26-212 Alcohol.** Use, possession, manufacture, or distribution of alcoholic beverages (except as expressly permitted by university regulations), or public intoxication are prohibited. Alcoholic beverages may not, in any circumstance, be used by, possessed by, or distributed to any person under twenty-one years of age.

#### NEW SECTION

**WAC 504-26-213 Firearms and dangerous weapons.** No student may carry, possess, or use any firearm, explosive (including fireworks), dangerous chemical, or any dangerous weapon on university property or in university-approved housing. Airsoft guns and other items that shoot projectiles are not permitted in university-approved housing. Students wishing to maintain a firearm for hunting or sporting activi-

ties must store the firearm with the Washington State University department of public safety.

#### NEW SECTION

**WAC 504-26-214 Disruptive activity.** Participating in an on-campus or off-campus riot or unlawful assembly that disrupts the normal operations of the university and/or infringes on the rights of other members of the university community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area. For peaceful demonstrations, students should consult with university police for safety guidelines.

#### NEW SECTION

**WAC 504-26-215 Obstruction.** Obstruction of the free flow of pedestrian or vehicular traffic on university premises or at university-sponsored or supervised functions.

#### NEW SECTION

**WAC 504-26-216 Disorderly conduct.** Conduct that is disorderly, lewd, or indecent; disturbing the peace; or assisting or encouraging another person to disturb the peace on university premises or at functions sponsored by, or participated in by, the university or members of the academic community.

#### NEW SECTION

**WAC 504-26-217 Unauthorized use of electronic or other devices.** Unauthorized use of electronic or other devices: Making an audio or video record of any person while on university premises without his or her prior knowledge, or without his or her effective consent when such a recording is of a private conversation or of images taken of a person(s) at a time and place where she or he would reasonably expect privacy and where such images are likely to cause injury or distress. This includes, but is not limited to, surreptitiously taking pictures of another person in a gym, locker room, or restroom, but does not include taking pictures of persons in areas which are considered by the reasonable person to be open to public view, such as Martin Stadium or the Glenn Terrell Mall.

#### NEW SECTION

**WAC 504-26-218 Computer abuses or theft.** Theft or other abuse of computer facilities and resources, including but not limited to:

- (1) Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
- (2) Unauthorized transfer of a file.
- (3) Use of another individual's identification and/or password.
- (4) Use of computing facilities and resources to interfere with the work of another student, faculty member, or university official.
- (5) Use of computing facilities and resources to send obscene, harassing, or threatening messages.

(6) Use of computing facilities and resources to interfere with normal operation of the university computing system.

(7) Use of computing facilities and resources in violation of copyright laws.

(8) Any violation of the university computer use policy found at [http://www.wsu.edu/~forms/HTML/EPM/EP4\\_Electronic\\_Publishing\\_Policy.htm](http://www.wsu.edu/~forms/HTML/EPM/EP4_Electronic_Publishing_Policy.htm)

#### NEW SECTION

**WAC 504-26-219 Abuse of the student conduct system.** Abuse of the student conduct system, including but not limited to:

(1) Failure to obey the notice from a university conduct board or university official to appear for a meeting or hearing as part of the student conduct system.

(2) Willful falsification, distortion, or misrepresentation of information before a student conduct board.

(3) Disruption or interference with the orderly conduct of a student conduct board proceeding.

(4) Filing fraudulent charges or initiating a student conduct code proceeding in bad faith.

(5) Attempting to discourage an individual's proper participation in, or use of, the student conduct system.

(6) Attempting to influence the impartiality of a member of a university conduct board prior to, and/or during the course of, the student conduct board proceeding.

(7) Harassment (verbal or physical) and/or intimidation of a member of a university conduct board prior to, during, and/or after a student conduct code proceeding.

(8) Failure to comply with the sanction(s) imposed under the standards of conduct for students.

(9) Influencing or attempting to influence another person to commit an abuse of the student conduct code system.

#### NEW SECTION

**WAC 504-26-220 Discrimination.** Discrimination on the basis of race, national or ethnic origin, creed, age, sex, marital status, veteran's status, sexual orientation, gender identity, or disability is prohibited in conformity with federal and state laws.

#### NEW SECTION

**WAC 504-26-221 Sexual misconduct.** (1) Sexual misconduct is any sexual activity with another that is unwanted and nonconsensual. Sexual misconduct includes physical contact as well as voyeurism.

(2) Consent to sexual activity requires that, at the time of the act, there are actual words or conduct demonstrating freely given agreement to sexual activity-silence or passivity is not consent. Even if words or conduct alone seem to imply consent, sexual activity is nonconsensual when:

(a) Force or blackmail is threatened or used to procure compliance with the sexual activity; or

(b) The person is unconscious or physically unable to communicate his or her unwillingness to engage in sexual activity; or

(c) The person lacks the mental capacity at the time of the sexual activity to be able to understand the nature or con-

sequences of the act, whether that incapacity is produced by illness, defect, the influence of alcohol or another substance, or some other cause.

(3) A person commits voyeurism if, for the purpose of arousing or gratifying the sexual desire of any person, he or she knowingly views, photographs, or films another person, without that person's knowledge and consent, while the person being viewed, photographed, or filmed is in a place where he or she has a reasonable expectation of privacy.

#### NEW SECTION

**WAC 504-26-222 Harassment.** Conduct by any means that is severe, pervasive, or persistent, and is of such a nature that it would cause a reasonable person in the victim's position substantial emotional distress and undermine his or her ability to work, study, or participate in the activities of the university, and actually does cause the victim substantial emotional distress and undermines the victim's ability to work, study, or participate in the activities of the university.

#### NEW SECTION

**WAC 504-26-223 Stalking.** Intentionally and repeatedly harassing or following a person and intentionally or unintentionally placing the person being followed or harassed in fear of physical harm to one's self or property or physical harm to another person or another's property.

#### NEW SECTION

**WAC 504-26-224 Reckless endangerment.** Engaging in conduct that creates an unreasonable risk of harm to another person or property.

#### NEW SECTION

**WAC 504-26-225 Trespassing.** Knowingly entering or remaining unlawfully in or on university premises or any portion thereof. Any person who has been given written notice by a university official of the university's decision to exclude him or her from all or a portion of university property is not licensed, invited, or otherwise privileged to enter or remain on the identified portion of university property, unless given explicit written permission by university administration.

#### NEW SECTION

**WAC 504-26-226 Violation of a disciplinary sanction.** Violation of any term or condition of any disciplinary sanction constitutes a new violation and may subject the student to additional sanctions.

### ARTICLE III RULES AND REGULATIONS

#### NEW SECTION

**WAC 504-26-301 Malicious intent.** If a student is found to have violated any provision of this code as a result of causing injury to another or to another's property, or as a

result of placing another in reasonable fear of injury to self or property, and if the accused intentionally selected the victim based upon the accused's perception of the victim's race, color, religion, ancestry, national or ethnic origin, gender, sexual orientation, gender identity, or mental, physical, sensory handicap, or veteran status, such finding is considered an aggravating factor in determining a sanction for such conduct.

#### NEW SECTION

**WAC 504-26-302 Responsibility for guests.** A student or student organization is responsible for the conduct of guests on or in university property and at functions sponsored by the university or sponsored by any recognized university organization.

#### NEW SECTION

**WAC 504-26-303 Students studying abroad.** Students who participate in any university-sponsored or sanctioned foreign country study program shall observe the following rules and regulations:

- (1) The laws of the host country;
- (2) The academic and disciplinary regulations of the educational institution or residential housing program where the student is studying; and
- (3) Any other agreements related to the student's study program in a foreign country.

#### NEW SECTION

**WAC 504-26-304 Group conduct.** Sororities, fraternities, and recognized groups are expected to comply with the standards of conduct for students and with university policies. When a member or members of a student organization violates the standards of conduct for students, the student organization or individual members may be subject to appropriate sanctions authorized by these standards.

#### NEW SECTION

**WAC 504-26-305 Violation of law and university discipline.** (1) University disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and the standards of conduct for students (that is, if both possible violations result from the same factual situation) without regard to pending civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under these standards may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the vice-president for student affairs or designee. Determinations made or sanctions imposed under these standards are not subject to change because criminal charges arising out of the same facts giving rise to violation of university rules were dismissed, reduced, or resolved in favor of the criminal law defendant. A student charged with criminal offenses may choose to remain silent during conduct proceedings, recognizing that he or she gives up the opportunity to explain his or her version of events and

that the decision is made based on the information presented at the hearing.

(2) When a student is charged by federal, state, or local authorities with a violation of law, the university does not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also being processed under the standards of conduct for students, the university may advise off-campus authorities of the existence of the standards and of how such matters are typically handled within the university community. The university attempts to cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators (provided that the conditions do not conflict with campus rules or sanctions). Individual students and other members of the university community, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

### ARTICLE IV STUDENT CONDUCT CODE PROCEDURES

#### NEW SECTION

**WAC 504-26-401 Complaints and student conduct process.** (1) Any member of the university community may file a complaint against a student for violations of the standards of conduct for students. A complaint is prepared in writing and directed to a student conduct officer. Any complaint is to be submitted as soon as possible after the event takes place, preferably within thirty days.

(2) A student conduct officer, or designee, may review and investigate any complaint to determine whether it appears to state a violation of the code of conduct. If a conduct officer determines that a complaint appears to state a violation of the student code of conduct, she or he considers whether the matter might be resolved through agreement with the accused or through alternative dispute resolution proceedings involving the complainant and the accused. The complainant and the accused are informed of university options for alternative dispute resolution and may request that the matter be addressed using alternative dispute resolution techniques. Generally, the accused and complainant must agree to the use of alternative dispute resolution techniques. If the accused and the student conduct officer reach an agreed resolution of the complaint, the disposition is final; there is no right to appeal from an agreed disposition.

(3) If the conduct officer has determined that a complaint has merit and if the matter is not resolved through agreement or alternative dispute resolution, the matter is handled through either a conduct officer hearing or as a conduct board hearing.

(a) When the allegation involves a student/university community complainant and the accused disputes the facts and/or denies responsibility, the matter is referred to the university conduct board.

(b) If the possible or recommended sanction is expulsion or suspension, except for suspensions resulting from violations of the alcohol or drug provisions of this code, the matter is referred to the university conduct board.

(c) Matters other than those listed in (a) and (b) of this subsection are heard by a conduct officer, unless the conduct officer exercises his or her discretion to refer the matter to a conduct board at any time before a decision is issued. A student may request that a conduct board hear the case, but the final decision on the matter is made by the university conduct officer and such decision is not subject to appeal.

(4) The student conduct officer provides complainants who have been targets of alleged misconduct or who feel victimized thereby with names of WSU and community advocates or resources who may be able to help the complainant address his or her concerns about the behaviors and provide support to the complainant throughout the conduct process. Due to federal privacy law, the university may not disclose to the complainant any sanctions taken against the accused student, unless the complainant was the victim of a violent crime for which the accused was found responsible as defined under the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. Sec. 1232g; 34 CFR Part 99), or the accused student consents to such disclosure.

#### NEW SECTION

**WAC 504-26-402 Conduct officer actions.** (1) Any student charged by a conduct officer with a violation of any provision of standards of conduct for students is informed of the bases for those charges and of the time, date, and place of a conference between the student and the conduct officer.

(a) The conduct officer provides notice by personal delivery or by regular United States mail addressed to the student or student organization at his, her, or its last known address. Duplicate notice may be provided by electronic mail.

(b) If the student is no longer enrolled at the time notice is sent, the notice is sent to the student's permanent address recorded in the registrar's files. The student or student organization is responsible for maintaining an updated mailing address on file with the registrar.

(c) Any request to continue the conduct officer conference/hearing should be addressed to the conduct officer.

(2) In order that any informality in disciplinary proceedings not mislead a student as to the seriousness of the matter under consideration, the student is informed of the potential sanctions involved at the initial conference or hearing.

(3) After a review of the evidence and interviewing the student(s) involved in the case, the conduct officer may take any of the following actions:

(a) Terminate the proceeding exonerating the student or students;

(b) Dismiss the case;

(c) Impose verbal warning to the student directly, not subject to the student's right of appeal as provided in this code;

(d) Impose additional sanctions of reprimand, probation, or, for violations of alcohol or drug policies, suspension. Such sanctions are subject to the student's right of appeal as provided in this code; or

(e) Refer the matter to the student conduct board pursuant to WAC 504-26-401(3).

(4) The student is notified in writing of the determination made by the conduct officer within ten business days of the proceeding. The student is also notified of his or her right to appeal pursuant to WAC 504-26-407.

#### NEW SECTION

**WAC 504-26-403 Conduct board proceedings.** (1) Any student charged by a conduct officer with a violation of any provision of standards of conduct for students that is to be heard by a conduct board is provided notice by personal delivery or by regular United States mail addressed to the student or student organization at her, his, or its last known address.

(a) If the student is no longer enrolled at the time notice is sent, the notice is sent to the student's permanent address recorded in the registrar's files.

(b) The student or student organization is responsible for keeping an updated mailing address on file with the registrar.

(2) The written notice shall be completed by the conduct officer and shall include:

(a) The specific complaint, including the university policy or regulation allegedly violated;

(b) The approximate time and place of the alleged act that forms the factual basis for the charge of violation;

(c) The time, date, and place of the hearing;

(d) A list of the witnesses who may be called to testify, to the extent known;

(e) A description of all documentary and real evidence to be used at the hearing, to the extent known, including a statement that the student shall have the right to inspect his or her student conduct file.

(3) Time for hearings.

(a) The conduct board hearing is scheduled not less than seven days after the student has been sent notice of the hearing, except in the case of interim suspensions as set forth in WAC 504-26-406. Ordinarily, the hearing occurs within fifteen days of notice.

(b) Requests to continue the hearing date must be addressed to the chair of the university conduct board. Requests made by an accused student must be copied to the office of student conduct; requests made by the office of student conduct must be copied to the accused student. A continuance is granted only upon a showing of good cause.

(4) University conduct board hearings are conducted by a university conduct board according to the following guidelines, except as provided by subsection (6) of this section:

(a) Procedures:

(i) University conduct board hearings are conducted in private.

(ii) The complainant, accused student, and his or her advisor, if any, are allowed to attend the entire portion of the university conduct board hearing at which information is received (excluding deliberations). Admission of any other person to the university conduct board hearing is at the discretion of the university conduct board chair and/or the student conduct officer.

(iii) In university conduct board hearings involving more than one accused student, the student conduct officer, at his or her discretion, may permit joint or separate hearings.

(iv) In university conduct board hearings involving graduate students, board memberships are comprised to include graduate students and graduate teaching faculty to the extent possible.

(v) The complainant and the accused student have the right to be assisted by an advisor they choose, at their own expense. The complainant and/or the accused student is responsible for presenting his or her own information, and therefore, advisors are not permitted to speak or to participate directly in any university conduct hearing. An advisor may communicate with the accused and recesses may be allowed for privacy. A student should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the university conduct board hearing because delays are not normally allowed due to the scheduling conflicts of an advisor.

(vi) The complainant, the accused student, and the student conduct officer may arrange for witnesses to present pertinent information to the university conduct board. The conduct officer tries to arrange the attendance of possible witnesses who are identified by the complainant. Complainant witnesses must provide written statements to the conduct officer at least two weekdays prior to the hearing. Witnesses identified by the accused student must provide written statements to the conduct officer at least two weekdays prior to the conduct hearing. The accused student is responsible for informing his or her witnesses of the time and place of the hearing. Witnesses provide information to and answer questions from the university conduct board. Questions may be suggested by the accused student and/or complainant to be answered by each other or by other witnesses. Written questions are directed to the conduct board chair, rather than to the witness directly. This method is used to preserve the educational tone of the hearing and to avoid creation of an unduly adversarial environment, and to allow the board chair to determine the relevancy of questions. Questions concerning whether potential information may be received are resolved at the discretion of the chair of the university conduct board.

(vii) Pertinent records, exhibits, and written statements (including student impact statements) may be accepted as information for consideration by a university conduct board at the discretion of the chair.

(viii) Questions related to the order of the proceedings are subject to the final decision of the chair of the university conduct board.

(ix) After the portion of the university conduct board hearing concludes in which all pertinent information is received, the student conduct board shall determine (by majority vote) whether the accused student has violated each section of the standards of conduct for students as charged.

(x) The university conduct board's determination is made on the basis of a "preponderance of the evidence," that is, whether it is more likely than not that the accused student violated the standards of conduct for students.

(xi) Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in conduct proceedings. Evidence, including hearsay, is admissible if it is the type of evidence that reasonable members of the university community would rely

upon in the conduct of their affairs. Additionally, rules of privilege and relevancy apply.

(b) The student or student organization is notified of the conduct board's decision within ten calendar days from the date the matter is heard. The student or organization shall receive written notice of the decision, the reasons for the decision (both the factual basis therefore and the conclusions as to how those facts apply to the conduct code), the sanction, notice that the order will become final unless internal appeal is filed within twenty-one days of the date the letter was personally delivered or deposited in the U.S. mail, and a statement of how to file an appeal.

(i) The conduct board's written decision is sent by regular mail or personal delivery, and may also be sent by electronic mail to the student's or the president of the student organization's last known address, as recorded in the registrar's files.

(ii) The written decision is the university's initial order.

(iii) If the student or organization does not appeal the conduct board's decision within twenty-one calendar days from the date of the decision letter, it becomes the university's final order.

(5) There is a single verbatim record, such as a tape recording, of all university conduct board hearings (not including deliberations). Deliberations are not recorded. The record is the property of the university.

(6) If an accused student who has been provided notice of the hearing does not appear before a university conduct board hearing, the information in support of the complaint is presented and considered in his or her absence, and the board may issue a decision based upon that information.

(7) The university conduct board may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant, accused student, and/or other witnesses during the hearing by providing separate facilities, and/or by permitting participation by telephone, audio tape, written statement, or other means, as determined in the sole judgment of the vice-president for student affairs or designee to be appropriate.

#### NEW SECTION

**WAC 504-26-404 Procedure for academic integrity violations.** (1) When a responsible instructor finds that a violation of academic integrity has occurred, the instructor assembles the evidence and assigns a grade, or takes other appropriate action, considering the academic nature of the violation.

(2) The instructor shall notify the office of student conduct of the violation.

(3) If the violation is a first offense for the student, the office of student conduct sends a warning letter to the student informing him or her that a conduct file has been created. The office of student conduct takes no additional action unless the violation is serious enough to warrant further action or the student denies the allegation(s) and requests a hearing.

(4) If the student has a prior academic integrity violation, the case is handled according to the normal conduct procedures. Hearing officers for academic integrity matters are

teaching faculty trained as university conduct board members. Serious or multiple violations which may result in suspension or expulsion are referred to a university conduct board.

(5) A student wishing to appeal a grade assigned by the instructor must follow academic regulation 104 in the university catalog. To view the catalog, go to the registrar's office web site at: <http://www.registrar.wsu.edu>.

#### NEW SECTION

**WAC 504-26-405 Sanctions.** (1) The following sanctions may be imposed upon any student found to have violated the standards of conduct for students:

(a) Warning. A notice in writing to the student that the student is violating or has violated institutional regulations.

(b) Probation. Formal action placing conditions upon the student's continued attendance at the university. Probation is for a designated period of time and warns the student that suspension or expulsion may be imposed if the student is found to violate any institutional regulation(s) or fails to complete his or her conditions of probation during the probationary period. A student on probation is not eligible to run for or hold an office in any student group or organization; she or he is not eligible for certain jobs on campus, including but not limited to resident advisor or orientation counselor, and she or he is not eligible to serve on the university conduct board.

(c) Loss of privileges. Denial of specified privileges for a designated period of time.

(d) Restitution. Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.

(e) Education. The university may require the student to complete an educational project designed to create an awareness of the student's misconduct.

(f) Community service. Imposition of service hours (not to exceed eighty hours per student or per member of an organization).

(g) Residence hall suspension. Separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.

(h) Residence hall expulsion. Permanent separation of the student from the residence halls.

(i) University suspension. Separation of the student from the university for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. (More than two violations of the university's alcohol and drug policy may result in a minimum one semester suspension.)

(j) University expulsion. Permanent separation of the student from the university.

(k) Revocation of admission and/or degree. Admission to or a degree awarded from the university may be revoked for fraud, misrepresentation, or other violation of university standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.

(l) Withholding degree. The university may withhold awarding a degree otherwise earned until the completion of

the process set forth in this student conduct code, including the completion of all sanctions imposed, if any.

(m) Trespass. A student may be restricted from university property based on his or her misconduct.

(n) Loss of recognition. A student organization's recognition may be withheld permanently or for a specific period of time. A fraternity or sorority may be prohibited from housing freshmen. Loss of recognition is defined as withholding university services or administrative approval from a student organization. Services and approval to be withdrawn include, but are not limited to, intramural sports (although individual members may participate), information technology services, university facility use and rental, campus involvement office organizational activities, and office of Greek life advising.

(o) Hold on transcript and/or registration. This is a temporary measure restricting release of a student's transcript or access to registration. Upon satisfactory completion of the conditions of the sanction, the hold is released.

(p) No contact order. A prohibition of direct or indirect physical, verbal, and/or written contact with another individual or group.

(2) More than one of the sanctions listed above may be imposed for any single violation.

(3) Other than university expulsion or revocation or withholding of a degree, disciplinary sanctions are not made part of the student's permanent academic record, but shall become part of the student's disciplinary record.

(4) In cases heard by university conduct boards, sanctions are determined by that board. The student conduct officer has the authority to assign sanctions in conduct officer hearings or cases in which the accused student takes responsibility for violations of the standards of conduct for students.

#### NEW SECTION

**WAC 504-26-406 Interim suspension.** In certain circumstances, the vice-president for student affairs, or a designee, may impose a university suspension prior to the university conduct board hearing.

(1) Interim suspension may be imposed only in situations involving an immediate danger to the health, safety or welfare of:

(a) Any part of the university community or public at large; or

(b) The student's own physical safety and well-being.

(2) Conduct that creates an ongoing disruption of, or interference with, the operations of the university and that prevents other students, employees, or invitees from members of the university community from completing their duties as employees or students, is conduct harmful to the welfare of members of the university community.

(3) During the interim suspension, a student may be denied access to the residence halls, and/or to the campus (including classes), and/or all other university activities or privileges for which the student might otherwise be eligible, as the vice-president for student affairs or designee may determine to be appropriate.

(4) The vice-president for student affairs or designee ordering an interim suspension prepares a brief written deci-

sion containing the reasons for the decision (both the factual basis and the conclusions as to why those facts constitute a violation of the student code of conduct), and the policy reasons for the interim suspension. The vice-president of student affairs or designee sends copies of the decision by personal delivery or by U.S. mail to all persons or offices bound by it (including, at a minimum, the suspended student and the office of student conduct).

(5) The interim suspension does not replace the regular hearing process, which shall proceed to hearing as quickly as feasible, ordinarily within five working days where the accused student has not consented to a longer time frame.

#### NEW SECTION

**WAC 504-26-407 Review of decision.** (1) A decision reached by the university conduct board or a sanction imposed by the student conduct officer may be appealed by the accused student(s) to an appellate board within twenty-one days of the date of the decision letter.

(a) The university president or designee, of his or her own initiative, may direct that an appeals board be convened to review a conduct board decision without notice to the parties. However, the appeals board may not take any action less favorable to the accused student(s), unless notice and an opportunity to explain the matter is first given to the accused student(s).

(b) The accused and the office of student conduct may explain their views of the matter to the appeals board in writing.

(c) The appeals board shall make any inquiries necessary to ascertain whether the proceeding must be converted to a formal adjudicative hearing under the Administrative Procedure Act (chapter 34.05 RCW).

(2) Except as required to explain the basis of new information, an appeal is limited to a review of the verbatim record of the university conduct board hearing and supporting documents for one or more of the following purposes:

(a) To determine whether the university conduct board hearing was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures giving the complaining party a reasonable opportunity to prepare and to present information that the standards of conduct for students were violated, and giving the accused student a reasonable opportunity to prepare and to present a response to those allegations. Deviations from designated procedures are not a basis for sustaining an appeal unless significant prejudice results.

(b) To determine whether the decision reached regarding the accused student was based on substantial information, that is, whether there were facts in the case that, if believed by the fact finder, were sufficient to establish that a violation of the standards of conduct for students occurred.

(c) To determine whether the sanction(s) imposed were appropriate for the violation of the standards of conduct for students which the student was found to have committed.

(d) To consider new information, sufficient to alter a decision, or other relevant facts not brought out in the original hearing, because such information and/or facts were not

known to the person appealing at the time of the original student conduct board hearing.

(3) The university appeals board shall review the record and any briefing filed by the parties and make one of the following determinations:

(a) Affirm, reverse or modify the conduct board's decision;

(b) Affirm, reverse, or modify the sanctions imposed by the conduct board.

(4) The appeal board's decision is entered within twenty calendar days from the date of the appeal letter. By the close of the next business day following entry of the order, the decision is provided to the accused student(s) by personal delivery or deposited into the United States mail addressed to the last known address of the accused student(s). It is the student's responsibility to maintain a correct and updated address with the registrar. The university appeal board's decision letter is the final order and shall advise the student or student organization that judicial review may be available.

(5) The appeals board decision is effective as soon as the order is signed. A petition to delay the date that the order becomes effective (a "petition for stay") may be directed to the chair of the appeals board within ten days of the date the order was delivered to the student or placed in the U.S. mail. The chair shall have authority to decide whether to grant or deny the request.

## ARTICLE V RECORDS

#### NEW SECTION

**WAC 504-26-501 Records.** (1) Disciplinary records are maintained in accordance with the university's records retention schedule.

(2) The disciplinary record is confidential.

(3) A student may request a copy of his or her own disciplinary record at his or her own reasonable expense by making a written request to the office of student conduct.

(4) Personally identifiable student information is redacted to protect another student's privacy.

(5) A student may authorize release of his or her own disciplinary record to a third party in compliance with the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. Sec. 1232g; 34 CFR Part 99) by making a written request to the office of student conduct.

(6) The university may inform the complainant of the outcome of any disciplinary proceeding involving a crime of violence as defined by FERPA (20 U.S.C. Sec. 1232g; 34 CFR Part 99).

(7) The university may not communicate a student's disciplinary record to any person or agency outside the university without the prior written consent of the student, except as required or permitted by law. Exceptions include but are not limited to:

(a) The student's parents or legal guardians may review these records if the student is a minor or a dependent for tax purposes as defined by FERPA (20 U.S.C. Sec. 1232g; 34 CFR Part 99).



(b) Release to another educational institution, upon request, where the student seeks or intends to enroll, as allowed by FERPA (20 U.S.C. Sec. 1232g; 34 CFR Part 99).

## ARTICLE VI INTERPRETATION AND REVISION

### NEW SECTION

**WAC 504-26-601 Interpretations.** Any question of interpretation or application of the standards of conduct for students is referred to the vice-president for student affairs or designee for final determination.

### NEW SECTION

**WAC 504-26-602 Periodic review.** The standards of conduct for students are reviewed every three years under the direction of the student conduct officer.

**WSR 06-18-088**  
**PROPOSED RULES**  
**SECRETARY OF STATE**  
(Elections Division)  
[Filed September 5, 2006, 3:10 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-15-122.

Title of Rule and Other Identifying Information: Initiatives and referenda, ballot procedures, other miscellaneous provisions.

Hearing Location(s): Office of the Secretary of State, Elections Division, 520 Union Avenue S.E., Olympia, WA, (360) 902-4180, on October 11, 2006, at 1:30 p.m.

Date of Intended Adoption: November 9, 2006.

Submit Written Comments to: Sheryl Moss, P.O. Box 40229, Olympia, WA 98504-0229, [shmoss@sec-state.wa.gov](mailto:shmoss@sec-state.wa.gov), fax (360) 902-4146, by October 11, 2006.

Assistance for Persons with Disabilities: Contact Sheryl Moss by October 10, 2006, TTY (800) 422-8683.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The rules for electronic filings are clarified to state that such filings are conditional until any required original documents or filing fees are received. Candidates may not use symbols as part of the name when filing for office. The instructions required to be printed on a ballot are expanded. Federal write-in ballots must be accepted. Ballot drop boxes must either be emptied *or* sealed at 8:00 p.m. on election day to prevent additional ballots from being deposited after the 8:00 p.m. deadline. The specific prohibition on get-out-the-vote campaigns at poll sites is eliminated since county auditors' offices now serve as poll sites and this prohibition conflicts with their voter registration duties. Provisional ballots may be voted on a direct recording electronic voting device if the system has been certified for provisional voting by the secretary of state and the county auditor has submitted approved procedures. Ballots may be duplicated onto either blank ballots or an elec-

tronic image of a ballot. The process for referring questionable ballots to the canvassing board is streamlined. The process for a voter to correct a missing or mismatched signature on an absentee or provisional ballot envelope is revised to confirm that the registered voter voted and returned the ballot. County auditors' offices using digital scan equipment must print out and sign a log when resolving ballots so there is a record of duplications. The process of screening the list of registered voters for ineligible felons is revised pursuant to the ruling of the King County Superior Court in *Madison v. State*, No. 04-2-33414-4 to screen against the list of felons in the custody or under the supervision of the state department of corrections. The prohibition on using the list of registered voters for commercial purposes is clarified. The affidavit to file in initiative or referendum is revised to reflect that the sponsor is a registered voter and is submitting the proposed measure for filing. The process for submitting initiative and referendum petitions is clarified.

Statutory Authority for Adoption: RCW 29A.04.611.

Statute Being Implemented: RCW 29A.04.255, 29A.24.060, 29A.36.111, 29A.48.040, 29A.44.207, 29A.60-125, 29A.60.050, 29A.60.165, 29A.08.520, 29A.08.720, 29A.72.010, 29A.72.160.

Rule is necessary because of federal law, 42 U.S.C. 1973ff.; and state court decision, *Madison v. State*, King County Superior Court No. 04-2-33414-4.

Name of Proponent: Office of the secretary of state, elections division, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Katie Blinn, P.O. Box 40220, Olympia, WA 98504, (360) 902-4168.

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

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

September 5, 2006

Steve Excell

Assistant Secretary of State

AMENDATORY SECTION (Amending WSR 04-15-089, filed 7/16/04, effective 8/16/04)

**WAC 434-208-060 Electronic filings (~~of electronic facsimile documents~~).** In addition to those documents specified by RCW 29A.04.255, the secretary of state or the county auditor shall accept and file in his or her office electronic (~~facsimile~~) transmissions of the following documents:

- (1) The text of any proposed initiative, referendum, or recall measure and any accompanying documents required by law;
- (2) Any minor party or independent candidate filing material except nominating petitions;
- (3) Lists of presidential electors selected by political parties or independent candidates;
- (4) Voted ballots, provided the voter agrees to waive the secrecy of his or her ballot;
- (5) Resolutions from cities, towns, and other districts calling for a special election;

- (6) Filling of vacancies on the ticket by a major political party;
- (7) Voter registration form.

AMENDATORY SECTION (Amending WSR 98-08-010, filed 3/18/98, effective 3/18/98)

**WAC 434-208-070 Electronic (~~facsimile~~) filings not accepted.** (~~No filing by electronic facsimile shall be accepted where a filing fee must accompany the filing unless the person making the filing has also provided for that fee to be paid in conjunction with the electronic facsimile filing.~~)  
(1) When a filing fee is required, acceptance of an electronic filing is conditional until the fee is received.

(2) If the original document must be signed, acceptance of an electronic filing is conditional until receipt of the original document. Except for absentee ballots, the original document must be received no later than seven calendar days after receipt of the electronic filing. If a voted ballot is submitted electronically, the ballot and the envelope bearing the original signature of the voter must be received on or before the date on which the election is certified pursuant to RCW 29A.60.190.

(3) No initiative, referendum, or recall petition signatures may be filed (~~by electronic facsimile~~) electronically.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 434-208-080      Electronic facsimile filings followed by original document.
- WAC 434-208-090      Rejection of electronic facsimile filings.

AMENDATORY SECTION (Amending WSR02-09-007, filed 4/4/02, effective 4/4/02)

**WAC 434-215-050 Use of title (~~(or)~~), rank, or symbols prohibited.** No person when filing for office shall be permitted to use any title, rank, or symbol instead of, or in conjunction with, his or her name, except as may be provided by law or administrative rule.

AMENDATORY SECTION (Amending WSR 05-17-145, filed 8/19/05, effective 9/19/05)

**WAC 434-250-020 Definitions.** As used in this chapter:

- (1) "Absentee ballot" includes:
  - (a) An ongoing absentee ballot issued to a voter who has requested status as an ongoing absentee voter, as authorized by RCW 29A.40.040;
  - (b) A single absentee ballot issued to a voter who has requested an absentee ballot for a single election, as authorized by RCW 29A.40.020;
  - (c) A special absentee ballot issued to a voter who has indicated that he or she will be unable to vote and return a

regular absentee ballot timely, as authorized by RCW 29A.40.050; and

(d) A hospital absentee ballot issued to a voter confined to a health care facility on the day of a primary or election, as authorized by RCW 29A.40.080.

(2) "Final processing" means the reading of ballots by an electronic vote tallying system for the purpose of producing returns of votes cast, but does not include tabulation.

(3) "Initial processing" means all steps taken to prepare absentee ballots for tabulation, except for the reading of ballots by an electronic vote tallying system for the purpose of producing returns of votes cast. Initial processing includes, but is not limited to: Verification of the signature and postmark on the return envelope(~~(s)~~); removal of the security envelope from the return envelope; removal of the ballot from the security envelope; manual inspection for damage, write-in votes, and incorrect or incomplete marks; duplication of damaged and write-in ballots; scanning and resolution of ballots on a digital scan voting system; and other preparation of ballots for final processing.

(4) "Mail ballot" means a ballot used in an election conducted by mail, as authorized by RCW 29A.48.010, 29A.48.020, or 29A.48.030. Unless specified otherwise, mail ballots must be prepared and processed in the same manner as absentee ballots.

(5) "Tabulation" means the production of returns of votes cast for candidates or ballot measures in a form that can be read by a person, whether as precinct totals, partial cumulative totals, or final cumulative totals.

AMENDATORY SECTION (Amending WSR 05-17-145, filed 8/19/05, effective 9/19/05)

**WAC 434-250-040 Instructions to voters.** (1) In addition to the instructions required by chapters 29A.36 and 29A.40 RCW, instructions for properly voting and returning an absentee ballot must also include:

(a) How to correct a ballot by crossing out the incorrect vote and voting the correct choice;

(b) Notice that, unless specifically allowed by law, more than one vote for an office or ballot measure will be an over-vote and no votes for that office or ballot measure will be counted;

(c) How to complete and sign the affidavit on the return envelope;

~~((e))~~ (d) How to make a mark, witnessed by two other people, if unable to sign the affidavit;

~~((f))~~ (e) How to place the ballot in the security envelope and place the security envelope in the return envelope;

~~((g))~~ (f) How to obtain a replacement ballot if the original ballot is destroyed, spoiled, or lost;

~~((h))~~ (g) Notice that postage is required, if applicable; and

~~((i))~~ (h) Notice that, in order for the ballot to be counted, it must be either postmarked or deposited at a designated place no later than election day, and providing the location, dates, and times for depositing the ballot as an alternative to mailing the ballot.

(2) Instructions that accompany a special absentee ballot must also include:

(a) A listing of all offices and measures that will appear upon the ballot, together with a listing of all persons who have filed for office or who have indicated their intention to file for office; and

(b) Notice that the voter may request and subsequently vote a regular absentee ballot, and that if the regular absentee ballot is received by the county auditor prior to certification of the election, it will be tabulated and the special absentee ballot will be voided.

AMENDATORY SECTION (Amending WSR 06-14-050, filed 6/28/06, effective 7/29/06)

**WAC 434-250-060 Service and overseas voters**~~(—Material and postage)~~. (1) Pursuant to RCW 29A.40.150, the secretary of state must furnish envelopes and instructions for overseas and service voters. For purposes of RCW 29A.40.150, service voters do not include participants of the address confidentiality program established in chapter 40.24 RCW. All absentee ballots to voters in these categories ~~(with)~~ must be sent postage-free, pursuant to the provisions of federal law, and the return envelopes must be marked as to indicate that they may be returned free of postage.

(2) A county auditor must accept a federal write-in absentee ballot, as authorized by 42 U.S.C. Sec. 1973ff, if sufficient information is provided to allow the county auditor to process the ballot.

AMENDATORY SECTION (Amending WSR 06-14-047, filed 6/28/06, effective 7/29/06)

**WAC 434-250-100 Depositing of ballots.** Ballots may be deposited in the auditor's office during normal business hours prior to the day of the election, and from 7:00 a.m. to 8:00 p.m. on the day of the election. Places of deposit may be staffed or unstaffed.

(1)(a) Staffed sites must be staffed by at least two people. Deposit site staff may be employees of the county auditor's office or persons appointed by the auditor. If two or more deposit site staff are persons appointed by the county auditor, the appointees shall be representatives of different major political parties whenever possible. Deposit site staff shall subscribe to an oath regarding the discharge of the duties.

(b) Staffed deposit sites must be open from 7:00 a.m. until 8:00 p.m. on the day of the election and may be open prior to the election on dates and times established by the county auditor. Staffed deposit sites must have a secure ballot box that is constructed in a manner to allow return envelopes, once deposited, to only be removed by the county auditor or by the deposit site staff. If a ballot envelope is returned after 8:00 p.m. on election day, deposit site staff must note the time and place of deposit on the ballot envelope, and such ballots must be referred to the canvassing board for consideration of whether special circumstances warrant consideration, as documented by the deposit site staff.

(c) A staffed deposit site that only receives ballots is not considered a polling place. A staffed deposit site that both receives and issues ballots is considered a polling place.

(2) Unstaffed sites may be used if the ballot drop box is either:

(a) Constructed and secured according to the same requirements as United States Postal Service postal drop boxes; or

(b) Secured and located indoors.

(3) Ballot boxes must be locked and sealed at all times, with seal logs that document each time the box is opened, by whom, and the number of ballots removed. From eighteen days prior to election day until 8:00 p.m. on election day, two people who are either employees of or appointed by the county auditor must empty each ballot drop box with sufficient frequency to prevent damage or unauthorized access to the ballots. Ballots must be placed into sealed transport carriers and returned to the county auditor's office or another designated location. At exactly 8:00 p.m. on election day, ballot drop boxes must be emptied ((at exactly 8:00 p.m. to ensure that all ballots meet the 8:00 p.m. delivery deadline)) or sealed to prevent the deposit of additional ballots.

AMENDATORY SECTION (Amending WSR 05-17-145, filed 8/19/05, effective 9/19/05)

**WAC 434-253-010 Polling place—Activities prohibited.** The county auditor shall ensure that all precinct election officers receive instruction regarding activities that are not permitted within the polling place, including electioneering, circulation of campaign material, soliciting petition signatures, or impeding the voting process~~(, or get out the vote campaigns)~~. Whenever it is necessary to maintain order within the polling place and the surrounding environs, the inspector may, if circumstances warrant and if the means to do so are available, contact the county auditor, who shall determine the corrective action required. Such corrective action may include contacting a law enforcement agency for ~~(their)~~ assistance.

AMENDATORY SECTION (Amending WSR 06-02-028, filed 12/28/05, effective 1/28/06)

**WAC 434-253-045 Provisional ballots—Required information.** A provisional ballot may ~~((not))~~ only be voted on a direct recording electronic voting device if the voting system has been certified by the secretary of state for provisional voting and the county auditor has submitted approved procedures to the secretary of state. At a minimum, the following information is required to be printed on the outer provisional ballot envelope:

(1) Name of voter.

(2) Voter's registered address both present and former if applicable.

(3) Voter's date of birth.

(4) Reason for the provisional ballot.

(5) Polling place and precinct number, if applicable, at which voter voted.

(6) Sufficient space to list disposition of the ballot after review by the county auditor.

(7) The following oath with a place for the voter to sign and date:

\_\_\_\_\_  
 I do solemnly swear or affirm under penalty of perjury that:  
 I am a legal resident of the state of Washington;  
 I am entitled to vote in this election;  
 I have not already voted in this election;  
 It is illegal to vote if I am not a United States citizen;  
 It is illegal to vote if I have been convicted of a felony and have not had my voting rights restored;  
 It is illegal to cast a ballot or sign an absentee envelope on behalf of another voter, except as otherwise provided by law; and  
 Attempting to vote when not entitled, attempting to vote more than once, or falsely signing this oath is a felony punishable by a maximum imprisonment of five years, a maximum fine of \$10,000, or both.

Signature \_\_\_\_\_ Date \_\_\_\_\_

AMENDATORY SECTION (Amending WSR 06-11-042, filed 5/10/06, effective 6/10/06)

**WAC 434-261-005 Definitions.** (1) "Manual inspection" is the process of inspecting each voter response position on each voted ballot. Inspection is performed on an absentee ballot as part of the initial processing, and on a poll ballot after breaking the seals and opening the ballot containers from the precincts or, in the case of precinct counting systems, prior to the certification of the election;

(2) "Duplicating ballots" is the process of making a true copy of valid votes from ballots that may not be properly counted by the vote tallying system. Ballots may be duplicated on blank ballots or by making changes on an electronic (~~faesimile~~) image of the ballot. The original ballot may not be altered in any way;

(3) "Readable ballot" is any ballot that the certified vote tallying system can accept and read as the voter intended without alteration, and that meets the standards of the county canvassing board subject to the provisions contained in this title;

(4) "Unreadable ballot" is any ballot that cannot be read by the vote tallying system as the voter intended without alteration. Unreadable ballots may include, but not be limited to, ballots with damage, write-in votes, incorrect or incomplete marks, and questions of vote intent. Unreadable ballots may subsequently be counted as provided by these administrative rules;

(5) "Valid signature" is the signature of a registered voter eligible to vote in the election as verified against the voter registration files. On an absentee ballot envelope, a mark with two witnesses is a valid signature.

AMENDATORY SECTION (Amending WSR 05-17-145, filed 8/19/05, effective 9/19/05)

**WAC 434-261-120 Referral of questionable ballots to canvassing board.** Whenever a precinct election officer (~~is~~

~~a precinct where ballots are being tabulated,)) or counting center personnel ((in a county where ballots are being centrally tabulated,)) has a question about the validity of a ballot or the votes contained on the ballot that they are unable to resolve, the ballot shall be placed in a special ((envelope)) container marked "for canvassing board." ((The following information must be provided on the outside of the envelope:~~

~~(1) Identification of the precinct from which the ballot originated;~~

~~(2)) The facts giving rise to the question of validity ((including, if applicable, the office or issue on the ballot which is affected by the question;~~

~~(3) An identification number by which the envelope containing the ballot may be tracked)) must be noted.~~

If the question arises at a polling place, the precinct inspector shall (~~annotate~~) note the ballot on the ballot accountability (~~sheet~~) form in a manner similar to recording other irregularly voted ballots (~~shall seal the envelope~~) and shall transfer it to the elections office in (~~the special envelope for irregularly voted ballots~~) accordance with WAC 434-253-170.

If the question arises in the counting center, the counting center supervisor shall record the ballot on an irregularly voted ballot log sheet.

Ballots being held for determination of validity or voter's intent shall be provided the same security as regular voted ballots and shall be kept in a secure area when not being processed. (~~As long as they are in the sealed envelope it is not necessary to seal them in other containers within the counting center provided they are otherwise safeguarded. Once the issue of validity has been determined, the ballots must be tabulated, if applicable, stored, and retained the same as regular voted ballots.~~

~~When the determination of validity is made, the disposition of the ballot shall be entered on the envelope and the ballot accountability sheet or the irregularly voted ballot log sheet.))~~

AMENDATORY SECTION (Amending WSR 06-14-050, filed 6/28/06, effective 7/29/06)

**WAC 434-261-050 Unsigned oath or mismatched signatures.** (1) If a voter neglects to sign the oath on an absentee or provisional ballot envelope, signs the oath with a mark and fails to have two witnesses attest to the signature, or signs the ballot envelope but the signature on the envelope does not match the signature on the voter registration (~~file~~) record, the auditor shall notify the voter (~~pursuant to RCW 29A.60-165~~) by first class mail of the correct procedures for curing the signature. If the ballot is received during the last three business days before the final meeting of the canvassing board, or the voter has been notified by first class mail and has not responded by the last three business days before the final meeting of the canvassing board, the auditor must attempt to notify the voter by telephone using information in the voter registration record.

(2) If the voter neglects to sign the oath on an absentee or provisional ballot envelope, or signs the oath with a mark and fails to have two witnesses attest to the signature, the voter must either:

(a) Appear in person and sign the affidavit no later than the day before certification of the primary or election; or

(b) Sign a copy of the affidavit provided by the auditor, or mark the affidavit in front of two witnesses, and return it to the auditor no later than the day before certification of the primary or election.

(3) If the signature on the oath of an absentee or provisional ballot envelope does not match the signature on the voter registration record, the voter must either:

(a) Appear in person and sign a new registration form no later than the day before certification of the primary or election. The updated signature provided on the new registration form becomes the signature on the voter registration record for the current election and future elections; or

(b) Sign a copy of the affidavit provided by the auditor, and provide a photocopy of a valid government or tribal identification that includes the voter's current signature. The signature on the affidavit must match the signature on the identification, and both of those signatures must match the signature on the ballot envelope. The voter must return the signed affidavit and identification to the auditor no later than the day before certification of the primary or election. The county auditor may also send the voter a new registration form to update the signature on the voter registration record for future elections; or

(c) Sign a copy of the affidavit provided by the auditor in front of two witnesses who attest to the signature. The signature on the affidavit must match the signature on the ballot envelope. The voter must return the signed affidavit to the auditor no later than the day before certification of the primary or election. The county auditor may also send the voter a new registration form to update the signature on the voter registration record for future elections.

(4) If the signature on an absentee or provisional ballot envelope does not match the signature on the registration record because the name is different, the ballot may be counted as long as the handwriting is clearly the same. The auditor shall send the voter a change-of-name form under RCW 29A.08.440 and direct the voter to complete the form. If the signature on an absentee or provisional ballot envelope does not match the signature on the registration record because the voter used initials or a common nickname, the ballot may be counted as long as the surname and handwriting are clearly the same.

(5) A voter may not cure a missing or mismatched signature for purposes of counting the ballot in a recount.

(6) A record must be kept of all ballots with missing and mismatched signatures. The record must contain the date on which the voter was contacted or the notice was mailed, as well as the date on which the voter signed the envelope, a copy of the envelope, a new registration form, or a change-of-name form. That record is a public record under chapter 42.56 RCW and may be disclosed to interested parties on written request.

AMENDATORY SECTION (Amending WSR 06-11-042, filed 5/10/06, effective 6/10/06)

**WAC 434-261-102 Resolving ballots ((tabulated)) on digital scan vote tallying systems.** In counties tabulating

ballots on a digital scan vote tallying system, two staff designated by the auditor's office must resolve ballots identified as requiring resolution. A log of the resolutions must be printed and signed by the two staff.

AMENDATORY SECTION (Amending WSR 05-24-039, filed 11/30/05, effective 12/31/05)

**WAC 434-324-106 Felony conviction—Secretary's quarterly comparisons ((and pending cancellation notifications)).** (1) Once a quarter, the secretary must perform comparisons with the ((Washington state patrol, the office of the administrator for the courts, and other appropriate state agencies)) department of corrections, as authorized in RCW 29A.08.520, to search for registration records of felons((The quarterly comparison must be performed prior to the first extraction or pull of absentee ballots for a primary, special, or general election)) who are under the legal custody of the department of corrections due to an adult felony conviction. The secretary must create a list of ((matches by confirming that)) felon voters by matching the first name, last name, ((and)) date of birth ((match)), and other identifying information.

(2) ((The list of matches must be compared to information provided by the office of the administrator for the courts and the elemency board to identify felons who have received certificates of discharge or gubernatorial pardons for all felony convictions.

(3) ~~The secretary must not cancel the voter registration record of a voter who has received a certificate of discharge or gubernatorial pardon for all felony convictions. The secretary must flag the voter registration record to prevent future cancellation based on these previous felony convictions.~~

(4) ~~If there is no record of a certificate of discharge or gubernatorial pardon for each felony conviction)) For each felon voter, the secretary must change the voter's registration status to "pending cancellation." This change of status must be entered prior to the first extraction or pull of absentee or mail ballots. The official statewide voter registration data base must automatically notify the county election management system of the change. Voters with pending cancellation status must not be included in ((the)) a poll book ((and must not receive)) or be mailed an absentee or mail ballot.~~

((5)) (3) The secretary must mail a notification letter to each felon whose status is pending cancellation. ((In addition to sending a copy of the notification letter to the auditor, the secretary must also send notification of the voter's pending cancellation status to the auditor through the election management system.)) The notification letter must be sent to the felon's last known registration mailing address indicating that his or her voter registration is about to be canceled. The ((form)) letter must contain language notifying the felon that ((if the pending cancellation status is in error, the felon)) he or she may contact the auditor's office to ((reconcile the error and)) correct the information or request a hearing if the felon status is not correct or the right to vote has been restored. The letter must also inform the felon that he or she may request a provisional ballot for any pending elections. ((As outlined in RCW 29A.08.520, the form must also provide information on how the right to vote may be restored, as well as how to reg-

~~ister to vote after the right to vote has been restored.))~~ The notification letter must contain substantially the following language:

Dear . . . . . ,

According to the Washington state Constitution, a person who has been convicted of a felony is disqualified from voting until the right has been restored. State law requires that the right be restored only after all conditions of all felony sentences have been fulfilled ~~((as outlined in the last paragraph of this letter))~~ or by a certificate of restoration issued by the governor.

Based on name ~~((and))~~, date of birth, and other identifying information maintained in state voter registration records and ~~((felony conviction))~~ department of corrections records, you have been found ineligible to vote due to a felony conviction. The felony conviction record information includes:

Felon's name  
Felon's date of birth  
County of conviction  
~~((Date of conviction))~~  
Case/cause number

Your voter registration is pending cancellation. If you would like to dispute this finding, you have ~~((thirty))~~ 30 days from the postmark date on the envelope to provide documentation that this is incorrect or request a hearing ~~((by contacting))~~. You must contact:

County auditor  
County auditor's address  
County auditor's phone number  
~~((County auditor's e-mail address))~~

You may also request a provisional ballot for any election scheduled to occur prior to the resolution of your registration status.

If you do not contact the county elections department within 30 days to dispute ~~((this))~~ the finding ~~((within thirty days))~~, your voter registration will be canceled.

Voting before the ~~((rights are))~~ right is restored is a class C felony ~~((RCW 29A.84.660))~~. The right to vote may be restored by proof of one of the following for each felony conviction:

1. A certificate of discharge, issued by the sentencing court ~~((RCW 9.94A.637))~~;
2. A court order restoring civil right, issued by the sentencing court ~~((RCW 9.92.066))~~;
3. A final ~~((order of))~~ discharge and restoration of civil rights, issued by the indeterminate sentence review board ~~((RCW 9.96.050))~~; or
4. A certificate of restoration, issued by the ~~((governor (RCW 9.96.020))~~) cleremy and pardons board; or
5. A pardon, issued by the governor.

Further information about how to get the right to vote restored may be found at ~~((www.seestate.wa.gov/elections/restoring.aspx))~~ www.seestate.wa.gov/elections/faq.aspx.

Sincerely,

~~((.....))~~ Elections Division  
Office of the Secretary of State

The secretary must provide an explanation of the requirements for restoring the right to vote. The secretary must send to each auditor the voter registration and conviction information for each matched felon registered in that county.

(4) If the felon fails to contact the auditor within thirty days, the felon's voter registration must be canceled. If an election in which the felon would otherwise be eligible to vote is scheduled to occur during the thirty days, the felon must be allowed to vote a provisional ballot.

(5) The felon's eligibility status may be resolved and the pending cancellation status reversed without scheduling a hearing if the felon provides satisfactory documentation that the felon's civil rights have been restored, the conviction is not a felony, the person convicted is not the registered voter, or the felon is otherwise eligible to vote. The auditor must notify the voter, retain a scanned copy of all documentation provided, and notify the secretary. The secretary must flag the voter registration record to prevent future cancellation based on the same felony conviction.

(6) If the felon requests a hearing, the auditor must schedule a public hearing to provide the felon an opportunity to dispute the finding. In scheduling the hearing, the auditor may take into account whether an election in which the felon would otherwise be eligible to vote is scheduled. The notice must be mailed to the felon's last known registration mailing address and must be postmarked at least seven calendar days prior to the hearing date. Notice of the hearing must also be provided to the prosecuting attorney.

(7) The auditor must provide the prosecuting attorney a copy of all relevant registration and felony conviction information. The prosecuting attorney must obtain documentation, such as a copy of the judgment and sentence, sufficient to prove the felony conviction by clear and convincing evidence. It is not necessary that the copy of the document be certified.

(8) If the prosecuting attorney is unable to obtain sufficient documentation to ascertain the felon's voting eligibility in time to hold a hearing prior to certification of an election in which the felon would otherwise be eligible to vote, the prosecuting attorney must request that the auditor dismiss the current cancellation proceedings. The auditor must reverse the voter's pending cancellation status, cancel the hearing, and notify the voter. A provisional ballot voted in the pending election must be counted if otherwise valid. The prosecuting attorney must continue to research the felon's voting eligibility. If the prosecuting attorney is unable to obtain sufficient documentation to ascertain the felon's voting eligibility prior to the next election in which the felon would otherwise be eligible to vote, the prosecuting attorney must notify the auditor. The auditor must notify the secretary, who must flag the voter registration record to prevent future cancellation based on the same felony conviction.

(9) A hearing to determine voting eligibility is an open public hearing pursuant to chapter 42.30 RCW. If the hearing occurs within thirty days before, or during the certification

period of, an election in which the felon would otherwise be eligible to vote, the hearing must be conducted by the county canvassing board. If the hearing occurs at any other time, the county auditor conducts the hearing. Before a final determination is made that the felon is ineligible to vote, the prosecuting attorney must show by clear and convincing evidence that the voter is ineligible to vote due to a felony conviction. The felon must be provided a reasonable opportunity to respond. The hearing may be continued to a later date if continuance is likely to result in additional information regarding the felon's voting eligibility. If the felon is determined to be ineligible to vote due to felony conviction and lack of rights restoration, the voter registration must be canceled. If the voter is determined to be eligible to vote, the voter's pending cancellation status must be reversed and the secretary must flag the voter registration record to prevent future cancellation based on the same felony convictions. The felon must be notified of the outcome of the hearing and the final determination is subject to judicial review pursuant to chapter 34.05 RCW.

(10) If the felon's voter registration is canceled after the felon fails to contact the auditor within the thirty day period, the felon may contact the auditor at a later date to request a hearing to dispute the cancellation. The auditor must schedule a hearing in substantially the same manner as provided in subsections (6) through (9) of this section.

AMENDATORY SECTION (Amending WSR 06-11-041, filed 5/10/06, effective 6/10/06)

**WAC 434-324-130 ((Contents of) Lists of registered voters for the public.** (1) Pursuant to the provisions of RCW 29A.08.710, 29A.08.720 and 29A.08.740, the auditor or secretary must furnish to any person, upon request, the current list of registered voters at actual reproduction cost. The auditor or secretary may also provide a list of canceled voters. Auditors may combine these lists. The auditor or secretary may, upon request, select names and addresses from the voter registration records on the basis of the precinct code, the district code, date of registration, or voting history of each individual voter in that portion of the voter registration file. Such lists ~~((may))~~ **must** contain the information prescribed in RCW 29A.08.710 for each registered voter and may be in the form of computer printouts, microfilm duplicates, or electronic media copies of such information.

~~(2) Such voter registration lists ((must be used only for political)) may not be used for commercial purposes((commercial use of this information is punishable as provided in RCW 29A.08.740)).~~ **The person making the request must be provided a copy of RCW 29A.08.740.**

AMENDATORY SECTION (Amending WSR 05-12-116, filed 5/31/05, effective 7/1/05)

**WAC 434-379-005 Filing of an initiative or referendum—Fee—Required documents.** A person desiring to file with the secretary of state a petition to enact a proposed measure to the legislature or submit a proposed initiative measure to the people, or order that a referendum of all or part of any act, bill, or law, passed by the legislature be submitted to the people, may do so by filing the following documents:

- (1) A legible copy of the measure proposed, or the act or part of such act on which a referendum is desired;
- (2) A notarized affidavit that the sponsor is a legal voter and is submitting the proposed measure for filing;
- (3) A filing fee of five dollars for each measure submitted.

The proposed measure is not considered filed with the secretary of state until all documents and fees are filed, including any original versions required.

AMENDATORY SECTION (Amending WSR 06-11-043, filed 5/10/06, effective 6/10/06)

**WAC 434-379-008 ((Signing a petition in error.)) Signed petitions.** ~~((Before the deadline for filing petitions has passed, a person who believes he or she has signed an initiative or referenda petition in error may submit a letter to the secretary stating that he or she did not intend to sign the petition. This letter must be included))~~ **(1) To allow for sufficient personnel to accept and process signed petitions, the sponsor of an initiative or referendum must make an appointment with the elections division for submission of the signed petitions to the secretary. Petitions submitted prior to or at the appointment that clearly bear insufficient signatures must be rejected pursuant to RCW 29A.72.160. If the petitions are accepted and filed, additional petitions may be submitted until the applicable deadline established by RCW 29A.72.160.**

**(2) Signatures on initiative and referendum petitions submitted to the secretary may not be removed from the petition or eliminated from the signature count. Letters submitted to the secretary requesting the removal of one's own signature from a petition must be retained by the secretary as part of the public record for the petition. ((The secretary must not physically remove the person's name from the petition or reduce the total number of signatures submitted.))**

## WSR 06-18-096

### PROPOSED RULES

### DEPARTMENT OF LICENSING

[Filed September 6, 2006, 8:56 a.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: WAC 308-19-130 Bail bond recovery agent, bail bond agency, branch office and bail bond agent fees.

Hearing Location(s): Department of Licensing, 405 Black Lake Boulevard, Conference Room 209, Olympia, WA 98502, on October 13, 2006, at 10:00 a.m.

Date of Intended Adoption: October 17, 2006.

Submit Written Comments to: Sherri Lonsbery, P.O. Box 9649, Olympia, WA 98507, e-mail Security@dol.wa.gov, fax (360) 570-7888, by October 12, 2006.

Assistance for Persons with Disabilities: Contact Sherri Lonsbery by October 12, 2006, TTY (360) 664-8885 or (360) 664-6624.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rule change will increase fees. The increase of revenue is part of a budget plan to bring the program budget into balance.

Reasons Supporting Proposal: The program is a dedicated fund program and requires that the program establish and maintain a reasonable fund balance. The fee increase will support this requirement.

Statutory Authority for Adoption: Chapter 18.185 RCW.

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

Name of Proponent: Department of licensing (DOL), governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Sherri Lonsbery, Olympia, (360) 664-6624.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Department of licensing is exempt from this requirement.

A cost-benefit analysis is not required under RCW 34.05.328. Because DOL is not one of the named agencies to which this rule applies. Agencies that are not named can apply this rule to themselves voluntarily. DOL has chosen not to do this.

September 6, 2006  
Ralph Osgood  
Assistant Director

AMENDATORY SECTION (Amending WSR 05-08-027, filed 3/30/05, effective 4/30/05)

**WAC 308-19-130 Bail bond recovery agent, bail bond agency, branch office and bail bond agent fees.** The following fees for a one-year period shall be charged by business and professions division of the department of licensing:

<b>Title of Fee</b>	<b>Fee</b>
Bail bond agency/branch office:	
Application	\$ <del>((1,000.00))</del> <u>1,200.00</u>
License renewal	<del>((800.00))</del> <u>1,000.00</u>
Late renewal with penalty	<del>((1,000.00))</del> <u>1,200.00</u>
Bail bond agent:	
Original license	<del>((400.00))</del> <u>500.00</u>
License renewal	<del>((250.00))</del> <u>500.00</u>
Late renewal with penalty	<del>((350.00))</del> <u>600.00</u>
Change of qualified agent	<del>((200.00))</del> <u>250.00</u>
Original endorsement to the bail bond agent license	<del>((50.00))</del> <u>100.00</u>

<b>Title of Fee</b>	<b>Fee</b>
Endorsement renewal	<del>((65.00))</del> <u>100.00</u>
Endorsement renewal with penalty	<del>((100.00))</del> <u>150.00</u>
Bail bond recovery agent license:	
Original license	<del>((300.00))</del> <u>400.00</u>
License renewal	<del>((350.00))</del> <u>400.00</u>
Late renewal with penalty	<del>((450.00))</del> <u>500.00</u>
Examinations:	
Reexamination fee	25.00

**WSR 06-18-097**  
**PROPOSED RULES**  
**EMPLOYMENT SECURITY DEPARTMENT**

[Filed September 6, 2006, 9:19 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-04-083.

Title of Rule and Other Identifying Information: These rules apply to the department's referral union program. The unions in this program refer their members to work by referral or dispatch to employment. This is the customary means by which members of these unions find jobs. Individuals who meet the union's referral or dispatch requirements are exempt from conducting an independent search for work. These rules outline the requirements for unions and members for participation in the program.

Hearing Location(s): Employment Security Department, Maple Leaf Room, 2nd Floor, 212 Maple Park, Olympia, WA, on October 12, 2006, at 1:30 p.m.

Date of Intended Adoption: October 20, 2006.

Submit Written Comments to: Juanita Myers, Unemployment Insurance Rules Coordinator, P.O. Box 9046, Olympia, WA 98507-9046, e-mail [jmyers@esd.wa.gov](mailto:jmyers@esd.wa.gov), fax (360) 902-9799, by October 10, 2006.

Assistance for Persons with Disabilities: Contact Beverly Peterson by October 12, 2006, TTY (360) 902-9569 or (360) 902-9234.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: RCW 50.20.010 (1)(c) requires individuals receiving unemployment benefits to seek work "pursuant to customary trade practices" and to be available for work. It further provides that when a labor agreement or dispatch rules apply, the customary trade practices used must comply with the applicable agreement or rules. The department has had a "referral union program" in place for many years and has adopted a number of informal policies and guidelines to administer the program. To improve predictability and stability in program administration, the department is adopting regulations in place of the guidelines and policies. These regulations clarify the condi-



tions under which referral unions may participate in the program, the availability and job search requirements that must be met by individual members of participating unions, and the information the department will providing to participating unions.

Reasons Supporting Proposal: RCW 34.05.230 encourages agencies to convert longstanding policy statements into rule. By adopting these rules, the department intends to eliminate confusion concerning the role of referral unions in monitoring the job search activities of their members, and the requirements individual union members must meet to comply with the availability and job search provisions of RCW 50.20.010 (1)(c).

Statutory Authority for Adoption: RCW 50.12.010, 50.12.040, and 50.20.010.

Statute Being Implemented: RCW 50.20.010 (1)(c).

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 rules apply to unions and union members. No requirements are imposed upon business as a result of these rules.

A cost-benefit analysis is not required under RCW 34.05.328. The rules primarily adopt longstanding agency policies and procedures into rule form. They do not include substantive changes from existing policy and procedures that would qualify them as significant legislative rules.

September 5, 2006

Paul Trause

Deputy Commissioner

#### NEW SECTION

**WAC 192-210-100 What is the purpose of the referral union program?** (1) RCW 50.20.010 (1)(c) requires individuals who receive unemployment benefits to actively look for work using customary trade practices. They must also be able to work and available for work. In some trades, labor unions refer members to job openings in that labor market. The referral union program is a way for unions to help its members find work and to give eligibility information about its members to the department when requested. When an individual is a member of a union in the referral union program, the individual's job search must follow the union's dispatch rules.

(2) The term "union" means a bona fide labor organization formed to negotiate with employers, on behalf of workers collectively, about job related issues such as salary, benefits, hours, and working conditions. A "referral union" means a union that refers its members to jobs by referral or dispatch.

(3) A union must apply with and be approved by the department to join the referral union program.

(4) To be eligible to join the referral union program:

(a) The union must have a constitution, bylaws, or working rules that prohibit its members from seeking work in the industry on their own; or

(b) Members are permitted to seek work in the industry on their own but at least fifty percent of the union members eligible for dispatch who got a job during the most recent calendar year did so through referral or dispatch by the union.

(5) For purposes of the referral union program, the terms "referral" and "dispatch" are synonymous.

#### NEW SECTION

#### **WAC 192-210-105 May all individuals on a union dispatch list participate in the referral union program?**

No. Participation in the referral union program is limited to persons who are eligible for dispatch by the union and actively seeking dispatch. The union must meet the requirements of WAC 192-210-100.

(1) **Qualified referral unions.** A referral union that does not meet the requirements of WAC 192-210-100(4) is called a "qualified referral union." A qualified referral union is one that permits its members to look for work in the covered industry **and**, during the most recent calendar year, fewer than fifty percent of the union membership eligible for dispatch obtained employment through their union's referral program. Qualified referral unions are not part of the referral union program. However, a contact with the qualified referral union for a specific job counts as one of the three job search contacts required by RCW 50.20.240. For the remaining contacts, the person must search for work on his or her own.

(2) **Eligible for dispatch.** For purposes of this chapter, an individual is eligible for dispatch if he or she meets the minimum requirements for the job being filled, including having any license or certificate required for that occupation.

#### NEW SECTION

#### **WAC 192-210-110 What are the requirements for unions in the referral union program.** (1) **Application.**

The union's application for participation in the referral union program is subject to approval by the department. By submitting a signed application, the union agrees to:

(a) When requested, tell the department whether a person is a member of the union, eligible for dispatch or referral, and complying with union dispatch and referral rules;

(b) Advise its members that their eligibility for unemployment benefits may be affected if they are not available for suitable work as defined by RCW 50.20.100 or RCW 50.20.110 and that, when requested, any failure to do so will be reported to the department;

(c) Advise its members that any refusal of dispatch or referral by the union to suitable work may affect the claimant's eligibility for unemployment benefits and, when requested, will be reported to the department, even if refusal is permitted under union rules; and

(d) When requested, provide the department other records that will help the department decide if an individual is available for work and actively seeking work, as long as disclosure of this information does not violate state or federal law.

The department will make the requests described in this subsection as needed to confirm the reliability of the referral union program.

(2) **Notify department of changes.** The union must notify the department within thirty days of any changes in its address, telephone number, or designated contact person, or changes in its procedures that modify the requirements a person must meet to be eligible for dispatch. The union must provide the department with a copy of the revised dispatch requirements within thirty days of implementation. The union's participation in the referral union program will be subject to reapproval based on the revised dispatch requirements.

(3) **Renewal.** Unions must renew their membership in the referral union program at intervals established by the department. If the union does not renew its membership within sixty days of the date given in the renewal notice, the department will revoke its membership in the referral union program.

(4) **Revocation.** The department may revoke a union's membership in the referral union program if the union does not comply with the terms of the agreement.

(a) If the revocation is based on failure to meet technical requirements of the program, such as failure to renew its membership or to respond to an information request from the department, the revocation will last until the failure is corrected;

(b) If the revocation is for violations of this section, such as the union's refusal to comply with program requirements, fraud, falsification of information regarding claimants' job search activities, or similar reasons, the revocation will last until the department is satisfied the union will comply with program requirements in future. In the case of serious or repeated violations, the revocation period may also include, at the department's discretion, an additional suspension period of up to sixty days.

(5) **Appeal of revocation.** An appeal of the revocation of a union's participation in the program is governed by Chapter 34.05 RCW, the Administrative Procedures Act. If an appeal is filed, the revocation will be postponed until a final decision has been issued.

(6) **Withdrawal from program.** If a union chooses to withdraw from the referral union program, it must give the department 30 days notice. This will give the department time to notify claimants who are members of that union of their new job search requirements.

**Reviser's note:** The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

#### NEW SECTION

**WAC 192-210-115 How does membership in a referral union impact a claimant's eligibility for benefits?** (1) **Job search.** If you are a member of a union that has been approved for the referral union program, the department will accept this as meeting the job search requirements of RCW 50.20.010 (1)(c). This means that you are not required to look for work on your own as long as you meet the requirements of WAC 192-210-120.

(2) **Union membership.** Membership in a referral union means journeymen, apprentices, members in travel status as allowed by union guidelines, and those eligible for dispatch and actively seeking dispatch for suitable work.

(3) **Violation of union rules.** You are not required to take an action that violates your union rules or places your union standing in jeopardy as a condition of receiving unemployment benefits.

(4) **Removal from program.** The department will remove you from the referral union program if you do not meet the requirements of WAC 192-210-120. You will be directed to look for work on your own, outside the union dispatch or referral process. You may also be denied benefits for any week(s) in which we decide you were not available for work.

(5) **Extended benefits.** This section does not apply if you are receiving extended benefits. You must meet the job search requirements listed in WAC 192-240-030.

(6) **Union verification.** The department will ask the union to verify that you are eligible for dispatch and actively seeking suitable work through the union. This will be done when you file a new application for unemployment benefits, reopen an existing unemployment claim, and at times while you are in continuous claim status. While you are in continuous claim status, the department will also ask your union to report whether you refused an offer of suitable work during the period in question.

#### NEW SECTION

**WAC 192-210-120 What are the requirements for individuals participating in the referral union program?**

(1) **Eligibility.** You are eligible for the program if you are registered with the union, eligible for dispatch, and you are:

(a) Immediately available for dispatch or referral as required by the union; and

(b) Actively seeking, willing and able to accept any suitable work as defined in RCW 50.20.100 and RCW 50.20.110 that is offered through the union dispatch or referral process.

(2) **Reporting.** During any week you claim benefits you must report to the department if:

(a) You are not available for dispatch or referral;

(b) You refuse dispatch or referral;

(c) The union assigns jobs using a bid process and you do not bid on a job that, based on your seniority or union rules, you had a reasonable expectation of getting, unless you have already bid on three other jobs that week; or

(d) You are no longer registered or eligible for dispatch with the union.

(3) **License or certificate.** RCW 50.20.010 (1)(c) requires you to be immediately available to accept suitable work:

(a) If your occupation requires a license, certification or permit to work within your labor market area, your license, certification or permit must be current at the time you are dispatched to a job.

(b) If you do not have a current license, certification or permit when you are dispatched, your availability for work is in question. Your benefits may be denied for any week in

which you do not have the license or permit or the license or permit was expired or invalid.

(c) It is your responsibility to keep your license, certification or permit current; it is not the union's responsibility to track your license status.

(d) Nothing in this section requires you to obtain specialty licenses or certifications as long as you are licensed or certified for those jobs for which you are available for dispatch and your failure to obtain a specialty license or certification does not substantially restrict your availability for work.

(4) **Refusing work.** If you refuse to bid on a job, or refuse dispatch or referral by the union, your availability for work and eligibility for unemployment benefits is in question. While some union rules do not penalize members for refusing dispatch, the refusal may not be allowed for unemployment insurance purposes. For example, your union may permit you to refuse dispatch to two jobs without penalty. However, in the unemployment insurance program this is not permitted unless the work is not suitable. A refusal of dispatch may be considered a refusal of suitable work under RCW 50.20.080. The department will determine whether the work was suitable.

(5) **Standby.** If permitted by the union, you may be placed on standby by the department if you meet the requirements of WAC 192-110-015.

(6) **Fee payers.** If you are not registered with the union, eligible for dispatch, and actively seeking work through the union, but have only paid a fee to be on the union's out of work list, you must meet the job search requirements of RCW 50.20.240.

(7) **Presumption of availability.** The department will presume you have met the availability and job search requirements of RCW 50.20.010 when you file a weekly claim certifying that you are able to work, available for work, and actively seeking work as instructed. A cause for doubting your eligibility will be created if the department receives relevant information for a specific week regarding your eligibility for benefits. (See WAC 192-130-070)

(8) **Contact with union.** The department will contact you and the union for information about your job search activities and availability for work whenever a cause for doubting your eligibility for unemployment benefits is established for any reason listed in this section.

#### NEW SECTION

**WAC 192-210-125 What information is the department responsible for providing to participating unions?**  
The department will:

(1) Notify the union of changes in laws, rules, or policy that impact the referral union program; and

(2) Upon request, provide training to the designated contact person or other union staff on the requirements they must meet to participate in the referral union program.

#### **WSR 06-18-104**

#### **PROPOSED RULES**

#### **DEPARTMENT OF COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT**

[Filed September 6, 2006, 11:22 a.m.]

Original Notice.

Title of Rule and Other Identifying Information: Lead-based paint rules update.

Hearing Location(s): La Quinta Inn, 32124 25th Avenue South, Federal Way, WA 98003, on October 10, 2006, at 9:00 a.m.

Date of Intended Adoption: October 24, 2006.

Submit Written Comments to: Marie Sullivan, 128 10th Avenue S.W., Olympia, WA 98504, e-mail maries@cted.wa.gov, fax (360) 586-8440, by October 20, 2006.

Assistance for Persons with Disabilities: Contact TTY (360) 586-0772.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposal is threefold: (1) To align the Washington lead-based paint regulations (chapter 365-230 WAC) with those of the federal government (40 C.F.R. 745); (2) to simplify and clarify rule language and (3) to make administration of the rules more efficient. The proposal will make it easier for Washington-certified lead professionals to obtain reciprocity in other states; the eligibility requirements for a project designer will be less stringent; the scope of practice for a project designer is narrowed; and a *de minimus* exemption is introduced for abatement projects.

Reasons Supporting Proposal: The changes align states rules with federal government regulations and improve the state rules by making them simpler, clearer and easier to administer.

Statutory Authority for Adoption: Chapter 70.103 RCW.

Statute Being Implemented: Chapter 70.103 RCW.

Rule is necessary because of federal law, 40 C.F.R. 745.

Name of Proponent: Washington department of community, trade and economic development, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Michael Bergman, 906 Columbia Street S.W., Olympia, WA 98512 [98504], (360) 725-2941.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The economic impacts on regulated entities are negligible.

A cost-benefit analysis is not required under RCW 34.05.328. This proposal does not qualify under RCW 34.05.328(5).

September 6, 2006

Marie Sullivan

Lead-Based Paint Rules Update

AMENDATORY SECTION (Amending WSR 04-10-037, filed 4/29/04, effective 5/30/04)

**WAC 365-230-010 Authority, purpose and scope.** (1)

The authority for these regulations is chapter 70.103 RCW.

(2) Purpose.

(a) These regulations address Washington's need for a qualified and properly trained work force to perform inspection, risk assessment and abatement of hazards associated with lead-based paint, as defined in these rules, to safeguard the environment and protect human health, especially for children under six years of age and other high-risk groups from lead-based paint hazards.

(b) These regulations prescribe the accreditation requirements for training providers offering lead-based paint activities training courses to qualify individuals for lead-based paint certification and will require that all lead-based paint training courses be offered or provided only by accredited training providers.

(c) These regulations prescribe the certification requirements of individuals and firms engaged in lead-based paint activities in target housing and child occupied facilities.

(d) These regulations establish work practice standards for the performance of lead-based paint inspection, risk assessment, and abatement activities for individuals and firms and will require that only certified individuals and the certified firms employing such individuals perform these lead-based paint activities.

(3) Scope.

(a) These rules apply to all individuals and firms that are engaged in lead-based paint activities as defined in these regulations, (WAC 365-230-200) except persons who perform these activities within residential dwellings that they own, unless the residential dwelling is occupied by a person or persons other than the owner or the owner's immediate family while these activities are being performed, or a child residing in the building has been identified as having an elevated blood lead level.

(b) These rules establish the requirement that lead-based paint activities be performed only by certified individuals and the certified firms employing such individuals.

(c) These rules prescribe the requirements for, and the manner of, certifying competency of applicants for certification of lead-based paint inspector, risk assessor, supervisor, project designer, and worker, and of legally registered firms employing such individuals.

(d) These rules prescribe work practice standards for the abatement of lead-based paint hazards and for the performance of lead-based paint inspection and risk assessment, and those actions or circumstances that constitute failure to achieve or maintain competency, or that otherwise are contrary to the public interest, for which the department may deny, suspend, revoke, or modify certification.

(e) These rules establish application fees for certification and accreditation.

(f) These rules establish a procedure by which training providers may apply for and obtain accreditation to offer initial and refresher lead-based paint activity courses in any of the following disciplines: Inspector, risk assessor, supervisor, project designer, and abatement worker. ~~((A training program accredited in a discipline may also seek accreditation to offer refresher courses for the discipline.))~~

(g) These rules prescribe the requirements for training programs to provide, offer, or claim to provide accredited lead-based paint activities courses.

(h) These rules prescribe those actions or circumstances that constitute failure to achieve or maintain competency, or that otherwise are contrary to the public interest, for which the department may deny, suspend, revoke or modify accreditation.

(i) These rules describe the actions or failures to act that constitute violations of these rules and for which the department may issue fines.

(j) These rules establish a schedule of penalties for failure to comply with these rules.

AMENDATORY SECTION (Amending WSR 04-10-037, filed 4/29/04, effective 5/30/04)

**WAC 365-230-016 Contact information for accreditation and certification matters.** Application materials and information concerning lead-based paint accreditation and certification as described in these rules can be obtained from the lead-based paint program via the following contact information:

(1) Mailing address: Lead-Based Paint Program, P.O. Box 42525, Olympia, WA 98504-2525

(2) Telephone number: ~~((360-725-2949))~~ 360-586-LEAD (5323)

(3) Fax number: 360-586-5880

(4) Web site: [www.cted.wa.gov/lead](http://www.cted.wa.gov/lead)

AMENDATORY SECTION (Amending WSR 04-10-037, filed 4/29/04, effective 5/30/04)

**WAC 365-230-020 Definitions.** As used in these rules unless otherwise required by context:

(1) "Abatement" means any measure or set of measures designed to permanently eliminate lead-based paint hazards including, but not limited to:

(a) The removal of paint and dust, the permanent enclosure or encapsulation of lead-based paint, the replacement of painted surfaces or fixtures, or the removal or covering of soil, when lead-based paint hazards are present in such paint, dust or soil; and

(b) All preparation, cleanup, disposal, and postabatement clearance testing activities associated with such measures.

Specifically, abatement includes, but is not limited to:

(i) Projects for which there is a written contract or other documentation, which provides that an individual or firm will be conducting activities in or to a residential dwelling or child-occupied facility that results in permanent elimination of lead-based paint hazards or designed to permanently eliminate lead-based paint hazards and described in (a) and (b) of this subsection.

(ii) Projects resulting in the permanent elimination of lead-based paint hazards, conducted by certified and licensed firms or individuals, unless such projects are covered under (c) of this subsection.

(iii) Projects resulting in the permanent elimination of lead-based paint hazards, conducted by firms or individuals who, through their company name or promotional literature, represent, advertise, or hold themselves out to be in the business of performing lead-based paint activities, unless such projects are covered under (c) of this subsection.

(iv) Projects resulting in the permanent elimination of lead-based paint hazards, that are conducted in response to state or local abatement orders.

(c) Abatement does not include renovation, remodeling, landscaping or other activities, when such activities are not designed to permanently eliminate lead-based paint hazards, but, instead, are designed to repair, restore, or remodel a given structure or dwelling, even though these activities may incidentally result in a reduction or elimination of lead-based paint hazards. Furthermore, abatement does not include interim controls, operations and maintenance activities, or other measures and activities designed to temporarily, but not permanently, reduce lead-based paint hazards.

(2) "Accreditation" means the process whereby the department has reviewed and approved a training provider's written application with associated materials for accreditation, and has conducted an on-site audit finding the training program is in compliance as specified in these rules.

(3) "Accredited training program" means a training program accredited by the department, either directly or through a reciprocity agreement with other jurisdictions, to provide training for individuals engaged in lead-based paint activities.

(4) "Accredited training course" means either an initial or a refresher training course accredited by the department, either directly or through a reciprocity agreement with other jurisdictions, that provides training for individuals engaged in lead-based paint activities.

(5) "Accredited training provider" means an individual, corporation, partnership or other unincorporated association or public entity to which the department has approved accreditation to offer one or more lead-based paint courses.

~~((6)) (6) "Adequate quality control" means a plan or design that ensures the authenticity, integrity, and accuracy of samples, including dust, soil, and paint chip or paint film samples. Adequate quality control also includes provisions for representative sampling.~~

~~((7)) (7) "Administrator" means the director of the department of community, trade and economic development, or the director's designee.~~

((8)) (8) "Approved" means approved in writing by the department.

~~((9)) (9) "Arithmetic mean" means the algebraic sum of data values divided by the number of data values (e.g., the sum of the concentration of lead in several soil samples divided by the number of samples).~~

~~((10)) (10) "Business day" means Monday through Friday with the exception of legal Washington state holidays.~~

~~((11)) (11) "Certified" means issued a certificate by the department based on meeting requirements for the appropriate discipline. Those requirements include, but are not limited to, the following:~~

(a) Successful completion of a training program accredited by the department; and

(b) Receiving a passing score on a certification examination administered by the department; and

(c) Satisfaction of any other requirements for the appropriate discipline; and

(d) Submittal and approval of the appropriate application by the department for inspection, risk assessment or abatement activities in target housing and child-occupied facilities.

~~((12)) (12) "Certified firm" means a company, partnership, corporation, sole proprietorship, association, or other business entity that performs lead-based paint activities to which the department has issued a certificate under these rules.~~

~~((13)) (13) "Chewable surface" means an interior or exterior surface painted with lead-based paint that a young child can mouth or chew. A chewable surface is the same as an "accessible surface" as defined in 42 U.S.C. 4851b(2). Hard metal substrates and other materials that cannot be dented by the bite of a young child are not considered chewable.~~

((14)) (14) "Child-occupied facility" means a building, or a portion of a building, constructed prior to 1978, visited regularly by the same child, under the age of six, on at least two different days within any week (Sunday through Saturday period), provided that each day's visit lasts at least three hours and the combined weekly visit lasts at least six hours, and the combined annual visits last at least sixty hours. Child-occupied facilities may include, but are not limited to, day care centers, preschools and kindergarten classrooms.

~~((15)) (15) "Clearance levels" are values that indicate the maximum amount of lead permitted in dust on a surface following completion of an abatement activity.~~

~~((16)) (16) "Clearance examination standards" means a maximum of 40 micrograms of lead in dust per square foot on floors, 250 micrograms of lead in dust per square foot on interior window sills, and 400 micrograms of lead in dust on window troughs.~~

~~((17)) (17) "Common area" means a portion of a building that is generally accessible to all occupants that may include, but that is not limited to, hallways, stairways, laundry and recreational rooms, playgrounds, community centers, garages, and boundary fences.~~

~~((18)) (18) "Common area group" means a group of common areas that are similar in design, construction, and function. Common area groups include, but are not limited to, hallways, stairwells, and laundry rooms.~~

~~((19)) (19) "Component or building component" means specific design or structural elements or fixtures of a building, residential dwelling, or child-occupied facility that are distinguished from each other by form, function, and location. These include, but are not limited to, interior components such as: Ceilings, crown molding, walls, chair rails, doors, door trim, floors, fireplaces, radiators and other heating units, shelves, shelf supports, stair treads, stair risers, stair stringers, newel posts, railing caps, balustrades, windows and trim (including sashes, window heads, jambs, sills or stools and troughs), built in cabinets, columns, beams, bathroom vanities, counter tops, and air conditioners; and exterior components such as: Painted roofing, chimneys, flashing, gutters and downspouts, ceilings, soffits, fascias, rake boards, cornerboards, bulkheads, doors and door trim, fences, floors, joists, lattice work, railings and railing caps, siding, handrails, stair risers and treads, stair stringers, columns, balustrades, window sills or stools and troughs, casings, sashes and wells, and air conditioners.~~

~~((20))~~ (17) "Concentration" means the relative content of a specific substance contained within a larger mass, such as the amount of lead (in micrograms per gram or parts per million by weight) in a sample of dust or soil.

~~((21))~~ (18) "Containment" means a process to protect workers and the environment by controlling exposures to the lead-contaminated dust and debris created during an abatement.

~~((22))~~ (19) "Course agenda" means an outline of the key topics to be covered during a training course, including the time allotted to teach each topic.

~~((23))~~ (20) "Course test" means an evaluation of the overall effectiveness of the training which shall test the trainees' knowledge and retention of the topics covered during the course.

~~((24))~~ (21) "Course completion date" means the final date of classroom instruction and/or student examination of an accredited lead-based paint training course.

~~((25))~~ (22) "Course completion certificate" means documentation issued by an accredited training provider to an individual as proof of successful completion of a department-approved lead-based paint course or initial training course. All course completion certificates are valid for six months from the course completion date.

~~((26))~~ (23) "Course test ~~((blue print))~~ blueprint" means written documentation identifying the proportion of course test questions devoted to each major topic in the course curriculum.

~~((27))~~ (24) "Demonstration testing" means the observation and scoring of a student's job task and equipment use skills taught during an initial or refresher training course.

~~((28))~~ (25) "Department" means the Washington department of community, trade, and economic development.

~~((29))~~ (26) "Deteriorated paint" means any interior or exterior paint or other coating that is peeling, chipping, chalking or cracking, or any paint or coating located on an interior or exterior surface or fixture that is otherwise damaged or separated from the substrate.

~~((30))~~ (27) "Director" means the director of the Washington department of community, trade, and economic development.

(28) "Discipline" means one of the specific types or categories of lead-based paint activities identified in ~~((this sub-part))~~ these rules for which individuals may receive training from accredited programs and become certified by the department. For example, "abatement worker" is a discipline.

~~((31))~~ (29) "Distinct painting history" means the application history, as indicated by the visual appearance or a record of application, over time, of paint or other surface coatings to a component or room.

~~((32))~~ (30) "Documented methodologies" are ~~((written methods or protocols used to sample for the presence of lead in paint, dust, and soil as recommended in U.S. Department of Housing and Urban Development "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing," revised, October, 1997; "Agency Guidance on Residential Lead-Based Paint, Lead-Contaminated Dust, and Lead-Contaminated Soil," September, 1995; and "EPA Residential Sampling for Lead: Protocols for Dust and Soil Sam-~~

~~pling," March 1995. These materials can be downloaded from the following web site: www.epa.gov/lead or www.hud.gov/lead/offices))~~ the methods or protocols used to sample for the presence of lead in paint, dust, and soil.

~~((33))~~ (31) "Dripline" means the area within three feet surrounding the perimeter of a building.

~~((34))~~ (32) "Dust-lead hazard" means surface dust in a residential dwelling or child-occupied facility that contains a mass-per-area concentration of lead equal to or exceeding 40 µg/ft<sup>2</sup> on floors or 250 µg/ft<sup>2</sup> on interior window sills based on wipe samples.

~~((35))~~ (33) "Elevated blood lead level (EBL)" means an excessive absorption of lead that is a confirmed concentration of lead in whole blood of 20 µg/dl (micrograms of lead per deciliter of whole blood) for a single venous test or of 15-19 µg/dl in two consecutive tests taken three to four months apart.

~~((36))~~ (34) "Encapsulant" means a substance that forms a barrier between lead-based paint and the environment using a liquid applied coating (with or without reinforcement materials) or an adhesively bonded covering material.

~~((37))~~ (35) "Encapsulation" means the application of an encapsulant.

~~((38))~~ (36) "Enclosure" means the use of rigid, durable construction materials that are mechanically fastened to the substrate in order to act as a barrier between lead-based paint and the environment.

~~((39))~~ (37) "EPA" means the Environmental Protection Agency.

~~((40))~~ (38) "Firm" means a sole proprietorship, corporation, association, firm, partnership, or joint stock company legally registered with the Washington department of licensing to conduct business in the state of Washington.

~~((41))~~ (39) "Friction surface" means an interior or exterior surface that is subject to abrasion or friction, including, but not limited to, certain window, floor, and stair surfaces.

~~((42))~~ (40) "Guest instructor" means an individual designated by the training program manager or principal instructor to provide instruction specific to the lecture, hands-on activities, or work practice components of a course.

~~((43))~~ (41) "Hands-on training" means training during which students practice skills that they will be expected to perform at the worksite.

~~((44))~~ (42) "Hands-on skills assessment" means an evaluation which tests the trainees' ability to satisfactorily perform the work practices and procedures identified in WAC 365-230-200 as well as any other skill taught in a training course.

~~((45) "Hazardous waste" means any waste as defined in chapter 173-303 WAC.~~

~~((46))~~ (43) "Impact surface" means an interior or exterior surface that is subject to damage by repeated sudden force such as certain parts of door frames.

~~((47))~~ (44) "Initial training course" means a full, accredited lead-based paint training course required for certification. It is different than a refresher course.

~~((48))~~ (45) "Inspection" means a surface-by-surface investigation to determine the presence of lead-based paint and the provision of a report, in writing, explaining the results of the investigation.

~~((49))~~ (46) "Inspector" means an individual who is certified by the department to conduct in target housing and child-occupied facilities a surface-by-surface investigation to determine the presence of lead-based paint and the provision of a report, in writing; and conduct clearance procedures in accordance with WAC 365-230-200. An inspector may also collect dust and soil samples and perform clearance testing. An inspector may cite the applicable standard for the medium being sampled, but may not evaluate the results or assess risk.

~~((50))~~ "Interactive/participatory teaching methods" mean instruction which consists of active participation of the students, such as brainstorming, hands-on training, demonstration and practice, small group problem solving, learning games, discussions, risk mapping, field visits, walk-throughs, problem posing, group work assignments, homework review sessions, question and answer periods, skits, or role playing sessions. Lecture is not considered an interactive/participatory teaching method.

~~(51))~~ (47) "Interim controls" mean a set of measures designed to temporarily reduce human exposure or likely exposure to lead-based paint hazards, including specialized cleaning, repairs, maintenance, painting, temporary containment, ongoing monitoring of lead-based paint hazards or potential hazards, and the establishment and operation of management and resident education programs.

~~((52))~~ (48) "Interior window sill" means the portion of the horizontal window ledge that protrudes into the interior of the room.

~~((53))~~ "Job tasks" mean the specific activities performed in the context of work.

~~(54))~~ "Lead abatement professional" means an individual certified to conduct lead-based paint activities under WAC 365-230-200 as a worker, supervisor, project designer, inspector, or risk assessor.

~~((55))~~ (49) "Lead-based paint" means paint or other surface coatings that contain lead equal to or in excess of 1.0 milligram per square centimeter or 0.5 percent by weight.

~~((56))~~ (50) "Lead-based paint activities" mean, in the case of target housing and child-occupied facilities, inspection, risk assessment, and abatement, as defined in these rules.

~~((57))~~ (51) "Lead-based paint activities courses" mean training courses (worker, supervisor, inspector, risk assessor, project designer) provided by accredited training providers.

~~((58))~~ (52) "Lead-based paint hazard" means hazardous lead-based paint, dust-lead hazard or soil-lead hazard as identified in these rules.

~~((59))~~ (53) "Lead-hazard screen" is a limited risk assessment activity that involves limited paint and dust sampling as described in WAC 365-230-200.

~~((60))~~ "Lead hazard standard" means the amount of lead the department considers to be a hazard in target housing or child-occupied facilities. The standards are: Greater than 40 micrograms of lead in dust per square foot on floors, or greater than 250 micrograms of lead in dust per square foot on interior window sills, or 250 parts per million of lead in bare soil.

~~(61))~~ (54) "Licensed" means a person who has been certified by the department in one or more disciplines.

~~((62))~~ (55) "Living area" means any area of a residential dwelling used by one or more children under the age of six, including, but not limited to, living rooms, kitchen areas, dens, play rooms, and children's bedrooms.

~~((63))~~ (56) "Loading" means the quantity of specific substance present per unit of surface area, such as the amount of lead in micrograms contained in the dust collected from a certain surface area divided by the surface area in square feet or square meters.

~~((64))~~ (57) "Multifamily dwelling" means a structure that contains more than one separate residential dwelling unit, which is used or occupied, or intended to be used or occupied, in whole or in part, as the home or residence of one or more persons.

~~((65))~~ (58) "Multifamily housing" means a housing property consisting of more than four dwelling units.

~~((66))~~ "Paint in poor condition" means more than ten square feet of deteriorated paint on exterior components with large surface areas; or more than two square feet of deteriorated paint on interior components with large surface areas (e.g., walls, ceilings, floors, doors); or more than ten percent of the total surface area of the component is deteriorated on interior or exterior components with small surface areas (window sills, baseboards, soffits, trim).

~~(67))~~ (59) "Paint-lead hazard" means any of the following:

(a) Any lead-based paint on a friction surface that is subject to abrasion and where the lead dust levels on the nearest horizontal surface underneath the friction surface (e.g., the window sill, or floor) are equal to or greater than the dust-lead hazard levels identified in these rules.

(b) Any damaged or otherwise deteriorated lead-based paint on an impact surface that is caused by impact from a related building component (such as a door knob that knocks into a wall or a door that knocks against its door frame).

(c) Any chewable lead-based painted surface on which there is evidence of teeth marks.

(d) Any other deteriorated lead-based paint in any residential building or child-occupied facility or on the exterior of any residential building or child-occupied facility.

~~((68))~~ (60) "Permanent" means having an expected design life of twenty years.

~~((69))~~ "Permanently covered soil" means soil which has been separated from human contact by the placement of a barrier consisting of solid, relatively impermeable materials, such as pavement or concrete. Grass, mulch, and other landscaping materials are not considered permanent covering.

~~(70))~~ (61) "Person" means any natural or judicial person including any individual, corporation, partnership, or association; any Indian tribe, state, or political subdepartment thereof; any interstate body; and any department, agency, or instrumentality of the federal government.

~~((71))~~ (62) "Play area" means an area of frequent soil contact by children of less than six years of age as indicated by, but not limited to, such factors including the following: The presence of play equipment (e.g., sandboxes, swing sets, and sliding boards), toys, or other children's possessions, observations of play patterns, or information provided by parents, residents, care givers, or property owners.

~~((72))~~ (63) "Preliminary clearance" means clearance of interior living areas according to which an inspector or risk assessor determines that residual lead levels (as determined by laboratory analysis) do not exceed clearance levels.

~~((73))~~ (64) "Principal instructor" means the individual who has the primary responsibility for organizing and teaching a particular course.

~~((74))~~ (65) "Proficiency test" means any alternative to a conventional written examination that is used to measure a trainee's mastery of course content. An oral examination offered to a trainee with a manual disability is an example of a proficiency test.

~~((75))~~ (66) "Project designer" means an individual who is certified by the department to interpret lead inspection or risk assessment reports and to develop plans, specifications, and project procedures for large lead abatement projects in target housing and child-occupied facilities, including occupant notification and protection, cleanup and clearance, and abatement reports.

~~((76))~~ "Recognized laboratory" means an environmental laboratory recognized by EPA pursuant in accordance with the National Lead Laboratory Accreditation Program (NLLAP) as being capable of performing an analysis for lead compounds in paint, soil, and dust.

~~((77))~~ (67) "Refresher training course" means a minimum seven-hour training course (or four hours for project designer) accredited by the department to update an individual's knowledge and skills in the discipline in which training is offered.

~~((78))~~ (68) "Residential dwelling" means:

(a) A detached single-family dwelling unit, including attached structures such as porches and stoops; or

(b) A single-family dwelling unit in a structure that contains more than one separate residential dwelling unit, which is used or occupied, or intended to be occupied, in whole or in part, as the home or residence of one or more persons.

~~((79))~~ (69) "Risk assessment" means an on-site investigation to determine the existence, nature, severity, and location of lead-based paint hazards, and the provision of a report by the individual or the firm conducting the risk assessment, explaining the results of the investigation and options for reducing lead-based paint hazards.

~~((80))~~ (70) "Risk assessor" means an individual who is certified by the department to conduct in target housing and child-occupied facilities on-site investigation to determine the existence, nature, severity, and location of lead-based paint hazards, and to provide a report explaining the results of the investigation and options for reducing lead-based paint hazards; and who may conduct a lead-hazard screen, in accordance with WAC 365-230-200.

~~((81))~~ (71) "Room" means a separate part of the inside of a building, such as a bedroom, living room, dining room, kitchen, bathroom, laundry room, or utility room. To be considered a separate room, the room must be separated from adjoining rooms by built-in walls or archways that extend at least six inches from an intersecting wall. Half walls or bookcases count as room separators if built-in. Movable or collapsible partitions or partitions consisting solely of shelves or cabinets are not considered built-in walls. A screened-in porch that is used as a living area is a room.

~~((82))~~ (72) "Sample quality control" means a plan or design which ensures the authenticity, integrity, and accuracy of samples, including dust, soil, and paint chip or film samples. Sample quality control also includes provisions for representative sampling and control samples.

~~((83))~~ (73) "Scope of work" means a written description of all of the abatement activities to be conducted at a specific abatement project site.

~~((84))~~ (74) "Soil-lead hazard" means bare soil on residential real property or on the property of a child-occupied facility that contains total lead equal to or exceeding 250 parts per million (mg/g) based on soil samples.

~~((85))~~ (75) "Soil sample" means a sample collected in a representative location using ASTM E1727, "*Standard Practice for Field Collection of Soil Samples for Lead Determination by Atomic Spectrometry Techniques*," or equivalent method. ASTM standards can be obtained from ASTM International, P.O. Box C700, West Conshohocken, PA 19428-2929, via phone at 610-832-9525, or electronically at [www.astm.org](http://www.astm.org)

~~((86))~~ (76) "Supervisor" means an individual who is certified by the department to either conduct or oversee and direct the work-site conduct of lead-based paint abatement and clearance activities in target housing and child-occupied facilities, and to prepare occupant protection plans and abatement reports in accordance with WAC 365-230-200.

~~((87))~~ (77) "Target housing" means any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any one or more children under the age of six resides or is expected to reside in such housing for the elderly or persons with disabilities) or any 0-bedroom dwelling.

~~((88))~~ (78) "These rules" means Washington Administrative Code (WAC) 365-230-010 through 365-230-270.

~~((89))~~ (79) "Train-the-trainer course" means a course that includes, but is not limited to, instruction in the planning and teaching of adult education, adult learning principles, designing training objectives, selecting and designing training activities, creating an effective learning environment, facilitating group involvement and discussions, and strategies for dealing with difficult training situations and difficult learners.

~~((90))~~ (80) "Training curriculum" means an established set of course topics for instruction in an accredited training program for a particular discipline designed to provide specialized knowledge and skills.

~~((91))~~ (81) "Training hour" means at least fifty minutes of actual learning, including, but not limited to, time devoted to lecture, learning activities, small group activities, demonstrations, evaluations, and/or hands-on experience.

~~((92))~~ (82) "Training manager" means the individual responsible for administering a training program and monitoring the performance of principal instructors and guest instructors.

~~((93))~~ (83) "Training provider" means any business entity accredited under WAC 365-230-035 and 365-230-040 that offers lead-based paint activities courses.

~~((94))~~ (84) "Weighted arithmetic mean" means the arithmetic mean of sample results weighted by the number of subsamples in each sample. Its purpose is to give influence to



a sample relative to the surface area it represents. A single surface sample is comprised of a single subsample. A composite sample may contain from two to four subsamples of the same area as each other and of each single surface sample in the composite. The weighted arithmetic mean is obtained by summing, for all samples, the product of the sample's result multiplied by the number of subsamples in the sample, and dividing the sum by the total number of subsamples contained in all samples. For example the weighted arithmetic mean of a single surface sample containing 60 µg/ft<sup>2</sup>, a composite sample (three subsamples) containing 100 µg/ft<sup>2</sup>, and a composite sample (four subsamples) containing 110 mg/ft<sup>2</sup> is 100 µg/ft<sup>2</sup>. This result is based on the equation  $[60+(3*100)+(4*110)]/(1+3+4)$ .

~~((95))~~ (85) "Window trough" means for a typical double-hung window, the portion of the exterior window sill between the interior window sill (or stool) and the frame of the storm window. If there is no storm window, the window trough is the area that receives both the upper and lower window sashes when they are both lowered. The window trough is sometimes referred to as the window "well."

~~((96))~~ (86) "Wipe sample" means a sample collected by wiping a representative surface of known area, as determined by ASTM E1728, "Standard Practice for Field Collection of Settled Dust Samples Using Wipe Sampling Methods for Lead Determination by Atomic Spectrometry Techniques," or equivalent method, with an acceptable wipe material as defined in ASTM E 1792, "Standard Specification for Wipe Sampling Materials for Lead in Surface Dust." ASTM standards can be obtained from ASTM International, P.O. Box C700, West Conshohocken, PA 19428-2929, via phone at 610-832-9525, or electronically at www.astm.org

~~((97))~~ (87) "Worker" means an individual who is certified by the department and licensed by the construction contractors' board to conduct lead-based paint abatement activities in target housing and child-occupied facilities in accordance with WAC 365-230-200.

**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 04-10-037, filed 4/29/04, effective 5/30/04)

**WAC 365-230-030 Accreditation required.** (1) No ~~(person)~~ firm, individual or other entity shall provide, offer, or claim to provide ~~((an))~~ a department-accredited lead-based paint ~~((activities))~~ training course ~~((unless the person has received))~~ without applying for and receiving accreditation from the department as required by these rules.

(2) A training ~~((courses))~~ provider may be accredited for the initial inspector, risk assessor, abatement worker, supervisor, and project designer training courses or for refresher training courses within the same disciplines.

(3) Only accredited training providers are eligible to offer initial and refresher lead-based paint training courses ~~((for lead-based paint discipline courses))~~.

(4) To qualify for and maintain accreditation, a training provider shall:

(a) Propose and offer at least one accredited ~~((or accredited))~~ lead-based paint training course.

(b) Conform to personnel, operational and curriculum requirements.

(c) Comply with accreditation application and procedural requirements.

AMENDATORY SECTION (Amending WSR 04-10-037, filed 4/29/04, effective 5/30/04)

**WAC 365-230-035 Application process.** The following are procedures a training program must follow to receive accreditation by the department to offer lead-based paint training courses:

(1) ~~((Submission of a completed application for course accreditation or renewal.))~~ A training program seeking accreditation shall submit a complete written application to the department. To be considered complete, the application must be on the appropriate departmental form and include all required documentation and attachments. Information that must be provided with the application is as follows:

(a) Name, address, and phone number of training provider and training program manager.

(b) List of course(s) for which accreditation is being applied.

(c) A statement signed by the training program manager certifying that the training program meets the requirements under WAC 365-230-040.

~~((A copy of the entire course instruction curriculum, including, but not limited to: Learning objectives; documentation of course agenda with time allocation for each course topic; the sequence of topics to be covered during the course(s); student and instructor manuals, or other materials to be used for the course.))~~ If a training program uses EPA-recommended model training materials, or training materials approved by an EPA-authorized state or Indian tribe, the training manager shall include a statement certifying that. If the training program makes any changes or additions to the model curriculum, the training shall submit a statement indicating the changes or additions and shall submit a copy of the new or changed curriculum. It is not necessary to submit unchanged model training curriculum materials.

(e) If a training program does not use model training materials as described in (d) of this subsection, the training manager shall include: A copy of the entire course instruction curriculum, including, but not limited to: Learning objectives; documentation of course agenda with time allocation for each course topic; the sequence of topics to be covered during the course(s); student and instructor manuals, and any other materials to be used for the course.

(f) All applications for accreditation shall include:

(i) A copy of the test blueprint describing the portion of test questions devoted to each major course topic.

~~((f))~~ (ii) A description of the facilities and equipment to be used for lecture and hands-on training, respectively.

~~((g))~~ (iii) A description of the activities and procedures that will be used for conducting the assessment of hands-on skills for each course.

~~((h))~~ (iv) A copy of the quality control plan developed by the training manager. The plan shall be used to maintain

and improve the training program and contain at least the following elements:

~~((+))~~ (A) Procedures for periodic revision of training materials and course test to be current with innovations in the field.

~~((+))~~ (B) Procedures for the training manager's annual review of principal instructor competency.

~~((2))~~ (v) Documentation of accreditation by other state or federal agencies, if applicable.

~~((3) Submit)~~ (vi) A check or money order made out to the department of community, trade, and economic development in the amount as described in WAC 365-230-120.

AMENDATORY SECTION (Amending WSR 04-10-037, filed 4/29/04, effective 5/30/04)

**WAC 365-230-040 Requirements for the accreditation of training programs.** For a training program to obtain accreditation from department to offer lead-based paint activities courses, the program shall meet the following requirements:

(1) The training program shall employ a training manager who has:

(a) At least two years of experience, education, or training in teaching workers or adults; or

(b) A bachelor's or graduate degree in building construction technology, engineering, industrial hygiene, safety, public health, education, business administration or program management or a related field; or

(c) Two years of experience in managing a training program specializing in environmental hazards; and

(d) Demonstrated experience, education, or training in the construction industry including: Lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene.

(2) The training manager shall designate a qualified principal instructor for each course who has:

(a) Demonstrated experience, education, or training in teaching workers or adults; and

(b) Successfully completed at least sixteen hours of any department-accredited, EPA-accredited or tribal-accredited lead-specific training; and

(c) Demonstrated experience, education, or training in lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene.

(3) The principal instructor shall be responsible for the organization of the course and oversight of the teaching of all course material. The training manager may designate guest instructors as needed to provide instruction specific to the lecture, hands-on activities, or work practice components of a course.

(4) The following documents shall be recognized by the department as evidence that training managers and principal instructors have the education, work experience, training requirements or demonstrated experience, specifically listed in subsections (1), (2) and (3) of this section. This documentation need not be submitted with the accreditation application, but, if not submitted, shall be retained by the training

program as required by WAC 365-230-090. Those documents include the following:

(a) Official academic transcripts or diploma as evidence of meeting education requirements.

(b) Resumes, letters of reference, or documentation of work experience, as evidence of meeting the work experience requirements.

(c) Certificates from train-the-trainer courses and lead-specific training courses, as evidence of meeting the training requirements.

(5) The training program shall ensure the availability of, and provide adequate facilities for, the delivery of the lecture, course test, hands-on training, and assessment activities. This includes providing training equipment that reflects current work practices and maintaining or updating the equipment and facilities as needed.

(6) To become accredited in the following disciplines, the training program shall provide training courses that meet the following training hour requirements:

(a) The inspector course shall last a minimum of twenty-four training hours, with a minimum of eight hours devoted to hands-on training activities. The minimum curriculum requirements for the inspector course are contained in WAC 365-230-050.

(b) The risk assessor course shall last a minimum of sixteen training hours, with a minimum of four hours devoted to hands-on training activities. The minimum curriculum requirements for the risk assessor course are contained in WAC 365-230-050.

(c) The supervisor course shall last a minimum of thirty-two training hours, with a minimum of eight hours devoted to hands-on activities. The minimum curriculum requirements for the supervisor course are contained in WAC 365-230-050.

(d) The project designer course shall last a minimum of eight training hours. The minimum curriculum requirements for the project designer course are contained in WAC 365-230-050.

(e) The abatement worker course shall last a minimum of sixteen training hours, with a minimum of eight hours devoted to hands-on training activities. The minimum curriculum requirements for the abatement worker course are contained in WAC 365-230-050.

~~(7) ((If a training program uses EPA-developed model training materials, or training materials approved by a state or Indian tribe that has been authorized by EPA under 40 CFR 745.324 to develop its initial training course materials, the training manager shall include a statement certifying that, as well-~~

~~(8) If the initial training course materials are not based on EPA-developed model training materials or training materials approved by an authorized state or Indian tribe, the training program's application for accreditation shall include:~~

~~(a) A copy of the student and instructor manuals to be used for each course-~~

~~(b) A copy of the course agenda for each course-~~

~~(9) All initial training courses shall include in their application for accreditation the following:~~

~~(a) A description of the facilities and equipment to be used for lecture and hands-on training-~~

~~(b) A copy of the course test blueprint for each course.~~

~~(c) A description of the activities and procedures that will be used for conducting the assessment of hands-on skills for each course (if applicable).~~

~~(d) A copy of the quality control plan as described in WAC 365-230-040.~~

~~(10) If a training program meets the requirements listed in this section, then the department shall approve the application for accreditation. In the case of disapproval, a letter describing the reasons for disapproval shall be sent to the applicant. Prior to disapproval, the department may, at its discretion, work with the applicant to address inadequacies in the application for accreditation. The department may also request additional materials retained by the training provider described under WAC 365-230-090. If an initial training program's application is disapproved, the program may reapply for accreditation at any time.~~

~~((11)) For each course offered, the training program shall conduct either a course test at the completion of the course, and if applicable, a hands-on skills assessment, or in the alternative, a proficiency test for that discipline. Each individual must successfully complete the hands-on skills assessment and receive a passing score on the course test to pass any course, or successfully complete a proficiency test.~~

(a) The training manager is responsible for maintaining the validity and integrity of the hands-on skills assessment or proficiency test to ensure that it accurately evaluates the trainees' performance of the work practices and procedures associated with the course topics contained in WAC 365-230-050.

(b) The training manager is responsible for maintaining the validity and integrity of the course test to ensure that it accurately evaluates the trainees' knowledge and retention of the course topics.

(c) The course test shall be developed in accordance with the test blueprint submitted with the training accreditation application.

~~((12)) (8) The training program shall issue unique course completion certificates to each individual who passes the training course. The course completion certificate shall include:~~

(a) The name, a unique identification number, and address of the individual.

(b) The name of the particular course that the individual completed.

(c) Dates of course completion/test passage.

(d) The name, address, and telephone number of the training program.

~~((13)) (9) The training manager shall develop and implement a quality control plan. The plan shall be used to maintain and improve the quality of the training program over time. This plan shall contain at least the following elements:~~

(a) Procedures for periodic revision of training materials and the course test to reflect innovations in the field.

(b) Procedures for the training manager's annual review of principal instructor competency.

~~((14)) (10) The training program shall offer courses that teach the work practice standards for conducting lead-based paint activities contained in WAC 365-230-200, and~~

other standards developed by EPA pursuant to Title IV of TSCA. These standards shall be taught in the appropriate courses to provide trainees with the knowledge needed to perform the lead-based paint activities they are responsible for conducting.

~~((15)) (11) The training manager shall be responsible for ensuring that the training program complies at all times with all of the requirements in this section.~~

~~((16)) (12) A course audit shall include, but not be limited to, a review of: Instructional curriculum; examination design, administration and security procedures, and results, including those of demonstration testing; classroom instruction; audio-visual materials; course content; coverage; and teaching facilities.~~

~~((17)) (13) An accredited training provider may not implement changes in method or content that affect one half-hour or more of contact instruction without ten business days advance notice of the changes to department.~~

(14) The training provider is responsible for ensuring that the training manager and principal instructor comply with the requirements of this rule.

(15) Whenever there is a change in either the training manager or principal instructor for an accredited training course, the training provider shall notify the department of this change within thirty days, along with documentation demonstrating the appropriate qualifications as described in this section.

(16) The training provider shall use a system for verifying the positive identification of all trainees. Trainees without proper identification may not take the course exam.

**AMENDATORY SECTION** (Amending WSR 04-10-037, filed 4/29/04, effective 5/30/04)

**WAC 365-230-060 Requirements for the accreditation of refresher training courses.** A training program may seek accreditation to offer refresher training courses in any of the following disciplines: Inspector, risk assessor, supervisor, project designer, and abatement worker. A training program may apply for accreditation of a refresher training course concurrently with its application for accreditation of an initial training course. All applications for accreditation of a refresher training course must follow the application process as described in WAC 365-230-035. To obtain department accreditation to offer refresher training, a training program must meet the requirements for accreditation of a training program as described in WAC 365-230-040, except for the minimum training-hour requirements in WAC 365-230-040 (6)(a) through (e). In addition, applicants for accreditation of a refresher training course must meet the following minimum requirements:

(1) Each refresher course shall review the curriculum topics of the full-length courses listed ~~(under)~~ in WAC 365-230-050, as appropriate. In addition, to become accredited to offer refresher training courses, training programs shall ensure that their courses of study include, at a minimum, the following:

(a) An overview of current safety practices relating to lead-based paint activities in general, as well as specific information pertaining to the appropriate discipline.

(b) Current laws and regulations relating to lead-based paint activities in general, as well as specific information pertaining to the appropriate discipline.

(c) Current technologies relating to lead-based paint activities in general, as well as specific information pertaining to the appropriate discipline.

(2) Each refresher course, except for the project designer course, shall last a minimum of eight training hours. The project designer refresher course shall last a minimum of four training hours.

(3) For each course offered, the training program shall conduct a hands-on assessment (if applicable), and at the completion of the course, a course test.

~~((4) A training program may apply for accreditation of a refresher course concurrently with its application for accreditation of the corresponding training course as described in WAC 365-230-035. If so, the department shall use the approval procedure described in WAC 365-230-035. In addition, the minimum requirements contained in WAC 365-230-040 (except for the training hour requirements of refresher training courses). For these purposes, the hourly training requirements of WAC 365-230-060 shall also apply.~~

~~(5) A training program seeking accreditation to offer refresher training courses only shall submit a written application to the department containing the following information:~~

~~(a) The refresher training program's name, address, and telephone number.~~

~~(b) A list of courses for which it is applying for accreditation.~~

~~(c) A statement signed by the training program manager certifying that the refresher training program meets the minimum requirements established in the WAC 365-230-040 except for the training hour requirements of refresher training courses. If a training program uses EPA developed model training materials, or training materials approved by a state or Indian tribe that has been authorized by EPA under 40 CFR 745.324 to develop its refresher training course materials, the training manager shall include a statement certifying that, as well.~~

~~(d) If the refresher training course materials are not based on EPA developed model training materials or training materials approved by an authorized state or Indian tribe, the training program's application for accreditation shall include:~~

~~(i) A copy of the student and instructor manuals to be used for each course.~~

~~(ii) A copy of the course agenda for each course.~~

~~(e) All refresher training programs shall include in their application for accreditation the following:~~

~~(i) A description of the facilities and equipment to be used for lecture and hands-on training.~~

~~(ii) A copy of the course test blueprint for each course.~~

~~(iii) A description of the activities and procedures that will be used for conducting the assessment of hands-on skills for each course (if applicable).~~

~~(iv) A copy of the quality control plan as described in WAC 365-230-040.~~

~~(f) The requirements of WAC 365-230-040 (1) through (5), and (7) through (12) apply to refresher training providers.~~

~~(g) If a refresher training program meets the requirements listed in this paragraph, then the department shall~~

~~approve the application for accreditation. In the case of approval, a certificate of accreditation shall be sent to the applicant. In the case of disapproval, a letter describing the reasons for disapproval shall be sent to the applicant. Prior to disapproval, the department may, at its discretion, work with the applicant to address inadequacies in the application for accreditation. The department may also request additional materials retained by the refresher training program described under WAC 365-230-090. If a refresher training program's application is disapproved, the program may reapply for accreditation at any time.)~~

AMENDATORY SECTION (Amending WSR 04-10-037, filed 4/29/04, effective 5/30/04)

**WAC 365-230-070 Recreditation of training programs.** (1) ~~((Unless re-accredited,))~~ A training program's accreditation for both initial and refresher training courses shall expire four years after the date of issuance of the course accreditation.

(2) A training provider seeking reaccreditation ~~((shall))~~ should submit an application to the department no later than one hundred eighty days before its accreditation expires. If a training program does not submit its application by that date, the department cannot guarantee that the program will be reaccredited before the end of the accreditation period.

(3) The training program's application for reaccreditation shall contain:

(a) The training program's name, address, and telephone number.

(b) A list of courses for which it is applying for reaccreditation.

(c) A description of any changes to the training facility, equipment or course materials since its last application was approved that adversely affects the students' ability to learn or that affects more than thirty minutes of a training hour.

(d) A statement signed by the program manager stating:

(i) That the training program complies at all times with all the Requirements for the accreditation of training programs (WAC 365-230-040) and Requirements for the accreditation of refresher training programs (WAC 365-230-035), as applicable; and

(ii) The training program recordkeeping (WAC 365-230-090) and Notification requirements (WAC 365-230-100) shall be followed.

AMENDATORY SECTION (Amending WSR 04-10-037, filed 4/29/04, effective 5/30/04)

**WAC 365-230-080 Approval/disapproval of application for accreditation or renewal of accreditation.** Upon determining that a training provider has met the requirements for accreditation or reaccreditation as described in these rules, the department shall issue a certificate of accreditation for each training course. The department may disapprove an application for accreditation or renewal of an initial or refresher training course for any of the following reasons:

(1) Failure to complete application in accordance with these rules, or department policy or instructions.

(2) Failure to meet Training curriculum requirements (WAC 365-230-050) as set forth in these rules.

(3) Failure to meet Requirements for accreditation of training programs (WAC 365-230-040) as set forth in these rules.

(4) Failure to meet the Requirements for the accreditation of refresher training programs (WAC 365-230-060) as set forth in these rules.

(5) In the case of disapproval, a letter describing the reasons for disapproval shall be sent to the applicant. Prior to disapproval, the department may, at its discretion, work with the applicant to address inadequacies in the application for accreditation. The department may also request additional materials retained by the training provider described under the Training program recordkeeping requirements (WAC 365-230-090). If a training provider's application for accreditation of an initial or refresher training course is disapproved, the provider may reapply for accreditation at any time.

**AMENDATORY SECTION** (Amending WSR 04-10-037, filed 4/29/04, effective 5/30/04)

**WAC 365-230-090 Training program recordkeeping requirements.** (1) Accredited training programs shall maintain, and make available to the department if requested, the following records:

(a) All documents specified in the Requirements ~~((of))~~ for the accreditation of training programs (WAC 365-230-040) as set forth in these rules that demonstrate the qualifications for training manager and principal instructors.

(b) Current curriculum, course materials and documents reflecting any changes made to these materials.

(c) The course test blueprint.

(d) Information regarding how the hands-on assessment is conducted including, but not limited to, who conducts the assessment, how skills are graded, what facilities are used, and the pass/fail rate.

(e) The quality control plan as described in the Requirements ~~((of))~~ for the accreditation of training programs (WAC 365-230-040) as set forth in these rules.

(f) Results of student's hands-on skills assessments and course tests, and a copy of each student's course completion certificate.

(g) Any other material submitted as part of the program's application for accreditation.

(2) The training provider shall retain these records at the address specified on the training provider's accreditation application (or as modified as the result of notification of change of address) shall be retained a minimum of three years and six months.

(3) A training provider shall notify the department in writing within thirty days of changing the address specified on its training program accreditation, or transferring the records from that address.

(4) Accreditation is transferable in the case of acquisition of the accredited training provider by another entity. The new entity must notify the department within thirty days of the change of ownership and any other changes to information included in the original application.

(5) A training provider shall submit to the department the two notifications described in WAC 365-230-100.

**AMENDATORY SECTION** (Amending WSR 04-10-037, filed 4/29/04, effective 5/30/04)

**WAC 365-230-100 Notification of lead-based paint training activity.** (1) The training manager shall provide notification of lead-based paint activities courses offered.

(a) The training manager shall provide the department with notice of all lead-based paint activities courses offered. The original notice must be received by the department at least ten business days prior to offering any lead-based paint activities course.

(b) The training manager shall provide the department updated notice when lead-based paint activities courses will begin on a date other than the one specified in the original notification, as follows:

(i) For lead-based paint activities courses beginning prior to the original start date an updated notice must be received by the department at least ten business days before the revised start date.

(ii) For lead-based paint activities courses beginning after the original start date an updated notice must be received by the department at least two business days before the original start date.

(c) The training manager shall update the department of any change in location of lead-based paint activities courses at least ten business days prior to the scheduled course start date.

(d) The training manager shall also update the department regarding any course cancellations, or any other change to the original notice. Updated notices must be received by the department at least two business days prior to the scheduled course start date.

(e) Each notice, including updates, shall include the following:

(i) Notification type (original, update, cancellation).

(ii) Training program name, department accreditation number, address, and phone number.

(iii) Course discipline, type (initial/refresher), and the language in which instruction will be given.

(iv) Date(s) and time(s) of training.

(v) Training location(s) phone number, and street address.

(vi) Principal instructor's name.

(vii) Training manager's name and signature.

(f) Notification shall be accomplished using any of the following methods: Written notice, or by e-mail. All notices submitted by e-mail must be followed with written notice within twenty-four hours of submission. Written notification of lead-based paint activities course schedules can be accomplished by using either the sample form titled "Lead-Based Paint Activities Training Course Schedule" or a similar form developed by the training program containing the required information. All written notices shall be delivered by U.S. Postal Service, fax, commercial delivery service, or hand delivery. (Persons submitting notification by U.S. Postal Service are reminded that they should allow three additional business days for delivery in order to ensure that the department receives the notification by the required date.) Instructions and sample forms can be obtained from the department at ~~((360-725-2949))~~ 360-586-5323, or on the internet at <http://www.cted.wa.gov/lead>

(g) Lead-based paint activities courses shall not begin on a date, or at a location other than that specified in the original notice unless an updated notice identifying a new date or location is submitted, in which case the course must begin on the date and location specified in the updated notice.

(h) No training program shall provide lead-based paint activities courses without first notifying the agency of such activities in accordance with the requirements of this paragraph.

(2) The training manager shall provide notification following completion of lead-based paint activities courses.

(a) The training manager shall provide the department with notice after the completion of any lead-based paint activities course that shall be received by the department no later than twenty business days following course completion.

(b) The notice shall include the following:

(i) Training program name, department accreditation number, address, and phone number.

(ii) Course discipline and type (initial/refresher).

(iii) Date(s) of training.

(iv) The following information for each student who took the course:

(A) Name.

(B) Address.

(C) ~~((Social Security number.~~

~~((D)))~~ Course completion certificate number.

~~((E)))~~ (D) Student test score.

(v) Training manager's name and signature.

(c) Notification shall be accomplished using any of the following methods: Written notice, or by e-mail. All notices submitted by e-mail must be followed with written notice within twenty-four hours of submission. Written notification following lead-based paint activities training courses can be accomplished by using either the sample form titled "Lead-Based Paint Activities Training Course Follow-up" or a similar form developed by the training program containing the required information. All written notices shall be delivered by U.S. Postal Service, fax, commercial delivery service, or hand delivery. (Persons submitting notification by U.S. Postal Service are reminded that they should allow three additional business days for delivery in order to ensure that the department receives the notification by the required date.) Instructions and sample forms can be obtained from department at ~~((360-725-2949))~~ 360-586-5323, or on the internet at <http://www.cted.gov/lead>

AMENDATORY SECTION (Amending WSR 04-10-037, filed 4/29/04, effective 5/30/04)

**WAC 365-230-130 Certification of individuals.** (1) No individual shall perform any lead-based paint activity as described in WAC 365-230-200 without first becoming certified by the department. Certified individuals may perform only specific lead-based paint activities for which they are certified. Individuals seeking certification by the department to engage in lead-based paint activities must ~~((either))~~:

(a) ~~Submit ((to the department an application demonstrating that they meet))~~ a complete application as described in WAC 365-230-170 and must provide documentation that the applicant has either:

~~(i) Met the certification requirements ((established in these rules)) as described in WAC 365-230-132 for the inspector, risk assessor, or supervisor((-)) disciplines; or WAC 365-230-134 for the project designer or worker ((for the particular discipline for which certification is sought)) disciplines; or~~

~~((b) Submit to the department an application with a copy of a valid lead-based paint activities certification (or equivalent) from a state or tribal program that has been authorized by EPA pursuant to 40 CFR 745.324.~~

~~((i))~~ (ii) Hold a valid certification issued by EPA or by a state or tribal program that has been authorized by EPA according to 40 CFR 745.324.

(A) Applicants for certification based on certification from another state or tribal program must ~~((complete a refresher course in the discipline accredited by the department))~~ document to the department that they have read and understand the certification and work practice standards as described in these rules.

~~((ii))~~ (B) Certification~~((s from another state or tribe will be recognized if there is a written reciprocity agreement between the department and that state or tribe))~~ based on a valid lead-based paint certification issued by EPA or by an EPA-authorized state or tribal program shall be issued with an expiration date not to exceed the date of expiration listed on the EPA or EPA-authorized state or tribal certification.

(2) Individuals may first apply to the department for certification to engage in lead-based paint activities pursuant to this section on or after the effective date of these rules.

(3) Following the submission of an application demonstrating that all the requirements of this section have been met, the department shall certify an applicant as an inspector, risk assessor, supervisor, project designer, or abatement worker, as appropriate.

(4) Upon receiving the department certification, individuals conducting lead-based paint activities shall comply with the work practice standards for performing the appropriate lead-based paint activities as established in the Work practice standards section (WAC 365-230-200).

(5) It shall be a violation of these rules for an individual to conduct any of the lead-based paint activities described in the Work practice standards section (WAC 365-230-200) has not been certified by the department ~~((within one hundred twenty days of the effective date of these rules)).~~

AMENDATORY SECTION (Amending WSR 04-10-037, filed 4/29/04, effective 5/30/04)

**WAC 365-230-132 Inspector, risk assessor, or supervisor.** (1) To become certified by the department as an inspector, risk assessor, supervisor, pursuant to WAC 365-230-130, an individual must:

(a) Successfully complete an accredited course in the appropriate discipline and receive a course completion certificate from an accredited training program.

(b) Pass the certification exam in the appropriate discipline offered by the department; and

(c) Meet or exceed the following experience and/or education requirements:

(i) Inspectors. No additional experience and/or education requirements.

(ii) Risk assessors.

(A) Successful completion of an accredited training course for inspectors; and

(B) Bachelor's degree and one year of experience in a related field (e.g., lead, asbestos, environmental remediation work, or construction), or an associates degree and two years experience in a related field (e.g., lead, asbestos, environmental remediation work, or construction); or

(C) Certification as an industrial hygienist, an engineer, a registered architect, certified safety professional, registered sanitarian, or registered environmental specialist; or

(D) A high school diploma (or equivalent), and at least three years of experience in a related field (e.g., lead, asbestos, environmental remediation work or construction).

(iii) Supervisor:

(A) One year of experience as a certified lead-based paint abatement worker; or

(B) At least two years of experience in a related field (e.g., lead, asbestos, or environmental remediation work) or in the building trades.

~~(2) ((The following documents shall be recognized by the department as evidence of meeting the experience or education requirements described in this section of these rules:~~

~~(a) Official academic transcripts or diploma, as evidence of meeting the education requirements.~~

~~(b) Resumes, letters of reference, or documentation of work experience, as evidence of meeting the work experience requirements.~~

~~(c) Course completion certificates from lead specific or other related training courses, issued by accredited training programs, as evidence of meeting the training requirements.~~

~~(3))~~ In order to be eligible to take the certification examination for a particular discipline, an individual must:

(a) Successfully complete an accredited course in the appropriate discipline and receive a course completion certificate from an accredited training program.

(b) Meet or exceed the education and ~~((/or))~~ experience requirements described in this section.

~~((4) After successfully completing the appropriate training courses and application requirements and meeting any other qualifications as described in inspector, risk assessor and supervisor section of these rules, an individual shall be certified by the department.~~

~~(5) To maintain certification, an individual must be recertified as described in WAC 365-230-160.~~

~~(6))~~ (c) Submit a completed application as described in WAC 365-230-150.

(3) An individual may take the certification exam no more than three times within six months of receiving a course completion certificate.

~~((7))~~ (4) If an individual does not pass the certification exam and receive a certificate within six months of receiving his/her course completion certificate, the individual must successfully complete the appropriate lead-based paint course from an accredited training program before reapplying for certification from the department.

~~((8))~~ (5) A passing score on third-party, qualifying examination administered by the department is seventy or above.

(6) After successfully completing the appropriate training and application requirements as described in these rules, an individual shall be certified by the department.

(7) To maintain certification, an individual must be recertified as described in WAC 365-230-170.

(8) Certification shall be nontransferable.

AMENDATORY SECTION (Amending WSR 04-10-037, filed 4/29/04, effective 5/30/04)

**WAC 365-230-134 Abatement worker and project designers.** (1) To become certified by the department as an abatement worker or project designer, pursuant to the certification of individuals section of these rules, an individual must:

(a) Successfully complete an accredited course in the appropriate discipline and receive a course completion certificate from an accredited training program.

(b) Meet or exceed the following additional experience and/or education requirements:

(i) Abatement workers. No additional experience and/or education requirements.

(ii) Project designers.

(A) Successful completion of an accredited training course for supervisors; and

(B) Successful completion of an accredited training course for project designers; and

(C) Bachelor's degree in engineering, architecture, or a related profession, and one year of experience in building construction and design or a related field; or

~~(D) ((Three years of experience as an AHERA-certified project designer; or~~

~~(E))~~ Four years experience ~~((as an AHERA-certified supervisor or as a certified lead-based paint abatement supervisor; and~~

~~(F) Pass the supervisor or project designer examination administered by the department, the latter being required when available.~~

(2) The following documents shall be recognized by the department as evidence of meeting the requirements listed in this paragraph:

(a) Official academic transcripts or diploma, as evidence of meeting the education requirements.

(b) Resumes, letters of reference, or documentation of work experience, as evidence of meeting the work experience requirements.

~~(c) Course completion certificates from lead specific or other related training courses, issued by accredited training programs, as evidence of meeting the training requirements))~~ in building construction and design or a related field.

~~((3))~~ (2) After successfully completing the appropriate training ~~((courses))~~ and application requirements ~~((and meeting any other qualifications))~~ as described in ~~((abatement worker and project designer section of))~~ these rules, an individual shall be certified by the department.

~~((4))~~ (3) To maintain certification, an individual must be recertified as described in the recertification section of these rules.

~~((5) An individual may take the certification exam no more than three times within six months of receiving a course completion certificate.~~

~~(6) If an individual does not pass the certification exam and receive a certificate within six months of receiving his/her course completion certificate, the individual must successfully complete the appropriate lead-based paint course from an accredited training program before reapplying for certification from the department.~~

~~(7))~~ (4) Certification shall be nontransferable.

AMENDATORY SECTION (Amending WSR 04-10-037, filed 4/29/04, effective 5/30/04)

**WAC 365-230-150 Application requirements for an individual.** (1) Applications for an individual shall be submitted on forms prescribed by the department and shall be accompanied, as appropriate, by either:

(a) Documentation ~~((of))~~ that the applicant ~~((s))~~ has met the required training, experience, and education ~~((including))~~ requirements as described in WAC 365-230-132 or 365-230-134. Acceptable documentation includes the following:

(i) As proof of meeting the training requirements, a valid lead-based paint training course completion certificate issued by a department-accredited training provider.

(ii) As proof of meeting the work experience requirements, documentation ~~((of experience))~~ must include name and address of employer, name and telephone number of supervisor; ~~((or indicate if self-employed. Documentation must also include))~~ employment dates, description of specific duties performed ~~((, estimated percentage of time associated with conducting inspections and assessing health, safety or environmental hazards. This documentation must be signed by)).~~ The supervisor or employer must sign the documentation verifying that the information is true and correct. A self-employed individual must ~~((submit a notarized affidavit attesting to the work experience claimed for the purposes of application))~~ provide the name, address and Uniform Business Identifier of business, dates of self-employment, and a description of specific duties. Documentation of work experience must be provided on the appropriate departmental form.

(iii) ~~((Evidence of completion of educational requirements under WAC 365-230-130, such as a))~~ As proof of meeting the educational requirements, documentation such as an official transcript or diploma ~~((, if applicable;))~~ or

(b) Documentation that the applicant holds a valid certification in the appropriate discipline issued by EPA or by an EPA-authorized state or tribe.

(i) Applicants seeking certification based on an EPA or EPA-authorized state or tribal certification must document to the department that they have read and will comply with the certification and work practice standards of these rules.

(ii) Certification based on an EPA or EPA-authorized state or tribal certification shall be issued with an expiration date not to exceed the date of expiration listed on the EPA or EPA-authorized state or tribal certification.

(2) All applications for certification shall be accompanied by:

(a) Two current ~~((s))~~ passport-size photos.

~~((e))~~ (b) Applicant's name, signature and date.

~~((2))~~ (c) A check or money order made out to the department of community, trade, and economic development in the amount as described in the certification fees section of these rules.

(3) Application materials can be obtained by mail from Department of Community, Trade, and Economic Development, Lead-Based Paint Program, P.O. Box 42525, Olympia, WA 98504-2525, by phone, 360-586-5323, or electronically at <http://www.cted.wa.gov/lead>.

~~((4) The following documents shall be recognized by the department as evidence of meeting the application requirements listed in this section:~~

~~(a) Official academic transcripts or diploma, as evidence of meeting the education requirements.~~

~~(b) Resumes, letters of reference, or documentation of work experience, as evidence of meeting the work experience requirements.~~

~~(c) Course completion certificates from lead specific or other related training courses, issued by accredited training programs, as evidence of meeting the training requirements.~~

~~(5) For the purposes of application, photocopies of original documents are acceptable.)~~

AMENDATORY SECTION (Amending WSR 04-10-037, filed 4/29/04, effective 5/30/04)

**WAC 365-230-160 Recertification.** (1) To maintain certification in a particular discipline, a certified individual shall apply to and be recertified by the department in that discipline either:

(a) Every three years after the original date of issue if the individual completed a training course with a course test and hands-on assessment; or

(b) Every five years if the individual completed a training course with a proficiency test.

(2) An individual shall be recertified if the individual:

(a) Successfully completes the appropriate accredited refresher training course; and

(b) Submits a valid copy of the appropriate refresher course completion certificate; and

(c) Complies with the following application requirements established by the department:

(i) Submit a complete and signed application; and

(ii) Submit two recent passport-size photographs; and

(iii) Submit a check or money order made out to the department of community, trade, and economic development in the amount as described in WAC 365-230-260.

(3) Application materials can be obtained by mail from Department of Community, Trade, and Economic Development, Lead-Based Paint Program, P.O. Box 42525, Olympia, WA 98504-2525, by phone, 360-586-5323, or electronically at <http://www.cted.wa.gov/lead>.

(4) An individual whose certification expires may obtain certification by completing the requirements described in WAC 365-230-150 and 365-230-130.



AMENDATORY SECTION (Amending WSR 04-10-037, filed 4/29/04, effective 5/30/04)

**WAC 365-230-170 Certification of firms.** (1) ~~((All firms which))~~ No firm shall perform or offer to perform any of the lead-based paint activities described in WAC 365-230-200 ~~((shall be certified by the department no later than one hundred twenty days after the date of self-certification of the state lead-based paint program))~~ without first being certified by the department. All certified firms shall employ only appropriately certified individuals to conduct lead-based paint activities. The firm is responsible for ensuring that its employees follow the work practice requirements described in WAC 365-230-200.

(2) A firm seeking certification shall submit to the department ~~((an))~~ a complete application ~~((provided by the department and a letter attesting that the firm shall only employ appropriately certified employees to conduct lead-based paint activities, and that the firm and its employees shall follow the work practice standards set forth in WAC 365-230-200 for conducting lead-based paint activities))~~ as described in this section.

(3) ~~((The application for a state licensed contractor seeking certification shall include documentation that the firm))~~ A firm seeking certification must provide documentation that it either:

(a) Meets the current minimum requirements of the department of labor and industries regarding a surety bond and insurance(-); or

~~((4) The application of a firm that is not a state licensed contractor shall include documentation that the firm))~~ (b) Has in force a business, e.g., liability, errors and omissions, insurance policy in the minimum amount of five hundred thousand dollars.

~~((5))~~ (4) A certified firm may not conduct lead-based paint activities, as described in WAC 365-230-200, if, at any time, it does not have in force the minimum bonding or insurance coverage described in this section.

~~((6))~~ (5) The firm shall maintain all records pursuant to WAC 365-230-200.

~~((7))~~ (6) Certification is transferable in the instance of acquisition of a certified firm by another entity. The acquiring firm must notify the department within thirty days of the change of ownership of any changes to information submitted on the original application.

(7) The certification period for firms is three years from the date certification is issued.

(8) To retain certification, a firm shall submit to the department an application and documentation as described above prior to the expiration date listed on the firm's certification.

AMENDATORY SECTION (Amending WSR 04-10-037, filed 4/29/04, effective 5/30/04)

**WAC 365-230-200 Work practice standards.** (1) ~~((When performing any lead-based paint activity described by a certified and licensed individual as an inspection, lead hazard screen, risk assessment or abatement, a certified and licensed person must perform that activity in compliancee~~

~~with these rules, documented methodologies, procedures and work practice standards.~~

~~(2))~~ Only certified individuals and the certified firms employing such individuals shall perform or offer to perform lead-based paint activities.

(2) Documented methodologies that are appropriate for this section are found in the following: The U.S. Department of Housing and Urban Development (HUD) *Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing* (Revised, October, 1997); the EPA *Guidance on Residential Lead-Based Paint, Lead-Contaminated Dust, and Lead-Contaminated Soil*; the EPA *Residential Sampling for Lead: Protocols for Dust and Soil Sampling* (EPA report number 7474-R-95-001); regulations, guidance, methods or protocols issued by this department; any other equivalent methods and guidelines.

(3) Clearance levels appropriate for the purposes of this section may be found in subsection (8)(c)(v) of this section or other equivalent guidelines.

(4) Work practice requirements. Applicable certification, occupant protection, and clearance requirements and work practice standards are found in regulations described in this section, and in regulations issued by the Department of Housing and Urban Development (HUD) at 24 CFR part 35, subpart R.

(a) The work practice standards in those regulations do not apply when treating paint-lead hazards of less than:

(i) Two square feet of deteriorated lead-based paint per room or equivalent;

(ii) Twenty square feet of deteriorated paint on the exterior building; or

(iii) Ten percent of the total surface area of deteriorated paint on an interior or exterior type of component with a small surface area.

(b) When performing any lead-based paint activity described as a lead-based paint inspection, lead hazard screen, risk assessment or abatement, a certified individual must perform that activity in compliance with these rules, documented methodologies, work practice requirements, and the work practice standards described in this section.

(5) Inspection. ~~((An inspection shall be conducted only by a person certified by the department as an inspector or risk assessor.))~~ Only a person certified by the department as an inspector or risk assessor may conduct an inspection.

(a) Locations shall be selected according to documented methodologies and tested for the presence of lead-based paint as follows:

(i) In target housing and child-occupied facilities, each interior and exterior component with a distinct painting history shall be tested for lead-based paint, except those components determined to have been replaced after 1978 or determined to not contain lead-based paint; and

(ii) In a multifamily dwelling or child-occupied facility, each component with a distinct painting history in every common area shall be tested, except those components determined to have been replaced after 1978 or determined to not contain lead-based paint.

(b) Paint shall be tested for the presence of lead using documented methodologies which incorporate sampling quality control procedures and all paint chip, dust, and soil

samples shall be analyzed for detectable levels of lead by a laboratory accredited under the National Lead Laboratory Accreditation Program (NLLAP).

(c) Inspection reports shall be prepared and include at least:

- (i) Inspection date;
- (ii) Building address;
- (iii) Date of construction;
- (iv) Apartment identification (numbers, letters, names if applicable);
- (v) Name, address and telephone number of owner or owners of each unit;
- (vi) Name, signature, and certification number of each inspector ~~((and/))~~ or risk assessor conducting testing;
- (vii) Name, address and telephone number of the certified firm employing each inspector ~~((and/))~~ or risk assessor;
- (viii) Each testing method and device ~~((and/))~~ or sampling procedure employed for paint analysis, including sample quality control data, and if used, the serial number of any X-ray fluorescence (XRF) device; and

(ix) Specific locations of each painted component tested and the results of the inspection expressed in appropriate units for the sampling method used.

~~((3))~~ (6) Lead hazard screen. A lead hazard screen shall be conducted only by a person certified by the department as a risk assessor and shall be conducted as follows:

(a) Background information shall be collected about the physical characteristics of the target housing or child-occupied facility and occupant use patterns that may cause lead-based paint exposure to one or more children age six years and under shall be collected.

(b) A visual inspection shall be conducted to determine the presence of any deteriorated paint and locate at least two dust sampling locations.

(c) If deteriorated paint is present, each deteriorated paint surface determined ~~((;))~~ using documented methodologies, ~~((to be in poor condition))~~ and to have a distinct painting history shall be tested for the presence of lead.

(d) In residential dwellings, two composite dust samples shall be collected, one from the floors and the other from the windows, in rooms, hallways or stairwells where one or more children age six or under are likely to come in contact with dust.

(e) In multifamily dwellings and child-occupied facilities, floor and window composite dust sampling shall be conducted as specified for conducting lead hazard screens in residential dwellings in the Work Practice Standard section of these rules. In addition, composite dust samples shall be collected in common areas where one or more children age six or under are likely to come in contact with dust.

(f) All dust samples shall be collected using documented methodologies that incorporate sample quality control procedures and analyzed by a laboratory accredited under the National Lead Laboratory Accreditation Program (NLLAP) to determine detectable lead.

(g) A lead hazard screen report shall be prepared by the risk assessor and include:

(i) Information in a risk assessment report as specified in subsection ~~((4))~~ (7) including (i)(i) through (xiv) and excluding (i)(xv) through (xviii). Additionally, any back-

ground information collected pursuant to the lead hazard screen shall be included.

(ii) Any recommendations for follow-up risk assessment and other further actions.

~~((4))~~ (7) Risk assessment. ~~((A risk assessment of target housing or child-occupied facility shall be conducted only by a person certified by the department.))~~ Only an individual certified by the department as a risk assessor may conduct a risk assessment of target housing or child-occupied facility. A risk assessment shall be conducted as follows:

(a) A visual inspection shall be conducted to locate the existence of deteriorated paint, assess the extent and cause of deterioration, and other potential lead-based hazards.

(b) Background information shall be collected regarding the physical characteristics and occupant use patterns that may cause lead-based paint exposure to one or more children age six years and under.

(c) The following surfaces which are determined, using documented methodologies, to have a distinct painting history, shall be tested for the presence of lead:

(i) Each friction surface or impact surface with visibly deteriorated paint.

(ii) All other surfaces with visibly deteriorated paint.

(d) In residential dwellings, dust samples (either composite or single-surface samples) from the interior window sill(s) and floor shall be collected and analyzed for lead concentration in all living areas where one or more children, age six and under, are most likely to come in contact with dust.

(e) For multifamily dwellings and child-occupied facilities, the samples required in "residential dwellings" as described in (b) of this subsection ~~((4) of this section))~~ shall be taken. In addition, interior window sill and floor dust samples (either composite or single-surface samples) shall be collected and analyzed for lead concentration in the following locations:

(i) Common areas adjacent to sampled target house or child-occupied facility; and

(ii) Other common areas in the building where the risk assessor determines that one or more children, age six and under, are likely to come in contact with dust.

(f) For child-occupied facilities, interior window sill and floor dust samples (either composite or single-surface samples) shall be collected and analyzed in each room, hallway or stairwell utilized by one or more children, age six and under, and in other common areas in the child-occupied facility where the risk assessor determines one or more children, age six and under, are likely to come in contact with dust.

(g) Soil samples shall be collected and analyzed for lead concentrations from the following locations:

(i) Exterior play areas where bare soil is present; and

(ii) The rest of the yard (i.e., nonplay areas) where bare soil is present.

(h) Any paint, dust or soil sampling or testing shall be conducted using documented methodologies that incorporate sample quality control procedures and analyzed by a laboratory accredited under the National Lead Laboratory Accreditation Program (NLLAP) to determine detectable lead.

(i) The certified risk assessor shall prepare a risk assessment report which shall include as a minimum the following information:

- (i) Assessment date.
  - (ii) Address of each building.
  - (iii) Date of construction of buildings.
  - (iv) Apartment identification (numbers, letters, names if applicable).
  - (v) Name, address and telephone number of each owner of each building.
  - (vi) Name, signature, and certification number of each risk assessor conducting the assessment.
  - (vii) Name, address and telephone number of the certified firm employing each risk assessor.
  - (viii) Name, address and telephone number of each laboratory conducting analysis of collected samples.
  - (ix) Results of the visual inspection.
  - (x) Testing method and sampling procedure employed for paint analysis.
  - (xi) Specific locations of each painted component tested for the presence of lead.
  - (xii) All data collected from on-site testing, including quality control data, and if used, the serial number of any X-ray fluorescence (XRF) device.
  - (xiii) All results of laboratory analysis on collected paint, soil, and dust samples.
  - (xiv) Any other sampling results.
  - (xv) Any background information collected pursuant to subsection background information portion of the risk assessment work practice standard of this section.
  - (xvi) To the extent used as part of the lead-based paint hazard determination, the results of any previous inspections or analyses for the presence of lead-based paint, or other assessments of lead-based paint related hazards.
  - (xvii) A description of the location, type, and severity of identified lead-based paint hazards and any other potential lead hazards.
  - (xviii) A description of interim controls and/or abatement options for each identified lead-based paint hazard and a recommended prioritization for addressing each hazard. If the use of an encapsulant or enclosure is recommended, the report shall recommend a maintenance and monitoring schedule for the encapsulant or enclosure.
- ~~((S))~~ (8) Abatement. An abatement project shall be conducted only by ((a person)) certified individuals and the certified ((by the department)) firms employing such individuals. Abatement shall be conducted as follows:
- (a) A certified ~~((and licensed))~~ supervisor or project designer is required for each abatement project and shall be on-site during all worksite preparation and during postabatement cleanup of work areas. At all other times, the certified supervisor or project designer shall be on-site or available by telephone, pager, or answering service, and be able to be present at the worksite in no more than two hours.
  - (b) ~~((A certified and licensed project designer is required for each abatement project that:~~
    - ~~(i) Consists of ten or more target housing units built prior to 1960; or~~
    - ~~(ii) Consists of twenty or more target housing units built during or after 1960; or~~
    - ~~(iii) Consists of twenty-five thousand square feet or more of target housing.~~

~~((e))~~ The certified ~~((and licensed))~~ supervisor or project designer, as well as the certified ~~((and licensed))~~ firm employing that ~~((supervisor))~~ individual shall ensure that all abatement activities are conducted according to the requirements of these rules and all federal, state and local requirements.

~~((c))~~ (c) A certified ~~((and licensed))~~ project designer may replace and assume the responsibilities of a certified ~~((and licensed))~~ supervisor required for an abatement project. If a certified ~~((and licensed))~~ project designer provides supervision on an abatement project, the project designer shall be responsible for preparing the occupant protection plan and the abatement report.

~~((d))~~ (d) A written occupant protection plan shall be developed prior to all abatement projects, be prepared by a certified ~~((and licensed))~~ supervisor or project designer, be unique to each target housing or child-occupied facility, describe the measures and management procedures that will be taken during the abatement to protect the building occupants from exposure to any lead-based paint hazards. The written occupant protection plan shall be present at the project site and must be made available on demand for inspection.

~~((e))~~ (e) A scope of work for the abatement project shall be present at the project site and must be made available on demand for inspection.

~~((f))~~ (f) These work practices shall be restricted during abatement and paint removal:

(i) Open-flame burning or torching of lead-based paint is prohibited;

(ii) Uncontained hydro blasting or high-pressure washing of lead-based paint is prohibited;

(iii) Machine sanding or grinding or abrasive blasting or sandblasting of lead-based paint is prohibited unless used with high efficiency particulate air (HEPA) exhaust control which removes particles of 0.3 microns or larger from the air at 99.97 percent or greater efficiency;

(iv) Dry scraping of lead-based paint is permitted only in conjunction with heat guns or around electrical outlets or when treating defective paint spots totaling no more than two square feet in any room, hallway or stairwell or totaling no more than twenty square feet on exterior surfaces; and

(v) Operating a heat gun on lead-based paint is permitted only at temperatures below 1100°F.

~~((h))~~ (g) When soil abatement is conducted, if the soil is removed:

(i) The soil shall be replaced by soil with a lead concentration as close to local background as practicable, but no greater than 250 parts per million (ppm).

(ii) The soil that is removed shall not be used as top soil at another residential property or child-occupied facility.

(iii) If the soil is not removed, the soil shall be permanently covered ~~((as defined in these rules))~~ so as to be separated from human contact by the placement of a barrier consisting of solid, relatively impermeable materials, such as pavement, asphalt or concrete. Grass, mulch, shrubbery and other landscaping materials are not considered permanent covering.

~~((+))~~ (h) The following clearance procedures shall be performed only by a certified and licensed inspector or risk assessor and according to the following procedures:

(i) A visual inspection shall be performed to determine if deteriorated painted surfaces and/or visible amounts of dust, debris or residue are still present. If deteriorated painted surfaces or visible amounts of dust, debris or residue are present, these conditions must be eliminated prior to the continuation of the clearance procedures.

(ii) If exterior work on a project cannot be completed due to inclement weather or other factors, the project supervisor or designer may apply in writing to the department for authorization of a preliminary clearance. The application must include the following:

(A) The project address.

(B) The name and certification number of the abatement project supervisor or project designer.

(C) A description of the conditions that justify issuance of a waiver.

(D) A description of the abatement work that remains to be done on the project.

(E) A schedule for completion of the abatement work that remains to be done.

(F) A plan for monitoring and controlling potential lead-based paint contamination until work can be completed.

(G) At the conclusion of all work on a project for which preliminary clearance has been authorized, the project supervisor or designer shall present the department with documentation that clearance testing has been performed on exterior and interior areas according to these rules and that all clearance test results are below clearance levels.

(iii) Following the visual inspection and any postabatement cleanup required in subsection ~~((5))~~ (8)(i) of this section, clearance sampling for lead in dust shall be conducted. Clearance sampling may be conducted by employing single-surface sampling or composite sampling techniques.

(iv) Dust samples for clearance purposes shall be taken using documented methodologies that incorporate sample quality control procedures and shall be taken a minimum of one hour after completion of final cleanup activities.

(v) Postabatement clearance activities shall be conducted based upon the extent or manner of work activities conducted in or on the target housing or child-occupied facility as follows:

~~((+))~~ (i) After conducting an abatement with containment between containment and noncontainment areas, one dust sample shall be taken from one interior window sill and from one window trough (if present) and one dust sample shall be taken from the floors of no less than four rooms, hallways or stairwells within the containment area. In addition, one dust sample shall be taken from the floor outside the containment area. If there are fewer than four rooms, hallways or stairwells within the containment area, then all rooms, hallways or stairwells shall be sampled.

(i) After conducting an abatement with no containment, two dust samples shall be taken from no fewer than four rooms, hallways or stairwells in the residential dwelling or child-occupied facility. One dust sample shall be taken from one interior window sill and from one window trough (if present) and one dust sample shall be taken from the floor of

each room, hallway or stairwell selected. If there are fewer than four rooms, hallways or stairwells within the target housing or child-occupied facility then all rooms, hallways or stairwells shall be sampled.

(ii) Following exterior paint abatement, a visual inspection shall be conducted. All horizontal surfaces in the outdoor living area closest to the abated surfaces shall be found to be cleaned of visible dust and debris. The surfaces shall be recleaned when visible dust and debris is present. The visual inspection shall be conducted to determine the presence of paint chips on the dripline or next to the foundation below any exterior abated surface. Paint chips, if present, shall be removed from the site and disposed of according to federal, state and local requirements.

(iii) The rooms, hallways or stairwells selected for sampling shall be selected according to documented methodologies.

(iv) The certified and licensed inspector or risk assessor shall compare residual lead levels (as determined by laboratory analysis) from each single surface dust sample with clearance examination standards as defined in these rules for lead in dust on floors and interior window sills, and window troughs, divided by half the number of subsamples in the composite sample. If the residual lead level in a single surface dust sample equals or exceeds the applicable clearance examination refresher or if the residual lead level in a composite dust sample equals or exceeds the applicable clearance examination refresher divided by half the number of subsamples in the composite sample, the components represented by the failed sample shall be recleaned and retested until clearance examination standards are met.

~~((+))~~ (v) The clearance levels for lead in dust are 40  $\mu\text{g}/\text{ft}^2$  for floors, 250  $\mu\text{g}/\text{ft}^2$  for interior window sills, and 400  $\mu\text{g}/\text{ft}^2$  for window troughs.

(j) In a multifamily dwelling with similarly constructed and maintained residential dwellings, random sampling for the purposes of clearance may be conducted provided:

(i) The certified individuals who work on or clean the residential dwellings do not know which residential dwelling will be selected for the random sample.

(ii) The randomly selected residential dwellings shall be sampled and evaluated for clearance according to subsection ~~((5))~~ (8)(i) of this section.

(iii) A sufficient number of residential dwellings are selected for dust sampling to provide a ninety-five percent level of confidence that no more than five percent or fifty of the residential dwellings (whichever is smaller) in the randomly sampled population exceeds the appropriate clearance examination standards.

~~((+))~~ (k) An abatement report shall be prepared by a certified and licensed supervisor or project designer and shall include as a minimum the following information:

(i) Start and completion dates of abatement.

(ii) The name, address and telephone number of each certified firm conducting the abatement and the name of each supervisor or project designer assigned to the abatement project.

(iii) The occupant protection plan.

(iv) The name, address and signature of each certified and licensed inspector or risk assessor conducting clearance

sampling and the date(s) that clearance sampling was performed.

(v) The results of clearance sampling and all soil analyses and the name of each laboratory conducting analysis of collected samples.

(vi) A detailed written description of the abatement, including abatement methods, location of rooms and/or components where abatement occurred, reason for selecting particular abatement methods for each component, and any suggested monitoring of encapsulants or enclosures.

~~((m))~~ (1) A clearance report shall be prepared by a certified inspector or risk assessor. The clearance report shall include the following information:

(i) The property address where the clearance sampling occurred.

(ii) The abatement clean-up completion date and time.

(iii) The date and time of clearance sampling.

(iv) Name and certification number of each inspector or risk assessor conducting the clearance.

(v) The signature of the inspector or risk assessor conducting the clearance.

(vi) Name, address, telephone number, and certification number of the certified firm employing the inspector or risk assessor.

(vii) Results of the visual inspection.

(viii) Identification of containment or noncontainment applications.

(ix) Identification of location(s) where clearance samples were collected.

(x) Name, address, and telephone number of the laboratory analyzing the collected samples.

(xi) All results of laboratory analysis on collected samples, including quality control results.

(xii) Documented methodology used for sampling.

~~((6))~~ (9) Sampling. Any paint chip, dust, or soil samples collected pursuant to this section shall be collected by a certified ~~((and licensed))~~ inspector or risk assessor. Such sampling shall incorporate sample quality control procedures and the samples shall be analyzed by a laboratory accredited under the National Lead Laboratory Accreditation Program (NLLAP).

~~((7))~~ (10) Composite sample. Composite dust sampling may only be conducted when conducting a lead hazard screen, risk assessment, or postabatement activities. If conducted, the composite dust samples shall consist of at least two subsamples, every component that is being tested shall be included in the sampling, and shall not consist of subsamples from more than one type of component.

~~((8))~~ (11) Reports or plans. All lead-based paint activity reports or plans shall be maintained by the certified firms or individual who prepared the report for no fewer than three years and six months.

(a) The following reports must be submitted to the department as specified in WAC 365-230-100 and 365-230-220:

(i) Notification of lead-based paint activities course to take place.

(ii) Notification of lead-based paint activities course that has taken place.

(iii) Notice of abatement.

(b) All reports required by these rules may be submitted on forms available from the department. The exhibit referred to in this rule is not printed in this WAC. Copies are available as follows from department of community, trade, and economic development:

Lead-Based Paint Program, P.O. Box 42525, Olympia, WA 98504-2525

Telephone number: ~~((360-725-2949))~~ 360-586-5373

Fax number: 360-586-5880

Web site: [www.cted.wa.gov/lead](http://www.cted.wa.gov/lead)

AMENDATORY SECTION (Amending WSR 04-10-037, filed 4/29/04, effective 5/30/04)

**WAC 365-230-210 Determinations of lead-based paint and lead-based paint hazards.** (1) Lead-based paint is present:

(a) On any surface that is tested and found to contain lead equal to or in excess of 1.0 milligrams per square centimeter or equal to or in excess of 0.5(~~(%)~~) percent by weight; and

(b) On any surface similar to a surface tested in the same room equivalent that has a similar painting history and is found to be lead-based paint.

(2) A paint-lead hazard is present:

(a) On any friction surface that is subject to abrasion and where the lead dust levels on the nearest horizontal surface (e.g., the window sill or floor) are equal to or greater than the dust hazard levels identified in the "clearance examination standards" definition of these rules;

(b) On any chewable lead-based paint surface on which there is evidence of teeth marks;

(c) Where there is any damaged or otherwise deteriorated lead-based paint on an impact surface that is caused by impact from a related building component (such as a door knob that knocks into a wall or a door that knocks against a door frame); and

(d) If there is any other deteriorated lead-based paint in any residential building or child-occupied facility or on the exterior of any residential building or child-occupied facility.

(3) A dust lead-hazard is present in a residential dwelling or child-occupied facility:

(a) In a residential dwelling on floors and interior window sills when the weighted arithmetic mean lead loading for all single surface or composite samples of floors and interior window sills is equal to or greater than 40  $\mu\text{g}/\text{ft}^2$  for floors and 250  $\mu\text{g}/\text{ft}^2$  for interior window sills, respectively;

(b) On floors or interior window sills in an unsampled residential dwelling in a multifamily dwelling, if a dust-lead hazard is present on floors or interior window sills, respectively, in at least one sampled residential unit on the property; and

(c) On floors or interior window sills in an unsampled common area in a multifamily dwelling, if a dust-lead hazard is present on floors or interior window sills, respectively in at least one sampled common area in the same common area group on the property.

(4) A soil-lead hazard is present in a residential dwelling or child-occupied facility when the soil-lead concentration from a composite sample of bare soil is equal to or greater than 250 (~~(parts per million))~~ ppm.

AMENDATORY SECTION (Amending WSR 04-10-037, filed 4/29/04, effective 5/30/04)

**WAC 365-230-220 Notice of abatement.** A certified firm shall notify the department of lead-based paint abatement activities as follows:

(1) Except as provided in subsection (2) of this section, the department must be notified prior to conducting lead-based paint abatement activities. The original notice must be received by the department at least ~~((ten))~~ five business days before lead-based paint abatement activities begin.

(2) Notice for abatement activities required in response to an elevated blood lead level (EBL) determination, or federal, state, tribal, or local emergency abatement order must be received by the department as early as possible before, but not later than the day lead-based paint abatement activities begin. Documentation showing evidence of an EBL determination or a copy of the federal/state/tribal/local emergency abatement order must be included in the notification to take advantage of this abbreviated notification period.

(3) Updated notice of a new start date must be provided to the department for lead-based paint abatement activities that will begin on a date other than the date specified in the original notification notice, as follows:

(a) For lead-based paint abatement activities beginning prior to the original start date, an updated notice must be received by the department at least ~~((ten))~~ five business days before the revised start date.

(b) For lead-based paint abatement activities beginning after the original start date, an updated notice must be received by the department ~~((at least two business days))~~ on or before the original start date.

(4) The certified firm shall update the department of any change in location of lead-based paint abatement activities at least ~~((ten))~~ five business days prior to the project start date.

(5) The certified firm shall also update the department regarding the cancellation of any lead-based paint abatement activities, or other significant changes including, but not limited to, when the square footage or acreage to be abated changes by at least twenty percent. This updated notice must be received by the department ~~((at least two business days prior to the project start date))~~ on or before the start date provided to the department, or if work has already begun, within twenty-four hours of the change.

(6) The following shall be included in each notice:

(a) Notification type (original, updated, cancellation).

(b) Date when lead-based paint abatement activities will commence.

(c) Date when lead-based paint abatement activities will end (approximation using best professional judgment).

(d) Firm's name, the department certification number, address, phone number.

(e) Type of building (e.g., single-family dwelling, multi-family dwelling, child-occupied facilities) on/in which abatement work will be performed.

(f) Property name (if applicable).

(g) Property address including apartment or unit number (if applicable) for abatement work.

(h) Documentation showing evidence of an EBL determination or a copy of the federal/state/tribal/local emergency abatement order, if applicable.

(i) Name~~(s)~~ and department certification number~~((and signature))~~ of the certified supervisor or project designer.

(j) Approximate square footage/acreage to be abated.

(k) Brief description of abatement activities to be performed.

(l) Name, title, and signature of the representative of the certified firm who prepared the notification.

(7) Notification shall be accomplished using any of the following methods: Written notice, or by e-mail. All notices submitted by e-mail must be followed by written notice within twenty-four hours of submission. Written notification can be accomplished using either the sample form titled "Notice of Abatement" or similar form. All written notices shall be delivered by U.S. Postal Service, fax, commercial delivery service, or hand delivery. (Persons submitting notification by U.S. Postal Service are reminded that they should allow ~~((three additional business days))~~ sufficient time for delivery ~~((in order))~~ to ensure that the department receives the notification by the required date.) Instructions and sample forms can be obtained from the department via phone ~~((360-725-2941))~~ 360-586-5323 or fax ~~((360-588-5966))~~ 360-588-5880, or on the internet at <http://www.cted.gov/lead>.

(8) In the event of changes to the information provided in the original notification, lead-based paint abatement activities shall not begin on a date, or at a location, other than that specified in either an original~~(s)~~ or updated notice~~((in the event of changes to the original notice))~~.

(9) No firm or individual shall engage in lead-based paint abatement activities, as defined in WAC 365-230-200 prior to notifying the department of such activities according to requirements of this section. No lead-based paint abatement activities described in the notice of abatement may begin until the notice has been approved by the department.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 365-230-110

Reciprocity.

WAC 365-230-140

Accreditation and certification based on prior licensing.