

**WSR 06-23-073**  
**PERMANENT RULES**  
**SOUTHWEST CLEAN**  
**AIR AGENCY**

[Filed November 13, 2006, 9:07 a.m., effective December 14, 2006]

Effective Date of Rule: Thirty-one days after filing.

Purpose: SWCAA 400-030 Definitions. This is an existing section that contains the definitions of words and phrases used throughout SWCAA 400. 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. This is an existing section identifying requirements for permit applications for nonroad engine projects. The proposed revision corrects an inaccurate cross sectional rule reference.

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. The proposed revision corrects an inaccurate cross sectional rule reference.

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. 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. This is an existing section identifying those sources that are exempt from the registration and new source review requirements of SWCAA 400-100 and SWCAA 400-110. The proposed changes clarify the applicability language of the exemption section.

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. 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. This is an existing section identifying the new source review requirements for new or modified sources in attainment 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. 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. The pro-

posed 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). 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. 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. 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. 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. 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. The proposed revision establishes a presumptive requirement for vertical exhaust stack orientation. This action codifies elements of the agency's existing permitting policy.

Citation of Existing Rules Affected by this Order: Amending SWCAA 400-030, 400-045, 400-046, 400-075, 400-101, 400-111, 400-113, 400-115, 400-141, 400-171, and 400-200.

Statutory Authority for Adoption: RCW 70.94.141.

Adopted under notice filed as WSR 06-17-052 on August 9, 2006.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 11, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 11, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 11, Repealed 0.

Date Adopted: November 2, 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 materials 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 pol-

lution 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 tech-

niques 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 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 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 Ambi-

ent 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))~~ (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 lim-

its, 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 wigwam 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 described 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 por-

table 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 there under, 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
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 overfill 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,-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-365mfc); 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-nonafluorobutane (C<sub>4</sub>F<sub>9</sub>OC<sub>2</sub>H<sub>5</sub>); 2-(ethoxydifluoromethyl)-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.

**Reviser's note:** The typographical errors in the above material occurred in the copy filed by the SWCAA 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; (~~(e)~~)
- (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**

<u>Equipment/Activity</u>	<u>Associated Work Hours</u>	<u>Review Fee</u>
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 non-road 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 determined 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 Non-road 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(~~((+10))~~) (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 non-road 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 µg/m <sup>3</sup>	Class II µg/m <sup>3</sup>	Primary Standard µg/m <sup>3</sup> (ppm)	Secondary Standard µg/m <sup>3</sup> (ppm)	Ambient Standard µg/m <sup>3</sup> (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)	—

Pollutant	Averaging Period	PSD Ambient Increment 40 CFR 51.166(c)		National Ambient Air Quality Standards (NAAQS) 40 CFR 50		State Ambient Air Quality Standards 173-470, 474, and 475 WAC
		Class I µg/m <sup>3</sup>	Class II µg/m <sup>3</sup>	Primary Standard µg/m <sup>3</sup> (ppm)	Secondary Standard µg/m <sup>3</sup> (ppm)	Ambient Standard µg/m <sup>3</sup> (ppm)
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 µm (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 µm (PM <sub>2.5</sub> )	Annual <sup>e</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 application, 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, Sulfitite, 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 JJJ 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 P P P P P National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Stands (ref. 40 CFR 63.9280 et seq.)

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

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

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

Subpart T T T T T 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
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.~~

~~((c)) (b) The owner or operator of a proposed new "major stationary source" or "major modification" emitting VOCs, ((or)) 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-~~((44))~~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 superphosphate 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 sec-

tion, 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;))~~

~~((xii))~~ (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.

**~~((+))~~ (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.

**~~((+))~~ (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-~~((+))~~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 06-24-036**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Health and Recovery Services Administration)  
(Medical Assistance)

[Filed November 30, 2006, 9:33 a.m., effective January 1, 2007]

Effective Date of Rule: January 1, 2007.

Purpose: Adoption of these rules will:

- Improve the quality of care received by DSHS clients by using a consistent, evidence-based approach to making benefit coverage decisions.
- Make health and recovery services administration (HRSA) benefit coverage rules clearer, more transparent, and consistent.
- Establish a clear, transparent process by which HRSA determines what services are included under its benefit coverage.
- Maximize program resources through prudent use of cost-effective practices.

Note: WAC 388-501-0070 and 388-543-1300, which were part of the rules proposed under WSR 06-19-098 and 06-19-100, have been revised and repropoed under a supplemental rule notice filed as WSR 06-23-124 and are not being adopted at this time.

Citation of Existing Rules Affected by this Order: Amending WAC 388-501-0050 Healthcare—General coverage, 388-501-0160 Exception to rule—Request for a noncovered healthcare service, 388-531-0100 Scope of coverage for physician-related services—General and administrative, 388-416-0015 Certification periods for CN and SCHIP medical programs, 388-475-1000 Healthcare for workers with disabilities (HWD)—Program description, 388-501-0180 Out-of-state medical care, 388-519-0100 Spenddown of excess income for the medically needy program, 388-530-1000 Drug program, 388-530-1150 Noncovered drugs and pharmaceutical supplies and reimbursement limitations, 388-531-1600 Bariatric surgery, 388-533-0340 Maternity support services—Noncovered services, 388-533-0385 Infant case management—Noncovered services, 388-535-1265 Dental-related services not covered—Adults, 388-535A-0040 Covered and noncovered orthodontic services and limitations to

coverage, 388-538-063 Mandatory enrollment in managed care for GAU clients, 388-538-095 Scope of care for managed care enrollees, 388-540-130 Covered services, 388-540-140 Noncovered services, 388-540-150 Reimbursement—General, 388-543-1100 Scope of coverage and limitations for DME, 388-543-1150 Limits and limitation extensions, 388-544-0010 Vision care—General, 388-544-0450 Vision care—Prior authorization, 388-544-1100 Hearing aid services—General, 388-544-1400 Hearing aid services—Noncovered services, 388-545-900 Neurodevelopmental centers, 388-546-0200 Scope of coverage for ambulance transportation, 388-546-0250 Ambulance services the department does not cover, 388-550-2596 Services and equipment covered by the department but not included in LTAC fixed per diem rate, 388-551-2130 Noncovered home health services, 388-551-3000 Private duty nursing services for client seventeen and younger, 388-553-500 Home infusion therapy/parenteral nutrition program—Coverage, 388-554-500 Orally administered enteral nutrition products—Coverage, 388-554-600 Tube-delivered enteral nutrition products and related equipment and supplies—Coverage, 388-556-0500 Medical care services under state-administered cash programs and 388-800-0045 What services are offered by ADATSA?; new WAC 388-501-0060 Healthcare coverage—Scope of covered categories of service, 388-501-0065 Healthcare coverage—Description of covered categories of service and 388-501-0169 Healthcare coverage—Limitation extension; and repealing WAC 388-501-0300 Limits on scope of medical program services, 388-529-0100 Scope of covered medical services by program and 388-529-0200 Medical services available to eligible clients.

Statutory Authority for Adoption: RCW 74.04.050, 74.08.090, 74.09.530, and 74.09.700.

Adopted under notice filed as WSR 06-19-098, 06-19-099, and 06-19-100 on September 19, 2006.

Changes Other than Editing from Proposed to Adopted Version: (New wording from what was originally proposed is underlined, deleted wording is lined through): WAC 388-501-0050 subsections (4) through new (7):

(4) The department's fee-for-service program pays only for services furnished by enrolled providers who meet the requirements of chapter 388-502 WAC.

(5) The department does not pay for any service, treatment, equipment, drug, or supply requiring prior authorization from the department, if prior authorization was not obtained before the service was provided.

~~(6)~~ Covered services

(a) Covered services are either:

(i) "Federally-mandated" - means the State of Washington is required by federal regulation (42 CFR 440.210 and 220) to cover the service for Medicaid clients; or

(ii) "State-option" - means the State of Washington is not federally-mandated to cover the service but has chose to do so at its own discretion.

(b) The department may limit the scope, amount, duration, and/or frequency of covered services. Limitation extensions are authorized according to WAC 388-501-0169.

~~(6)~~ (7) Noncovered services

WAC 388-501-0060, in the table following subsection (5):

Service Categories	CN*	MN	MCS	AEM
(m) Intermediate care facility/services for mentally retarded	C	C	C	<del>N</del> E
(n) Maternity care and delivery services	C	C	N	E
(o) Medical equipment, durable (DME)	C	C	C	E
(p) Medical equipment, nondurable (MSE)	C	C	C	E
(q) Medical nutrition services	C	C	C	E
(r) Mental health services	C	C	C	E
(s) Nursing facility services	C	C	C	E
(t) Organ transplants	C	C	C	N
(u) Out-of-state services	C	C	N	E
(v) Oxygen/respiratory services	C	C	C	E
(w) Personal care services	C	C	N	N
(x) Prescription drugs	C	C	C	E
(y) Private duty nursing	C	C	N	E
(z) Prosthetic/orthotic devices	C	C	C	E
(aa) School medical services	C	C	N	N
(bb) Substance abuse services	C	C	C	<del>N</del> E
(cc) Therapy - occupational/physical/speech	C	C	C	E
(dd) Vision care (exams/lenses)	C	C	C	E

\*Clients enrolled in the State Children's Health Insurance Program and the Children's Health Program receive CN scope of medical care.

WAC 388-501-0065, subsections of subsection (2)

(d) Dental Services-Diagnosis and treatment of dental of dental problems including emergency treatment; and preventive care. [Chapter 388-535 WAC and Chapter 388-535A WAC]

(j) Home health services-Intermittent, short-term skilled nursing care, physical therapy, speech therapy, home infusion therapy, and health aide services, provided in the home. [WAC 388-551-2000 through WAC ~~388-551-3000~~ 388-551-2220]

(k) Hospice services-Physician services, skilled nursing care, medical social services, counseling services for client

and family, drugs, medications (including biologicals), medical equipment and supplies needed for palliative care, home health aide, homemaker, personal care services, medical transportation, respite care, and brief inpatient care. This benefit also includes services rendered in a hospice care center and pediatric palliative care services. [WAC 388-551-1210 through WAC 338-551-1850]

(x) Prescription drugs-Outpatient drugs (including in nursing facilities), both generic and brand name; drug devices and supplies; some over-the-counter drugs; oral, topical, injectable drugs; vaccines, immunizations, and biologicals; and family planning drugs, devices, and supplies. [WAC 388-530-1100] Additional coverage for medications and prescriptions is addressed in specific program WAC sections.

(y) Private duty nursing-Continues skilled nursing services provided in the home, including client assessment, administration of treatment, and monitoring of medical equipment and client care for clients seventeen years of age and under. [WAC 388-551-3000] For benefits for clients eighteen years of age and older, see WAC 388-106-1000 through WAC 388-106-1055.

dd) Vision care - Eye exams, refractions, frames, lenses, ocular prosthetics, and ~~nonselective~~ surgery. [WAC 388-544-0250 through WAC 388-544-0550]

WAC 388-501-0169, subsection (4):

(4) In addition to subsection (3), both the department and MCO consider the following in evaluating a request for a limitation extension:

(a) The level of improvement the client has shown to date related to the requested service and the reasonably calculated probability of continued improvement if the requested service is extended; and

(b) The reasonably calculated probability the client's condition will worsen if the requested service is not extended.

A final cost-benefit analysis is available by contacting Kevin Sullivan, P.O. Box 45504, Olympia, WA 98504-5504, phone (360) 725-1344, fax (360) 586-9727, e-mail sullikm@dshs.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 3, Amended 36, Repealed 3.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: November 30, 2006.

Robin Arnold-Williams  
Secretary

AMENDATORY SECTION (Amending WSR 01-12-070, filed 6/4/01, effective 7/5/01)

**WAC 388-501-0050 (~~Medical and dental~~) Health-care general coverage.** ((All medical and dental services, equipment, and supplies provided to medical assistance administration (MAA) clients are subject to review, before or after payment has been made. MAA may deny or recover reimbursement for such services, equipment, and supplies based on these reviews:

**(1) ~~Covered services~~**

(a) ~~Covered services are:~~

(i) ~~Medical and dental services, equipment, and supplies that are within the scope of the eligible client's medical assistance program (see chapter 388-529 WAC) and listed as covered in MAA rules; and~~

(ii) ~~Determined to be medically necessary as defined in WAC 388-500-0005 or dentally necessary as defined in WAC 388-535-0150.~~

(b) ~~Providers must obtain prior authorization (PA) or expedited prior authorization (EPA) when required by MAA.~~

(i) ~~See WAC 388-501-0165 for the PA process.~~

(ii) ~~The EPA process is designed to eliminate the need for written and telephonic requests for prior authorization for selected services and procedure codes. MAA requires a provider to create an authorization number for EPA for selected procedure codes, using the process explained in the billing instructions for the specific service or program.~~

(iii) ~~See chapter 388-538 WAC for managed care requirements.~~

(c) ~~Covered services are subject to the limitations specified by MAA. Providers must obtain PA or EPA before providing services that exceed the specified limit (quantity, frequency or duration). This is known as a limitation extension.~~

(i) ~~See WAC 388-501-0165 for the PA process.~~

(ii) ~~The EPA process is designed to eliminate the need for written and telephonic requests for prior authorization for selected services and procedure codes. MAA requires a provider to create an authorization number for EPA for selected procedure codes, using the process explained in the billing instructions for the specific service or program.~~

(iii) ~~See chapter 388-538 WAC for managed care requirements.~~

(d) ~~MAA does not reimburse for covered services, equipment or supplies:~~

(i) ~~That are included in a DSHS-waivered program; or~~

(ii) ~~For a MAA client who is Medicare-eligible if:~~

(A) ~~The services, equipment or supplies are covered under Medicare; and~~

(B) ~~Medicare has not made a determination on the claim or has not been billed by the provider.~~

**(2) Noncovered services**

(a) ~~MAA does not cover services, equipment or supplies to which any of the following apply:~~

(i) ~~The service or equipment is not included as a covered service in the state plan;~~

(ii) ~~Federal or state laws or regulations prohibit coverage;~~

(iii) ~~The service or equipment is considered experimental or investigational by the Food and Drug Administration or the Health Care Financing Administration; or~~

(iv) ~~MAA rules do not list the service or equipment as covered.~~

(b) ~~MAA reviews all initial requests for noncovered services based on WAC 388-501-0165.~~

(c) ~~If a noncovered service, equipment or supply is prescribed under the EPSDT program, it will be evaluated as a covered service and reviewed for medical necessity.)~~ The following rules, WAC 388-501-0050 through WAC 388-501-0065, describe the healthcare services available to a client on a fee-for-service basis or as an enrollee in a managed care organization (MCO)(defined in WAC 388-538-050). Noncovered services are described in WAC 388-501-0070.

(1) Service categories listed in WAC 388-501-0060 do not represent a contract for services.

(2) The client must be eligible for the covered service on the date the service is performed or provided.

(3) The department pays only for medical or dental services, equipment, or supplies that are:

(a) Within the scope of the client's medical program;

(b) Covered - see subsection (5);

(c) Medically necessary;

(d) Ordered or prescribed by a healthcare provider meeting the requirements of chapter 388-502 WAC; and

(e) Furnished by a provider according to the requirements of chapter 388-502 WAC.

(4) The department's fee-for-service program pays only for services furnished by enrolled providers who meet the requirements of chapter 388-502 WAC.

(5) The department does not pay for any service, treatment, equipment, drug, or supply requiring prior authorization from the department, if prior authorization was not obtained before the service was provided.

**(6) Covered services**

(a) Covered services are either:

(i) "Federally-mandated" - means the State of Washington is required by federal regulation (42 CFR 440.210 and 220) to cover the service for Medicaid clients; or

(ii) "State-option" - means the State of Washington is not federally-mandated to cover the service but has chosen to do so at its own discretion.

(b) The department may limit the scope, amount, duration, and/or frequency of covered services. Limitation extensions are authorized according to WAC 388-501-0169.

**(7) Noncovered services**

(a) The department does not pay for any service, equipment, or supply:

(i) That federal or state law or regulations prohibit the department from covering;

(ii) Listed as noncovered in WAC 388-501-0070 or in any other program rule. The department evaluates a request for a noncovered service only if an exception to rule is requested according to the provisions in WAC 388-501-0160.

(b) When Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) applies, a noncovered service, equipment, or supply will be evaluated according to the process in WAC 388-501-0165 to determine if it is medically necessary, safe, effective, and not experimental (see WAC 388-534-0100 for EPSDT rules).



NEW SECTION

**WAC 388-501-0060 Healthcare coverage - scope of covered categories of service.** (1) This rule provides a list (see subsection (5)) of medical, dental, mental health, and substance abuse categories of service covered by the department under categorically needy (CN) Medicaid, medically needy (MN) Medicaid, Alien Emergency Medical (AEM), and medical care services (MCS) programs. MCS means the limited scope of care financed by state funds and provided to general assistance and Alcohol and Drug Addiction Treatment and Support Act (ADATSA) program clients.

(2) Not all categories of service listed in this section are covered under every medical program, nor do they represent a contract for services. Services are subject to the exclusions, limitations, and eligibility requirements contained in department rules.

(3) Services covered under each listed category:

(a) Are determined by the department after considering available evidence relevant to the service or equipment to:

- (i) Determine efficacy, effectiveness, and safety;
- (ii) Determine impact on health outcomes;
- (iii) Identify indications for use;
- (iv) Compare alternative technologies; and
- (v) Identify sources of credible evidence that use and report evidence-based information.

(b) May require prior authorization (see WAC 388-501-0165), or expedited authorization when allowed by the department.

(c) Are paid for by the department and subject to review both before and after payment is made. The department or the client's managed care organization may deny or recover payment for such services, equipment, and supplies based on these reviews.

(4) The department does not pay for covered services, equipment, or supplies that:

(a) Require prior authorization from the department, if prior authorization was not obtained before the service was provided;

(b) Are provided by providers who are not contracted with the department as required under chapter 388-502 WAC;

(c) Are included in a department waiver program identified in chapter 388-515 WAC; or

(d) Are covered by a third-party payer (see WAC 388-501-0200), including Medicare, if the third-party payer has not made a determination on the claim or has not been billed by the provider.

(5) **Scope of covered service categories.** The following table lists the department's covered categories of healthcare services.

- Under the four program columns (CN, MN, MCS, and AEM), the letter "C" means a service category is covered for that program, subject to any limitations listed in the specific medical assistance program WAC and department issuances.

- The letter "N" means a service category is not covered under that program.

- The letter "E" means the service category is available only if it is necessary to treat the client's emergency medical condition and may require prior authorization from the department.

- Refer to WAC 388-501-0065 for a description of each service category and for the specific program WAC containing the limitations and exclusions to services.

Service Categories	CN*	MN	MCS	AEM
(a) Adult day health	C	C	N	E
(b) Ambulance (ground and air)	C	C	C	E
(c) Blood processing/administration	C	C	C	E
(d) Dental services	C	C	C	E
(e) Detoxification	C	C	C	E
(f) Diagnostic services (lab & x-ray)	C	C	C	E
(g) Family planning services	C	C	C	E
(h) Healthcare professional services	C	C	C	E
(i) Hearing care (audiology/hearing exams/aids)	C	C	C	E
(j) Home health services	C	C	C	E
(k) Hospice services	C	C	N	E
(l) Hospital services - inpatient/outpatient	C	C	C	E
(m) Intermediate care facility/services for mentally retarded	C	C	C	E
(n) Maternity care and delivery services	C	C	N	E
(o) Medical equipment, durable (DME)	C	C	C	E
(p) Medical equipment, nondurable (MSE)	C	C	C	E
(q) Medical nutrition services	C	C	C	E
(r) Mental health services	C	C	C	E
(s) Nursing facility services	C	C	C	E
(t) Organ transplants	C	C	C	N
(u) Out-of-state services	C	C	N	E
(v) Oxygen/respiratory services	C	C	C	E
(w) Personal care services	C	C	N	N
(x) Prescription drugs	C	C	C	E
(y) Private duty nursing	C	C	N	E
(z) Prosthetic/orthotic devices	C	C	C	E
(aa) School medical services	C	C	N	N

(bb) Substance abuse services	C	C	C	E
(cc) Therapy - occupational/physical/speech	C	C	C	E
(dd) Vision care (exams/lenses)	C	C	C	E

\*Clients enrolled in the State Children's Health Insurance Program and the Children's Health Program receive CN scope of medical care.

NEW SECTION

**WAC 388-501-0065 Healthcare coverage - description of covered categories of service.** This rule provides a brief description of the medical, dental, mental health, and substance abuse service categories listed in the table in WAC 388-501-0060. The description of services under each category is not intended to be all inclusive.

(1) For categorically needy (CN), medically needy (MN), and medical care services (MCS), refer to the WAC citations listed in the following descriptions for specific details regarding each service category. For Alien Emergency Medical (AEM) services, refer to WAC 388-438-0110.

(2) The following service categories are subject to the exclusions, limitations, and eligibility requirements contained in department rules:

(a) **Adult day health** - Skilled nursing services, counseling, therapy (physical, occupational, speech, or audiology), personal care services, social services, general therapeutic activities, health education, nutritional meals and snacks, supervision, and protection. [WAC 388-71-0702 through WAC 388-71-0776]

(b) **Ambulance** - Emergency medical transportation and ambulance transportation for nonemergency medical needs. [WAC 388-546-0001 through WAC 388-546-4000]

(c) **Blood processing/administration** - Blood and/or blood derivatives, including synthetic factors, plasma expanders, and their administration. [WAC 388-550-1400 and WAC 388-550-1500]

(d) **Dental services** - Diagnosis and treatment of dental problems including emergency treatment and preventive care. [Chapter 388-535 WAC and Chapter 388-535A WAC]

(e) **Detoxification** - Inpatient treatment performed by a certified detoxification center or in an inpatient hospital setting. [WAC 388-800-0020 through WAC 388-800-0035; and WAC 388-550-1100]

(f) **Diagnostic services** - Clinical testing and imaging services. [WAC 388-531-0100; WAC 388-550-1400 and WAC 388-550-1500]

(g) **Family planning services** - Gynecological exams; contraceptives, drugs, and supplies, including prescriptions; sterilization; screening and treatment of sexually transmitted diseases; and educational services. [WAC 388-532-530]

(h) **Healthcare professional services** - Office visits, emergency room, nursing facility, home-based, and hospital-based care; surgery, anesthesia, pathology, radiology, and laboratory services; obstetric services; kidney dialysis and renal disease services; osteopathic care, podiatry services,

physiatry, and pulmonary/respiratory services; and allergen immunotherapy. [Chapter 388-531 WAC]

(i) **Hearing care** - Audiology; diagnostic evaluations; hearing exams and testing; and hearing aids. [WAC 388-544-1200 and WAC 388-544-1300; WAC 388-545-700; and WAC 388-531-0100]

(j) **Home health services** - Intermittent, short-term skilled nursing care, physical therapy, speech therapy, home infusion therapy, and health aide services, provided in the home. [WAC 388-551-2000 through WAC 388-551-2220]

(k) **Hospice services** - Physician services, skilled nursing care, medical social services, counseling services for client and family, drugs, medications (including biologicals), medical equipment and supplies needed for palliative care, home health aide, homemaker, personal care services, medical transportation, respite care, and brief inpatient care. This benefit also includes services rendered in a hospice care center and pediatric palliative care services. [WAC 388-551-1210 through WAC 388-551-1850]

(l) **Hospital services - inpatient/outpatient** - Emergency room; hospital room and board (includes nursing care); inpatient services, supplies, equipment, and prescription drugs; surgery, anesthesia; diagnostic testing, laboratory work, blood/blood derivatives; radiation and imaging treatment and diagnostic services; and outpatient or day surgery, and obstetrical services. [Chapter 388-550 WAC]

(m) **Intermediate care facility/services for mentally retarded** - Habilitative training, health-related care, supervision, and residential care. [Chapter 388-835 WAC]

(n) **Maternity care and delivery services** - Community health nurse visits, nutrition visits, behavioral health visits, midwife services, maternity and infant case management services, and community health worker visits. [WAC 388-533-0330]

(o) **Medical equipment, durable (DME)** - Wheelchairs, hospital beds, respiratory equipment; prosthetic and orthotic devices; casts, splints, crutches, trusses, and braces. [WAC 388-543-1100]

(p) **Medical equipment, nondurable (MSE)** - Antiseptics, germicides, bandages, dressings, tape, blood monitoring/testing supplies, braces, belts, supporting devices, decubitus care products, ostomy supplies, pregnancy test kits, syringes, needles, transcutaneous electrical nerve stimulators (TENS) supplies, and urological supplies. [WAC 388-543-2800]

(q) **Medical nutrition services** - Enteral and parenteral nutrition, including supplies. [Chapter 388-553 WAC and Chapter 388-554 WAC]

(r) **Mental health services** - Inpatient and outpatient psychiatric services and community mental health services. [Chapter 388-865 WAC]

(s) **Nursing facility services** - Nursing, therapies, dietary, and daily care services. [Chapter 388-97 WAC]

(t) **Organ transplants** - Solid organs, e.g., heart, kidney, liver, lung, pancreas, and small bowel; bone marrow and peripheral stem cell; skin grafts; and corneal transplants. [WAC 388-550-1900 and WAC 388-550-2000, and WAC 388-556-0400]

(u) **Out-of-state services** - Emergency services; prior authorized care. Services provided in bordering cities are

treated as if they were provided in state. [WAC 388-501-0175 and WAC 388-501-0180; WAC 388-531-1100; and WAC 388-556-0500]

(v) **Oxygen/respiratory services** - Oxygen, oxygen equipment and supplies; oxygen and respiratory therapy, equipment, and supplies. [Chapter 388-552 WAC]

(w) **Personal care services** - Assistance with activities of daily living (e.g., bathing, dressing, eating, managing medications) and routine household chores (e.g., meal preparation, housework, essential shopping, transportation to medical services). [WAC 388-106-0010, 0300, 0400, 0500, 0600, 0700, 0720 and 0900]

(x) **Prescription drugs** - Outpatient drugs (including in nursing facilities), both generic and brand name; drug devices and supplies; some over-the-counter drugs; oral, topical, injectable drugs; vaccines, immunizations, and biologicals; and family planning drugs, devices, and supplies. [WAC 388-530-1100] Additional coverage for medications and prescriptions is addressed in specific program WAC sections.

(y) **Private duty nursing** - Continuous skilled nursing services provided in the home, including client assessment, administration of treatment, and monitoring of medical equipment and client care for clients seventeen years of age and under. [WAC 388-551-3000.] For benefits for clients eighteen years of age and older, see WAC 388-106-1000 through WAC 388-106-1055.

(z) **Prosthetic/orthotic devices** - Artificial limbs and other external body parts; devices that prevent, support, or correct a physical deformity or malfunction. [WAC 388-543-1100]

(aa) **School medical services** - Medical services provided in schools to children with disabilities under the Individuals with Disabilities Education Act (IDEA). [Chapter 388-537 WAC]

(bb) **Substance abuse services** - Chemical dependency assessment, case management services, and treatment services. [WAC 388-533-0701 through WAC 388-533-0730; WAC 388-556-0100 and WAC 388-556-0400; and WAC 388-800-0020]

(cc) **Therapy - occupational/physical/speech** - Evaluations, assessments, and treatment. [WAC 388-545-300, WAC 388-545-500, and WAC 388-545-700]

(dd) **Vision care** - Eye exams, refractions, frames, lenses, ocular prosthetics, and surgery. [WAC 388-544-0250 through WAC 388-544-0550]

**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 00-03-035, filed 1/12/00, effective 2/12/00)

**WAC 388-501-0160 Exception to rule—Request for a noncovered ((medical or dental)) healthcare service(, or related equipment)).** A client and/or ((their)) the client's provider may request ((prior authorization for MAA)) the department to pay for a noncovered ((medical or dental)) healthcare service(, or related equipment)). This is called an exception to rule.

(1) ((MAA)) The department cannot approve an exception to rule if the ((exception violates)) requested service is

excluded under state ((or federal law or federal regulation)) statute.

(2) The item or service(s) for which an exception is requested must be of a type and nature which falls within accepted standards and precepts of good medical practice:

(3) All exception requests must represent cost-effective utilization of medical assistance program funds as determined by the department:

(4) A request for an exception to rule must be submitted to the department in writing within ninety days of the date of the written notification denying authorization for the noncovered service. For ((MAA)) the department to consider the exception to rule request((:):

(a) The client and/or the client's healthcare provider must submit sufficient client-specific information and documentation ((must be submitted for the MAA)) to Health and Recovery Services Administration's medical director or designee ((to determine if:

(a)) which demonstrate the client's clinical condition is so different from the majority that there is no equally effective, less costly covered service or equipment that meets the client's need(s)((; and)

(b) ((The requested service or equipment will result in lower overall costs of care for the client)) The client's healthcare professional must certify that medical treatment or items of service which are covered under the client's medical assistance program and which, under accepted standards of medical practice, are indicated as appropriate for the treatment of the illness or condition, have been found to be:

(i) Medically ineffective in the treatment of the client's condition; or

(ii) Inappropriate for that specific client.

((3)) The MAA medical director or designee evaluates and considers requests on a case-by-case basis according to the information and documentation submitted from the provider.

(4) Within fifteen working days of MAA's receipt of the request, MAA notifies the provider and the client, in writing, of MAA's decision to grant or deny the exception to rule)) (5) Within fifteen business days of receiving the request, the department sends written notification to the provider and the client:

(a) Approving the exception to rule request;

(b) Denying the exception to rule request; or

(c) Requesting additional information.

(i) The additional information must be received by the department within thirty days of the date the information was requested.

(ii) The department approves or denies the exception to rule request within five business days of receiving the additional information.

(iii) If the requested information is insufficient or not provided within thirty days, the department denies the exception to rule request.

(6) The HRSA medical director or designee evaluates and considers requests on a case-by-case basis. The HRSA medical director has final authority or approve or deny a request for exception to rule.

((5)) (7) Clients do not have a right to a fair hearing on exception to rule decisions.

NEW SECTION

**WAC 388-501-0169 Healthcare coverage - limitation extension.** This section addresses requests for limitation extensions (additional covered services when a client has received the maximum services allowed under specific healthcare program rules). The department does not pay for services exceeding the maximum allowed until authorization is obtained.

(1) No extension of covered services will be authorized when prohibited by specific program rules.

(2) When an extension is not prohibited by specific program rules, a client or the client's provider may request a limitation extension.

(3) Under fee-for-service (FFS), the department evaluates requests for limitation extensions using the process described in WAC 388-501-0165. For a managed care enrollee, the client's managed care organization (MCO) evaluates requests for limitation extensions according to the MCO's prior authorization process.

(4) In addition to subsection (3), both the department and MCO consider the following in evaluating a request for a limitation extension:

(a) The level of improvement the client has shown to date related to the requested service and the reasonably calculated probability of continued improvement if the requested service is extended; and

(b) The reasonably calculated probability the client's condition will worsen if the requested service is not extended.

AMENDATORY SECTION (Amending WSR 01-01-012, filed 12/6/00, effective 1/6/01)

**WAC 388-531-0100 Scope of coverage for physician-related services—General and administrative.** (1) The ~~((medical assistance administration (MAA)))~~ department covers medical services, equipment, and supplies when they are ~~((both))~~:

(a) Within the scope of an eligible client's medical ~~((care))~~ assistance program. Refer to ~~((chapter 388-529))~~ WAC 388-501-0060 and WAC 388-501-0065; and

(b) Medically necessary as defined in 388-500-0005.

(2) ~~((MAA evaluates a request for any service that is listed as noncovered in WAC 388-531-0150 under the provisions of WAC 388-501-0165.~~

~~((3-MAA))~~ The department evaluates a request for a service that is in a covered category ~~((, but has been determined to be experimental or investigational under WAC 388-531-0550,))~~ under the provisions of WAC 388-501-0165 ~~((which related to medical necessity)).~~

~~((4-MAA))~~ (3) The department evaluates requests for covered services that are subject to limitations or other restrictions and approves such services beyond those limitations or restrictions ~~((when medically necessary, under the standards for covered services in WAC 388-501-0165))~~ as described in WAC 388-501-0169.

~~((5-MAA))~~ (4) The department covers the following physician-related services, subject to the conditions in subsections (1), (2), and (3)~~((, and (4)))~~ of this section:

(a) Allergen immunotherapy services;

(b) Anesthesia services;

(c) Dialysis and end stage renal disease services (refer to chapter 388-540 WAC);

(d) Emergency physician services;

(e) ENT (ear, nose, and throat) related services;

(f) Early and periodic screening, diagnosis, and treatment (EPSDT) services (refer to WAC 388-534-0100);

~~((g))~~ ~~((Gender dysphoria surgery and related procedures, treatment, prosthetics, or supplies when recommended after a multidisciplinary evaluation including at least urology, endocrinology, and psychiatry;~~

~~((h))~~ (h) Family planning services (refer to chapter 388-532 WAC);

~~((i))~~ (h) Hospital inpatient services (refer to chapter 388-550 WAC);

~~((j))~~ (i) Maternity care, delivery, and newborn care services (refer to chapter 388-533 WAC);

~~((k))~~ (j) Office visits;

~~((l))~~ (k) Vision-related services, ~~((per))~~ refer to chapter 388-544 WAC;

~~((m))~~ (l) Osteopathic treatment services;

~~((n))~~ (m) Pathology and laboratory services;

~~((o))~~ (n) Physiatry and other rehabilitation services (refer to chapter 388-550 WAC);

~~((p))~~ (o) Podiatry services;

~~((q))~~ (p) Primary care services;

~~((r))~~ (q) Psychiatric services, provided by a psychiatrist;

~~((s))~~ (r) Pulmonary and respiratory services;

~~((t))~~ (s) Radiology services;

~~((u))~~ (t) Surgical services;

~~((v))~~ (t) Surgery (u) Cosmetic, reconstructive, or plastic surgery, and related services and supplies to correct physiological defects from birth, illness, or physical trauma, or for mastectomy reconstruction for post cancer treatment; and

~~((w))~~ (v) Other outpatient physician services.

~~((6-MAA))~~ (5) The department covers physical examinations for ~~((MAA))~~ medical assistance clients only when the physical examination is one or more of the following:

(a) A screening exam covered by the EPSDT program (see WAC 388-534-0100);

(b) An annual exam for clients of the division of developmental disabilities; or

(c) A screening pap smear, mammogram, or prostate exam.

~~((7))~~ (6) By providing covered services to a client eligible for a medical ~~((care))~~ assistance program, a provider who has signed an agreement with ~~((MAA))~~ the department accepts ~~((MAA's))~~ the department's rules and fees as outlined in the agreement, which includes federal and state law and regulations, billing instructions, and ~~((MAA))~~ department issuances.

AMENDATORY SECTION (Amending WSR 05-19-031, filed 9/12/05, effective 10/13/05)

**WAC 388-416-0015 Certification periods for categorically needy (CN) medical and state children's health insurance program (SCHIP).** (1) A certification period is the period of time a person is determined eligible for a categorically needy (CN) medical program. Unless otherwise

stated in this section, the certification period begins on the first day of the month of application and continues to the last day of the last month of the certification period.

(2) For a child eligible for the newborn medical program, the certification period begins on the child's date of birth and continues through the end of the month of the child's first birthday.

(3) For a woman eligible for a medical program based on pregnancy, the certification period ends the last day of the month that includes the sixtieth day from the day the pregnancy ends.

(4) For families the certification period is twelve months with a six-month report required as a condition of eligibility as described in WAC 388-418-0011.

(5) For children, the certification period is twelve months. Eligibility is continuous without regard to changes in circumstances other than aging out of the program, moving out of state or death. When the medical assistance unit is also receiving benefits under a cash or food assistance program, the medical certification period is updated to begin anew at each:

- (a) Approved application for cash or food assistance; or
- (b) Completed eligibility review.

(6) For an SSI-related person the certification period is twelve months.

(7) When the child turns nineteen the certification period ends even if the twelve-month period is not over. The certification period may be extended past the end of the month the child turns nineteen when:

(a) The child is receiving inpatient services on the last day of the month the child turns nineteen;

(b) The inpatient stay continues into the following month or months; and

(c) The child remains eligible except for exceeding age nineteen.

(8) A retroactive certification period can begin up to three months immediately before the month of application when:

(a) The client would have been eligible for medical assistance if the client had applied; and

(b) The client received covered medical services as described in WAC ((388-529-0100)) 388-501-0060 and WAC 388-501-0065.

(9) If the client is eligible only during the three-month retroactive period, that period is the only period of certification.

(10) Any months of a retroactive certification period are added to the designated certification periods described in this section.

(11) For a child determined eligible for SCHIP medical benefits as described in chapter 388-542 WAC:

(a) The certification periods are described in subsections (1), (5), and (7) of this section;

(b) There is not a retroactive eligibility period as described in subsections (8), (9), and (10); and

(c) For a child who has creditable coverage at the time of application, the certification period begins on the first of the month after the child's creditable coverage is no longer in effect, if:

- (i) All other SCHIP eligibility factors are met; and

(ii) An eligibility decision is made per WAC 388-406-0035.

AMENDATORY SECTION (Amending WSR 02-01-073, filed 12/14/01, effective 1/14/02)

**WAC 388-475-1000 Healthcare for workers with disabilities (HWD)—Program description.** This section describes the healthcare for workers with disabilities (HWD) program.

(1) The HWD program provides categorically needy (CN) (~~(Medicaid services)~~) scope of care as described in WAC ((388-529-0200)) 388-501-0060.

(2) The department approves HWD coverage for twelve months effective the first of the month in which a person applies and meets program requirements. See WAC 388-475-1100 for "retroactive" coverage for months before the month of application.

(3) A person who is eligible for another Medicaid program may choose not to participate in the HWD program.

(4) A person is not eligible for HWD coverage for a month in which the person received Medicaid benefits under the medically needy (MN) program.

(5) The HWD program does not provide long-term care (LTC) services described in chapters 388-513 and 388-515 WAC. LTC services include institutional, waived, and hospice services. To receive LTC services, a person must qualify and participate in the cost of care according to the rules of those programs.

AMENDATORY SECTION (Amending WSR 01-01-011, filed 12/6/00, effective 1/6/01)

**WAC 388-501-0180 Out-of-state medical care.** (1) The department ((of social and health services (DSHS))) considers cities bordering Washington state and listed in WAC 388-501-0175 the same as in-state cities for:

(a) Medical care coverage under all medical programs administered by the ((medical assistance administration (MAA))) department; and

(b) Reimbursement purposes.

(2) The department does not cover out-of-state medical care for clients under the following state-administered (Washington state medical care only) medical programs:

(a) General assistance-unemployable (GA-U); or

(b) Alcohol and Drug Addiction Treatment and Support Act (ADATSA)((~~or~~

~~(c) Medically indigent program (MIP))~~).

(3) Subject to the exceptions and limitations in this section, the department covers out-of-state medical care provided to eligible clients when the services are:

(a) Within the scope of the client's medical care program as specified ((under chapter 388-529)) in WAC 388-501-0060; and

(b) Medically necessary as defined in WAC 388-500-0005.

(4) If the client travels out-of-state expressly to obtain medical care, the medical services must have prior authorization through the department's determination process described in WAC 388-501-0165.

(5) See WAC 388-501-0165 for the department's determination process for requests for:

(a) ~~((Any service that is listed in any Washington Administrative Code section as noncovered;~~

~~(b))~~ A service that is in a covered category, but has been determined to be experimental or investigational under WAC 388-531-0550; ~~((and))~~ or

~~((c))~~ (b) A covered service that is subject to the department's limitations or other restrictions and the request for the service exceeds those limitations or restrictions (see also WAC 388-501-0169).

(6) The department evaluates a request for a noncovered service if an exception to rule is requested according to the provisions in WAC 388-501-0160.

(7) The department determines out-of-state coverage for transportation services, including ambulance services, according to chapter 388-546 WAC.

~~((7))~~ (8) The department reimburses an out-of-state provider for medical care provided to an eligible client if the provider:

(a) Meets the licensing requirements of the state in which care is provided;

(b) Contracts with the department to be an enrolled provider; and

(c) Meets the same criteria for payment as in-state providers.

AMENDATORY SECTION (Amending WSR 06-13-042, filed 6/15/06, effective 7/16/06)

**WAC 388-519-0110 Spenddown of excess income for the medically needy program.** (1) The person applying for MN medical coverage chooses a three month or a six month base period for spenddown calculation. The months must be consecutive calendar months unless one of the conditions in subsection (4) of this section apply.

(2) A person's base period begins on the first day of the month of application, subject to the exceptions in subsection (4) of this section.

(3) A separate base period may be made for a retroactive period. The retroactive base period is made up of the three calendar months immediately prior to the month of application.

(4) A base period may vary from the terms in subsections (1), (2), or (3) of this section if:

(a) A three month base period would overlap a previous eligibility period; or

(b) A client is not or will not be resource eligible for the required base period; or

(c) The client is not or will not be able to meet the TANF-related or SSI-related requirement for the required base period; or

(d) The client is or will be eligible for categorically needy (CN) coverage for part of the required base period; or

(e) The client was not otherwise eligible for MN coverage for each of the months of the retroactive base period.

(5) The amount of a person's "spenddown" is calculated by the department. The MN countable income from each month of the base period is compared to the MNIL. The excess income from each of the months in the base period is

added together to determine the "spenddown" for the base period.

(6) If income varies and a person's MN countable income falls below the MNIL for one or more months, the difference is used to offset the excess income in other months of the base period. If this results in a spenddown amount of zero dollars and cents, see WAC 388-519-0100(5).

(7) Once a person's spenddown amount is known, their qualifying medical expenses are subtracted from that spenddown amount to determine the date of eligibility. The following medical expenses are used to meet spenddown:

(a) First, Medicare and other health insurance deductibles, coinsurance charges, enrollment fees, or copayments;

(b) Second, medical expenses which would not be covered by the MN program;

(c) Third, hospital expenses paid by the person during the base period;

(d) Fourth, hospital expenses, regardless of age, owed by the applying person;

(e) Fifth, other medical expenses, potentially payable by the MN program, which have been paid by the applying person during the base period; and

(f) Sixth, other medical expenses, potentially payable by the MN program which are owed by the applying person.

(8) If a person meets the spenddown obligation at the time of application, they are eligible for MN medical coverage for the remainder of the base period. The beginning date of eligibility would be determined as described in WAC 388-416-0020.

(9) If a person's spenddown amount is not met at the time of application, they are not eligible until they present evidence of additional expenses which meets the spenddown amount.

(10) To be counted toward spenddown, medical expenses must:

(a) Not have been used to meet a previous spenddown; and

(b) Not be the confirmed responsibility of a third party. The entire expense will be counted unless the third party confirms its coverage within:

(i) Forty-five days of the date of the service; or

(ii) Thirty days after the base period ends; and

(c) Meet one of the following conditions:

(i) Be an unpaid liability at the beginning of the base period and be for services for:

(A) The applying person; or

(B) A family member legally or blood-related and living in the same household as the applying person.

(ii) Be for medical services either paid or unpaid and incurred during the base period; or

(iii) Be for medical services paid and incurred during a previous base period if that client payment was made necessary due to delays in the certification for that base period.

(11) An exception to the provisions in subsection (10) of this section exists. Medical expenses the person owes are applied to spenddown even if they were paid by or are subject to payment by a publicly administered program during the base period. To qualify, the program cannot be federally funded or make the payments of a person's medical expenses from federally matched funds. The expenses do not qualify if

they were paid by the program before the first day of the base period.

(12) The following medical expenses which the person owes are applied to spenddown. Each dollar of an expense or obligation may count once against a spenddown cycle that leads to eligibility for MN coverage:

(a) Charges for services which would have been covered by the department's medical programs as described in (~~chapter 388-529~~) WAC 388-501-0060 and WAC 388-501-0065, less any confirmed third party payments which apply to the charges; and

(b) Charges for some items or services not typically covered by the department's medical programs, less any third party payments which apply to the charges. The allowable items or services must have been provided or prescribed by a licensed health care provider; and

(c) Medical insurance and Medicare copayments or coinsurance (premiums are income deductions under WAC 388-519-0100(4)); and

(d) Medical insurance deductibles including those Medicare deductibles for a first hospitalization in sixty days.

(13) Medical expenses may be used more than once if:

(a) The person did not meet their total spenddown amount and did not become eligible in that previous base period; and

(b) The medical expense was applied to that unsuccessful spenddown and remains an unpaid bill.

(14) To be considered toward spenddown, written proof of medical expenses for services rendered to the client must be presented to the department. The deadline for presenting medical expense information is thirty days after the base period ends unless good cause for delay can be documented.

(15) The medical expenses applied to the spenddown amount are the client's financial obligation and are not reimbursed by the department (see WAC 388-502-0100).

(16) Once a person meets their spenddown and they are issued a medical identification card for MN coverage, newly identified expenses cannot be considered toward that spenddown. Once the application is approved and coverage begins the beginning date of the certification period cannot be changed due to a client's failure to identify or list medical expenses.

AMENDATORY SECTION (Amending WSR 02-17-023, filed 8/9/02, effective 9/9/02)

**WAC 388-530-1000** (~~The medical assistance administration (MAA))~~ **Drug program.** (1) The (~~medical assistance administration (MAA))~~ department reimburses providers for prescription drugs and pharmaceutical supplies according to department rules and subject to the exceptions and restrictions listed in this chapter.

(2) (~~MAA~~) The department reimburses only pharmacies that:

(a) Are (~~MAA-enrolled~~) department-enrolled providers; and

(b) Meet the general requirements for providers described under WAC 388-502-0020.

(3) To be both covered and reimbursed under this chapter, prescription drugs must be:

(a) Medically necessary as defined in WAC 388-500-0005;

(b) Within the scope of coverage of an eligible client's medical assistance program. Refer to (~~chapter 388-529~~) WAC 388-501-0060 and WAC 388-501-0065 for scope of coverage information;

(c) For a medically accepted indication appropriate to the client's condition;

(d) Billed according to the conditions under WAC 388-502-0150 and 388-502-0160; and

(e) Billed according to the conditions and requirements of this chapter.

(4) Acceptance and filling of a prescription for a client eligible for a medical care program constitutes acceptance of (~~MAA's~~) the department's rules and fees. See WAC 388-502-0100 for general conditions of payment.

AMENDATORY SECTION (Amending WSR 05-02-044, filed 12/30/04, effective 1/30/05)

**WAC 388-530-1150 Noncovered drugs and pharmaceutical supplies and reimbursement limitations.** (1) The (~~medical assistance administration (MAA))~~ department does not cover:

(a) Brand or generic drugs, when the manufacturer has not signed a rebate agreement with the federal Department of Health and Human Services. Refer to WAC 388-530-1125 for information on the drug rebate program.

(b) A drug prescribed:

(i) For weight loss or gain;

(ii) For infertility, frigidity, impotency, or sexual dysfunction;

(iii) For cosmetic purposes or hair growth; or

(iv) To promote tobacco cessation, except as described in WAC 388-533-0345 (3)(d) tobacco cessation for pregnant women.

(c) Over-the-counter (OTC) drugs and supplies, except as described under WAC 388-530-1100.

(d) Prescription vitamins and mineral products, except:

(i) When prescribed for clinically documented deficiencies;

(ii) Prenatal vitamins, only when prescribed and dispensed to pregnant women; or

(iii) Fluoride preparations for children under the early and periodic screening, diagnosis, and treatment (EPSDT) program.

(e) A drug prescribed for an indication or dosing that is not evidence based as determined by:

(i) (~~MAA~~) The department in consultation with federal guidelines; or

(ii) The drug use review (DUR) board; and

(iii) (~~MAA~~) The department's medical consultants and (~~MAA~~) the department's pharmacist(s).

(f) Drugs listed in the federal register as "less-than-effective" ("DESI" drugs) or which are identical, similar, or related to such drugs.

(g) Drugs that are:

(i) Not approved by the Food and Drug Administration (FDA); or

(ii) Prescribed for non-FDA approved indications or dosing, unless prior authorized; or

(iii) Unproven for efficacy or safety.

(h) Outpatient drugs for which the manufacturer requires as a condition of sale that associated tests or monitoring services be purchased exclusively from the manufacturer or manufacturer's designee.

(i) Drugs requiring prior authorization for which ~~((MAA))~~ department authorization has been denied.

(j) Preservatives, flavoring and/or coloring agents.

(k) Less than a one-month supply of drugs for long-term therapy.

(l) A drug with an obsolete national drug code (NDC) more than two years from the date the NDC is designated obsolete by the manufacturer.

(m) Products or items that do not have an eleven-digit NDC.

(n) Nonpreferred drugs when a therapeutic equivalent is on the preferred drug list(s) (PDL), according to WAC 388-530-1100, and subject to the dispense as written (DAW) provisions of WAC 388-530-1280, and 388-530-1290.

(o) Less than a three-month supply of contraceptive patches, contraceptive rings, or oral contraceptives (excluding emergency contraceptive pills), unless otherwise directed by the prescriber.

(2) ~~((MAA))~~ The department does not reimburse enrolled providers for:

(a) Outpatient drugs, biological products, insulin, supplies, appliances, and equipment included in other reimbursement methods including, but not limited to:

(i) Diagnosis-related group (DRG);

(ii) Ratio of costs-to-charges (RCC);

(iii) Nursing facility ~~((per diem))~~ daily rate;

(iv) Managed care capitation rates;

(v) Block grants; or

(vi) Drugs prescribed for clients who are on the ~~((MAA))~~ department's hospice program when the drugs are related to the client's terminal illness and related condition(s).

(b) Any drug regularly supplied as an integral part of program activity by other public agencies (e.g., immunization vaccines for children).

(c) Prescriptions written on pre-signed prescription blanks filled out by nursing facility operators or pharmacists. ~~((MAA))~~ The department may terminate the core provider agreement of pharmacies involved in this practice.

(d) Drugs used to replace those taken from nursing facility emergency kits.

(e) Drugs used to replace a physician's stock supply.

(f) Free pharmaceutical samples.

(g) A drug product after the product's national drug code (NDC) termination date.

(h) A drug product whose shelf life has expired.

(3) ~~((MAA))~~ The department evaluates each request for authorization of a noncovered drug ((under WAC 388-530-1100(5) and under the provisions of WAC 388-501-0165)), device, or pharmaceutical supply as an exception to rule according to WAC 388-501-0160.

AMENDATORY SECTION (Amending WSR 05-12-022, filed 5/20/05, effective 6/20/05)

**WAC 388-531-1600 Bariatric surgery.** (1) The ~~((medical assistance administration (MAA)))~~ department covers medically necessary bariatric surgery for eligible clients.

(2) Bariatric surgery must be performed in a hospital with a bariatric surgery program, and the hospital must be:

(a) Located in the state of Washington or approved border cities (see WAC 388-501-0175); and

(b) Meet the requirements of WAC 388-550-2301.

(3) If bariatric surgery is requested or prescribed under the EPSDT program, ~~((MAA))~~ the department evaluates it as a covered service under EPSDT's standard of coverage that requires the service to be:

(a) Medically necessary;

(b) Safe and effective; and

(c) Not experimental.

(4) ~~((MAA))~~ The department authorizes payment for bariatric surgery and bariatric surgery-related services in three stages:

(a) Stage one—Initial assessment of client;

(b) Stage two—Evaluations for bariatric surgery and successful completion of a weight loss regimen; and

(c) Stage three—Bariatric surgery.

**Stage one—Initial assessment**

(5) Any ~~((MAA))~~ department-enrolled provider who is licensed to practice medicine in the state of Washington may examine a client requesting bariatric surgery to ascertain if the client meets the criteria listed in subsection (6) of this section.

(6) The client meets the preliminary conditions of stage one when:

(a) The client is between twenty-one and fifty-nine years of age;

(b) The client has a body mass index (BMI) of thirty-five or greater;

(c) The client is not pregnant. (Pregnancy within the first two years following bariatric surgery is not recommended. When applicable, a family planning consultation is highly recommended prior to bariatric surgery((-));

(d) The client is diagnosed with one of the following:

(i) Diabetes mellitus;

(ii) Degenerative joint disease of a major weight bearing joint(s) (the client must be a candidate for joint replacement surgery if weight loss is achieved); or

(iii) Other rare comorbid conditions (such as pseudo tumor cerebri) in which there is medical evidence that bariatric surgery is medically necessary and that the benefits of bariatric surgery outweigh the risk of surgical mortality; and

(e) The client has an absence of other medical conditions such as multiple sclerosis (MS) that would increase the client's risk of surgical mortality or morbidity from bariatric surgery.

(7) If a client meets the criteria in subsection (6) of this section, the provider must request prior authorization from ~~((MAA))~~ the department before referring the client to stage two of the bariatric surgery authorization process. The provider must attach a medical report to the request for prior authorization with supporting documentation that the client



meets the stage one criteria in subsections (5) and (6) of this section.

(8) ~~((MAA))~~ The department evaluates requests for covered services that are subject to limitations or other restrictions and approves such services beyond those limitations or restrictions when medically necessary, under the ~~((standards for covered services in))~~ provisions of WAC 388-501-0165 and WAC 388-501-0169.

**Stage two—Evaluations for bariatric surgery and successful completion of a weight loss regimen**

(9) After receiving prior authorization from ~~((MAA))~~ the department to begin stage two of the bariatric surgery authorization process, the client must:

(a) Undergo a comprehensive psychosocial evaluation performed by a psychiatrist, licensed psychiatric ARNP, or licensed independent social worker with a minimum of two years postmasters' experience in a mental health setting. Upon completion, the results of the evaluation must be forwarded to ~~((MAA))~~ the department. The comprehensive psychosocial evaluation must include:

(i) An assessment of the client's mental status or illness to:

(A) Evaluate the client for the presence of substance abuse problems or psychiatric illness which would preclude the client from participating in presurgical dietary requirements or postsurgical lifestyle changes; and

(B) If applicable, document that the client has been successfully treated for psychiatric illness and has been stabilized for at least six months and/or has been rehabilitated and is free from any drug and/or alcohol abuse and has been drug and/or alcohol free for a period of at least one year.

(ii) An assessment and certification of the client's ability to comply with the postoperative requirements such as life-long required dietary changes and regular follow-up.

(b) Undergo an internal medicine evaluation performed by an internist to assess the client's preoperative condition and mortality risk. Upon completion, the internist must forward the results of the evaluation to ~~((MAA))~~ the department.

(c) Undergo a surgical evaluation by the surgeon who will perform the bariatric surgery (see subsection (13) of this section for surgeon requirements). Upon completion, the surgeon must forward the results of the surgical evaluation to ~~((MAA))~~ the department and to the licensed medical provider who is supervising the client's weight loss regimen (refer to WAC 388-531-1600 (9)(d)(ii)).

(d) Under the supervision of a licensed medical provider, the client must participate in a weight loss regimen prior to surgery. The client must, within one hundred and eighty days from the date of ~~((MAA's))~~ the department's stage one authorization, lose at least five percent of his or her initial body weight. If the client does not meet this weight loss requirement within one hundred and eighty days from the date of ~~((MAA's))~~ the department's initial authorization, ~~((MAA))~~ the department will cancel the authorization. The client or the client's provider must reapply for prior authorization from ~~((MAA))~~ the department to restart stage two. For the purpose of this section, "initial body weight" means the client's weight at the first evaluation appointment.

(i) The purpose of the weight loss regimen is to help the client achieve the required five percent loss of initial body

weight prior to surgery and to demonstrate the client's ability to adhere to the radical and lifelong behavior changes and strict diet that are required after bariatric surgery.

(ii) The weight loss regimen must:

(A) Be supervised by a licensed medical provider who has a core provider agreement with ~~((MAA))~~ the department;

(B) Include monthly visits to the medical provider;

(C) Include counseling twice a month by a registered dietician referred to by the treating provider or surgeon; and

(D) Be at least six months in duration.

(iii) Documentation of the following requirements must be retained in the client's medical file. Copies of the documentation must be forwarded to ~~((MAA))~~ the department upon completion of stage two. ~~((MAA))~~ The department will evaluate the documentation and authorize the client for bariatric surgery if the stage two requirements were successfully completed.

(A) The provider must document the client's compliance in keeping scheduled appointments and the client's progress toward weight loss by serial weight recordings. Clients must lose at least five percent loss of initial body weight and must maintain the five percent weight loss until surgery;

(B) For diabetic clients, the provider must document the efforts in diabetic control or stabilization;

(C) The registered dietician must document the client's compliance (or noncompliance) in keeping scheduled appointments, and the client's weight loss progress;

(D) The client must keep a journal of active participation in the medically structured weight loss regimen including the activities under (d)(iii)(A), (d)(iii)(B) if appropriate, and (d)(iii)(C) of this subsection.

(10) If the client fails to complete all of the requirements of subsection (9) of this section, ~~((MAA))~~ the department will not authorize stage three—Bariatric surgery.

(11) If the client is unable to meet all of the stage two criteria, the client or the client's provider must reapply for prior authorization from ~~((MAA))~~ the department to re-enter stage two.

**Stage three—Bariatric surgery**

(12) ~~((MAA))~~ The department may withdraw authorization of payment for bariatric surgery at any time up to the actual surgery if ~~((MAA))~~ the department determines that the client is not complying with the requirements of this section.

(13) A surgeon who performs bariatric surgery for medical assistance clients must:

(a) Have a signed core provider agreement with ~~((MAA))~~ the department;

(b) Have a valid medical license in the state of Washington; and

(c) Be affiliated with a bariatric surgery program that meets the requirements of WAC 388-550-2301.

(14) For hospital requirements for stage three—Bariatric surgery, see WAC 388-530-2301.

**AMENDATORY SECTION** (Amending WSR 04-13-049, filed 6/10/04, effective 7/11/04)

**WAC 388-533-0340 Maternity support services—Noncovered services.** (1) The following are considered non-covered services under the MSS program. Any service:

- (a) Not within the scope of the program;
- (b) Not listed in WAC 388-533-0330; or
- (c) Any service provided by staff not qualified to deliver the service.

(2) ~~((MAA))~~ The department evaluates requests for services listed as noncovered under the provisions of WAC ~~((388-501-0165))~~ 388-501-0160.

AMENDATORY SECTION (Amending WSR 04-13-049, filed 6/10/04, effective 7/11/04)

**WAC 388-533-0385 Infant case management—Non-covered services.** (1) The following services are ~~((considered))~~ noncovered ~~((services))~~ under the infant case management (ICM) program:

- (a) Any direct delivery of services other than case management activities listed in WAC 388-533-0380(2); and
- (b) Any service provided by staff not qualified to deliver the service.

(2) ~~((MAA))~~ The department evaluates requests for services listed as noncovered under the provisions of WAC ~~((388-501-0165))~~ 388-501-0160.

AMENDATORY SECTION (Amending WSR 03-19-079, filed 9/12/03, effective 10/13/03)

**WAC 388-535-1265 Dental-related services not covered—Adults.** (1) The ~~((medical assistance administration (MAA)))~~ department does not cover dental-related services ~~((for adults))~~, described in subsection (2) of this section, for adults unless the services are included in ~~((an MAA waiver))~~ a department waiver program.

(2) ~~((MAA))~~ The department does not cover the following dental-related services for adults:

- (a) Any service specifically excluded by statute.
- (b) More costly services when less costly, equally effective services as determined by the department are available.
- (c) Services, procedures, treatment, devices, drugs, or application of associated services which the department or the Centers for Medicare and Medicaid Services (CMS) consider investigative or experimental on the date the services were provided.
- (d) Coronal polishing.
- (e) Fluoride treatments (gel or varnish) for adults, unless the clients are:
  - (i) Clients of the division of developmental disabilities;
  - (ii) Diagnosed with xerostomia, in which case the provider must request prior authorization; or
  - (iii) High-risk adults sixty-five and older. High-risk means the client has at least one of the following:
    - (A) Rampant root surface decay; or
    - (B) Xerostomia.
- (f) Restorations for wear on any surface of any tooth without evidence of decay through the enamel or on the root surface.
- (g) Flowable composites for interproximal or incisal restorations.
- (h) Any permanent crowns, temporary crowns, or crown post and cores.
- (i) Bridges, including abutment teeth and pontics.
- (j) Root canal services for primary teeth.

- (k) Root canal services for permanent teeth other than teeth six, seven, eight, nine, ten, eleven, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, and twenty-seven.

- (l) Pulpotomy services for permanent teeth.
- (m) Transitional or treatment dentures.
- (n) Overdentures.
- (o) Replacements for:
  - (i) Immediate maxillary or mandibular dentures;
  - (ii) Maxillary or mandibular partial dentures (resin); or
  - (iii) Complete maxillary or mandibular dentures in excess of one replacement in a ten-year period; or
  - (iv) Cast metal framework maxillary or mandibular partial dentures in excess of one replacement in a ten-year period.
- (p) Rebasement of complete and immediate dentures and partial dentures.
- (q) Adjustments of complete and immediate dentures and partial dentures.
- (r) Tooth implants, including insertion, postinsertion, maintenance, and implant removal.
- (s) Periodontal bone grafts or oral soft tissue grafts.
- (t) Gingivectomy, gingivoplasty, or frenectomy, frenoplasty and other periodontal surgical procedures.
- (u) Crown lengthening procedures.
- (v) Orthotic appliances, including but not limited to, night guards, temporomandibular joint dysfunction (TMJ/TMD) appliances, and all other mouth guards.
- (w) Any treatment of TMJ/TMD.
- (x) Extraction of:
  - (i) Asymptomatic teeth;
  - (ii) Asymptomatic wisdom teeth; and
  - (iii) Surgical extraction of anterior teeth seven, eight, nine, ten, twenty-three, twenty-four, twenty-five, or twenty-six, which are considered simple extractions and paid as such.
- (y) Alveoloplasty, alveolotomy or tori, exostosis removal.
- (z) Debridement of granuloma or cyst associated with tooth extraction.
  - (aa) Cosmetic treatment or surgery, except as prior authorized by the department for medically necessary reconstructive surgery to correct defects attributable to an accident, birth defect, or illness.
  - (bb) Nonemergent oral surgery for adults performed in an inpatient hospital setting, except:
    - (i) Nonemergent oral surgery is covered in an inpatient hospital setting for clients of the division of developmental disabilities when written prior authorization is obtained for the inpatient hospitalization; or
    - (ii) As provided in WAC 388-535-1080(4).
  - (cc) Dental supplies such as toothbrushes (manual, automatic, or electric), toothpaste, floss, or whiteners.
  - (dd) Dentist's time writing and calling in prescriptions or prescription refills.
  - (ee) Educational supplies.
  - (ff) Missed or canceled appointments.
  - (gg) Nonmedical equipment, supplies, personal or comfort items or services.
  - (hh) Provider mileage or travel costs.

- (ii) Service charges or delinquent payment fees.
- (jj) Supplies used in conjunction with an office visit.
- (kk) Take-home drugs.
- (ll) Teeth whitening.

(3) ~~((MAA))~~ The department evaluates a request for any dental-related service(s) that ~~((are not)) is listed as noncovered ((or are in excess of the dental services program's limitations or restrictions, according to WAC 388-501-0165))~~ under the provisions of WAC 388-501-0160.

(4) The department evaluates a request for a covered service in excess of the dental program's service limitations or restrictions according to the provisions of WAC 388-501-0169.

AMENDATORY SECTION (Amending WSR 05-01-064, filed 12/8/04, effective 1/8/05)

**WAC 388-535A-0040 Covered and noncovered orthodontic services and limitations to coverage.** (1) Subject to the limitations in this section and other applicable WAC, the ~~((medical assistance administration (MAA)))~~ department covers orthodontic treatment for a client who has one of the following medical conditions:

(a) Cleft lip, cleft palate, or other craniofacial anomalies when the client is treated by and receives follow-up care from a department-recognized craniofacial team for:

- (i) Cleft lip and palate, cleft palate, or cleft lip with alveolar process involvement;
- (ii) Craniofacial anomalies, including but not limited to:
  - (A) Hemifacial microsomia;
  - (B) Craniosynostosis syndromes;
  - (C) Cleidocranial dental dysplasia;
  - (D) Arthrogryposis; or
  - (E) Marfan syndrome.
- (iii) Other medical conditions with significant facial growth impact (e.g., juvenile rheumatoid arthritis (JRA)); or
- (iv) Post-traumatic, post-radiation, or post-burn jaw deformity.

(b) Other severe handicapping malocclusions, including one or more of the following:

- (i) Deep impinging overbite when lower incisors are destroying the soft tissues of the palate;
- (ii) Crossbite of individual anterior teeth when destruction of the soft tissue is present;
- (iii) Severe traumatic malocclusion (e.g., loss of a premaxilla segment by burns or by accident, the result of osteomyelitis, or other gross pathology);
- (iv) Overjet greater than 9mm with incompetent lips or reverse overjet greater than 3.5mm with reported masticatory and speech difficulties; or

(v) Medical conditions as indicated on the Washington Modified Handicapping Labiolingual Deviation (HLD) Index Score that result in a score of twenty-five or higher. On a case-by-case basis, ~~((MAA))~~ the department reviews all requests for treatment for conditions that result in a score of less than twenty-five, based on medical necessity.

(2) ~~((MAA))~~ The department may cover requests for orthodontic treatment for dental malocclusions other than those listed in subsection (1) of this section when ~~((MAA))~~

the department determines that the treatment is medically necessary.

(3) ~~((MAA))~~ The department does not cover:

- (a) Lost or broken orthodontic appliances;
- (b) Orthodontic treatment for cosmetic purposes;
- (c) Orthodontic treatment that is not medically necessary (see WAC 388-500-0005);
- (d) Out-of-state orthodontic treatment; or
- (e) Orthodontic treatment and orthodontic-related services that do not meet the requirements of this section or other applicable WAC.

(4) ~~((MAA))~~ The department covers the following orthodontic treatment and orthodontic-related services, subject to the limitations listed (providers must bill for these services according to WAC 388-535A-0060):

(a) Panoramic radiographs (X rays), once per client in a three-year period.

(b) Interceptive orthodontic treatment, once per the client's lifetime.

(c) Limited transitional orthodontic treatment, up to one year from date of original appliance placement (see subsection (5) of this section for information on limitation extensions).

(d) Comprehensive full orthodontic treatment, up to two years from the date of original appliance placement (see subsection (5) of this section for information on limitation extensions).

(e) Orthodontic appliance removal only when:

- (i) The client's appliance was placed by a different provider; and
- (ii) The provider has not furnished any other orthodontic treatment to the client.

(f) Other medically necessary orthodontic treatment and orthodontic-related services as determined by ~~((MAA))~~ the department.

(5) A request to exceed stated limitations or other restrictions on covered services is called a limitation extension (LE), which is a form of prior authorization. ~~((MAA))~~ The department evaluates and approves requests for LE for orthodontic services when medically necessary, under the provisions of WAC 388-501-0165.

(6) ~~((MAA))~~ The department evaluates a request for any orthodontic service not listed as covered in this section under the provisions of WAC ~~((388-501-0165))~~ 388-501-0160.

(7) ~~((MAA))~~ The department reviews requests for orthodontic treatment for clients who are eligible for services under the EPSDT program according to the provisions of WAC 388-534-0100.

AMENDATORY SECTION (Amending WSR 06-03-081, filed 1/12/06, effective 2/12/06)

**WAC 388-538-063 Mandatory enrollment in managed care for GAU clients.** (1) The purpose of this section is to describe the department's managed care requirement for general assistance unemployable (GAU) clients mandated by the Laws of 2003, chapter 25, section 209(15).

(2) The only sections of chapter 388-538 WAC that apply to GAU clients described in this section are incorporated by reference into this section.

(3) To receive department-paid medical care, GAU clients must enroll in a managed care plan as required by WAC 388-505-0110(7) when they reside in a county designated as a mandatory managed care plan county.

(4) GAU clients are exempt from mandatory enrollment in managed care if they:

(a) Are American Indian or Alaska Native (AI/AN); and

(b) Meet the provisions of 25 U.S.C. 1603 (c)-(d) for federally recognized tribal members and their descendants.

(5) In addition to subsection (4), the department will exempt a GAU client from mandatory enrollment in managed care or end an enrollee's enrollment in managed care in accordance with WAC 388-538-130(3) and 388-538-130(4).

(6) On a case-by-case basis, the department may grant a GAU client's request for exemption from managed care or a GAU enrollee's request to end enrollment when, in the department's judgment:

(a) The client or enrollee has a documented and verifiable medical condition; and

(b) Enrollment in managed care could cause an interruption of treatment that could jeopardize the client's or enrollee's life or health or ability to attain, maintain, or regain maximum function.

(7) The department enrolls GAU clients in managed care effective on the earliest possible date, given the requirements of the enrollment system. The department does not enroll clients in managed care on a retroactive basis.

(8) Managed care organizations (MCOs) that contract with the department to provide services for GAU clients must meet the qualifications and requirements in WAC 388-538-067 and 388-538-095 (3)(a), (b), (c), and (d).

(9) The department pays MCOs capitated premiums for GAU enrollees based on legislative allocations for the GAU program.

(10) GAU enrollees are eligible for the scope of care as described in WAC (~~388-529-0200~~) 388-501-0060 for medical care services (MCS) programs. Other scope of care provisions that apply:

(a) A client is entitled to timely access to medically necessary services as defined in WAC 388-500-0005;

(b) MCOs cover the services included in the managed care contract for GAU enrollees. MCOs may, at their discretion, cover services not required under the MCO's contract for GAU enrollees;

(c) The department pays providers on a fee-for-service basis for the medically necessary, covered medical care services not covered under the MCO's contract for GAU enrollees; and

(d) A GAU enrollee may obtain emergency services in accordance with WAC 388-538-100.

(11) The department does not pay providers on a fee-for-service basis for services covered under the MCO's contract for GAU enrollees, even if the MCO has not paid for the service, regardless of the reason. The MCO is solely responsible for payment of MCO-contracted health care services that are:

(a) Provided by an MCO-contracted provider; or

(b) Authorized by the MCO and provided by nonparticipating providers.

(12) The following services are not covered for GAU enrollees unless the MCO chooses to cover these services at no additional cost to the department:

(a) Services that are not medically necessary;

(b) Services not included in the medical care services scope of care;

(c) Services, other than a screening exam as described in WAC 388-538-100(3), received in a hospital emergency department for nonemergency medical conditions; and

(d) Services received from a nonparticipating provider requiring prior authorization from the MCO that were not authorized by the MCO.

(13) A provider may bill a GAU enrollee for noncovered services described in subsection (12), if the requirements of WAC 388-502-0160 and 388-538-095(5) are met.

(14) The grievance and appeal process found in WAC 388-538-110 applies to GAU enrollees described in this section.

(15) The hearing process found in chapter 388-02 WAC and WAC 388-538-112 applies to GAU enrollees described in this section.

AMENDATORY SECTION (Amending WSR 06-03-081, filed 1/12/06, effective 2/12/06)

**WAC 388-538-095 Scope of care for managed care enrollees.** (1) Managed care enrollees are eligible for the scope of medical care as described in WAC (~~388-529-0100~~) 388-501-0060 for categorically needy clients.

(a) A client is entitled to timely access to medically necessary services as defined in WAC 388-500-0005.

(b) The managed care organization (MCO) covers the services included in the MCO contract for MCO enrollees. MCOs may, at their discretion, cover additional services not required under the MCO contract. However, the department may not require the MCO to cover any additional services outside the scope of services negotiated in the MCO's contract with the department.

(c) The department covers medically necessary (~~cate-~~~~gorically needy~~) services described in (~~chapter 388-529~~) WAC 388-501-0060 and WAC 388-501-0065 that are excluded from coverage in the MCO contract.

(d) The department covers services through the fee-for-service system for enrollees with a primary care case management (PCCM) provider. Except for emergencies, the PCCM provider must either provide the covered services needed by the enrollee or refer the enrollee to other providers who are contracted with the department for covered services. The PCCM provider is responsible for instructing the enrollee regarding how to obtain the services that are referred by the PCCM provider. The services that require PCCM provider referral are described in the PCCM contract. The department informs enrollees about the enrollee's program coverage, limitations to covered services, and how to obtain covered services.

(e) MCO enrollees may obtain certain services from either an MCO provider or from a (~~medical assistance pro-~~~~vider with a~~) department-enrolled provider with a current core provider agreement without needing to obtain a referral from the PCP or MCO. These services are described in the

managed care contract, and are communicated to enrollees by the department and MCOs as described in (f) of this subsection.

(f) The department sends each client written information about covered services when the client is required to enroll in managed care, and any time there is a change in covered services. This information describes covered services, which services are covered by the department, and which services are covered by MCOs. In addition, the department requires MCOs to provide new enrollees with written information about covered services.

(2) For services covered by the department through PCCM contracts for managed care:

(a) The department covers medically necessary services included in the categorically needy scope of care and rendered by providers who have a current core provider agreement with the department to provide the requested service;

(b) The department may require the PCCM provider to obtain authorization from the department for coverage of nonemergency services;

(c) The PCCM provider determines which services are medically necessary;

(d) An enrollee may request a hearing for review of PCCM provider or the department coverage decisions (see WAC 388-538-110); and

(e) Services referred by the PCCM provider require an authorization number in order to receive payment from the department.

(3) For services covered by the department through contracts with MCOs:

(a) The department requires the MCO to subcontract with a sufficient number of providers to deliver the scope of contracted services in a timely manner. Except for emergency services, MCOs provide covered services to enrollees through their participating providers;

(b) The department requires MCOs to provide new enrollees with written information about how enrollees may obtain covered services;

(c) For nonemergency services, MCOs may require the enrollee to obtain a referral from the primary care provider (PCP), or the provider to obtain authorization from the MCO, according to the requirements of the MCO contract;

(d) MCOs and their providers determine which services are medically necessary given the enrollee's condition, according to the requirements included in the MCO contract;

(e) The department requires the MCO to coordinate benefits with other insurers in a manner that does not reduce benefits to the enrollee or result in costs to the enrollee;

(f) A managed care enrollee does not need a PCP referral to receive women's health care services, as described in RCW 48.42.100 from any women's health care provider participating with the MCO. Any covered services ordered and/or prescribed by the women's health care provider must meet the MCO's service authorization requirements for the specific service.

(g) For enrollees temporarily outside their MCOs service area, the MCO is required to cover enrollees for up to ninety days for emergency care and medically necessary covered benefits that cannot wait until the enrollees return to their service area.

(4) Unless the MCO chooses to cover these services, or an appeal, independent review, or a hearing decision reverses an MCO or department denial, the following services are not covered:

(a) For all managed care enrollees:

(i) Services that are not medically necessary;

(ii) Services not included in the categorically needy scope of services; and

(iii) Services, other than a screening exam as described in WAC 388-538-100(3), received in a hospital emergency department for nonemergency medical conditions.

(b) For MCO enrollees:

(i) Services received from a participating specialist that require prior authorization from the MCO, but were not authorized by the MCO; and

(ii) Services received from a nonparticipating provider that require prior authorization from the MCO that were not authorized by the MCO. All nonemergency services covered under the MCO contract and received from nonparticipating providers require prior authorization from the MCO.

(c) For PCCM enrollees, services that require a referral from the PCCM provider as described in the PCCM contract, but were not referred by the PCCM provider.

(5) A provider may bill an enrollee for noncovered services as described in subsection (4) of this section, if the requirements of WAC 388-502-0160 are met. The provider must give the original agreement to the enrollee and file a copy in the enrollee's record.

(a) The agreement must state all of the following:

(i) The specific service to be provided;

(ii) That the service is not covered by either the department or the MCO;

(iii) An explanation of why the service is not covered by the MCO or the department, such as:

(A) The service is not medically necessary; or

(B) The service is covered only when provided by a participating provider.

(iv) The enrollee chooses to receive and pay for the service; and

(v) Why the enrollee is choosing to pay for the service, such as:

(A) The enrollee understands that the service is available at no cost from a provider participating with the MCO, but the enrollee chooses to pay for the service from a provider not participating with the MCO;

(B) The MCO has not authorized emergency department services for nonemergency medical conditions and the enrollee chooses to pay for the emergency department's services rather than wait to receive services at no cost in a participating provider's office; or

(C) The MCO or PCCM has determined that the service is not medically necessary and the enrollee chooses to pay for the service.

(b) For ~~((limited English proficient))~~ enrollees with limited English proficiency, the agreement must be translated or interpreted into the enrollee's primary language to be valid and enforceable.

(c) The agreement is void and unenforceable, and the enrollee is under no obligation to pay the provider, if the service is covered by the department or the MCO as described in

subsection (1) of this section, even if the provider is not paid for the covered service because the provider did not satisfy the payor's billing requirements.

**AMENDATORY SECTION** (Amending WSR 03-21-039, filed 10/8/03, effective 11/8/03)

**WAC 388-540-130 Covered services.** (1) The ~~((medical assistance administration (MAA)))~~ department covers the following services and supplies subject to the restrictions and limitations in this section and other applicable published WAC:

- (a) In-facility dialysis;
- (b) Home dialysis;
- (c) Training for self-dialysis;
- (d) Home dialysis helpers;
- (e) Dialysis supplies;
- (f) Diagnostic lab work;
- (g) Treatment for anemia; and
- (h) Intravenous drugs.

(2) Covered services are subject to the limitations specified by ~~((MAA))~~ the department. Providers must obtain prior authorization (PA) or expedited prior authorization (EPA) before providing services that exceed specified limits in quantity, frequency or duration (refer to WAC 388-501-0165 ~~((for the PA process))~~ and WAC 388-501-0169).

**AMENDATORY SECTION** (Amending WSR 03-21-039, filed 10/8/03, effective 11/8/03)

**WAC 388-540-140 Noncovered services.** (1) The ~~((medical assistance administration (MAA)))~~ department does not reimburse kidney centers for the following:

- (a) Blood and blood products (refer to WAC 388-540-190);
- (b) Personal care items such as slippers, toothbrushes, etc.; or
- (c) Additional staff time or personnel costs. Staff time is paid through the composite rate. Home dialysis helpers are the only personnel cost paid outside the composite rate (refer to WAC 388-540-160).

(2) ~~((MAA reviews all initial requests))~~ The department evaluates a request for any service listed as noncovered ~~((services based on WAC 388-501-0165))~~ in this chapter under the provisions of WAC 388-501-0160.

**AMENDATORY SECTION** (Amending WSR 03-21-039, filed 10/8/03, effective 11/8/03)

**WAC 388-540-150 Reimbursement—General.** (1) Kidney center services described in this section are paid by one of two methods:

(a) **Composite rate payments**—This is a payment method in which all standard equipment, supplies and services are calculated into a blended rate.

(i) A single dialysis session and related services are reimbursed through a single composite rate payment (refer to WAC 388-540-160).

(ii) Composite rate payments for continuous ambulatory peritoneal dialysis (CAPD) or continuous cycling peritoneal

dialysis (CCPD) are limited to thirty-one per month for an individual client.

(iii) Composite rate payments for all other types of dialysis sessions are limited to fourteen per month for an individual client.

(b) **Noncomposite rate payments**—End-stage renal disease (ESRD) services and items covered by the ~~((medical assistance administration (MAA)))~~ department but not included in the composite rate are billed and paid separately (refer to WAC 388-540-170).

(2) **Limitation extension request**—~~((MAA))~~ The department evaluates billings for covered services that are subject to limitations or other restrictions, and approves such services beyond those limitations or restrictions when medically necessary~~((s))~~ under the ~~((standards))~~ provisions of WAC 388-501-0165 and WAC 388-501-0169.

(3) **Take-home drugs**—~~((MAA))~~ The department reimburses kidney centers for take-home drugs only when they meet the conditions described in WAC 388-540-170(1). Other drugs for at-home use must be billed by a pharmacy and be subject to ~~((MAA))~~ the department's pharmacy rules.

(4) **Medical nutrition**—Medical nutrition products must be billed by a pharmacy or a durable medical equipment (DME) provider.

(5) **Medicare eligible clients**—~~((MAA))~~ The department does not reimburse kidney centers as a primary payer for Medicare eligible clients.

#### **REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 388-501-0300	Limits on scope of medical program services.
WAC 388-529-0100	Scope of covered medical services by program.
WAC 388-529-0200	Medical services available to eligible clients.

**AMENDATORY SECTION** (Amending WSR 05-21-102, filed 10/18/05, effective 11/18/05)

**WAC 388-543-1100 Scope of coverage and coverage limitations for DME and related supplies, prosthetics, orthotics, medical supplies and related services.** The federal government deems **durable medical equipment (DME)** and related supplies, **prosthetics, orthotics, and medical supplies** as optional services under the **Medicaid** program, except when prescribed as an integral part of an approved plan of treatment under the home health program or required under the early and periodic screening, diagnosis and treatment (**EPSDT**) program. The **department** may reduce or eliminate coverage for optional services, consistent with legislative appropriations.

(1) The ~~((medical assistance administration (MAA)))~~ department covers DME and related supplies, prosthetics, orthotics, medical supplies, related services, repairs and labor charges when they are:

(a) Within the scope of an eligible client's medical care program (see ~~(chapter 388-529)~~ WAC 388-501-0060 and WAC 388-501-0065);

(b) Within accepted medical or physical medicine community standards of practice;

(c) Prior authorized as described in WAC 388-543-1600, 388-543-1800, and 388-543-1900;

(d) Prescribed by a physician, advanced registered nurse practitioner (ARNP), or physician assistant certified (PAC). Except for dual eligible Medicare/Medicaid clients, the prescription must:

(i) Be dated and signed by the prescriber;

(ii) Be less than six months in duration from the date the prescriber signs the prescription; and

(iii) State the specific item or service requested, diagnosis, estimated length of need (weeks, months, or years), and quantity;

(e) Billed to the department as the payor of last resort only. ~~((MAA))~~ The department does not pay first and then collect from Medicare and;

(f) **Medically necessary** as defined in WAC 388-500-0005. The provider or client must submit sufficient objective evidence to establish medical necessity. Information used to establish medical necessity includes, but is not limited to, the following:

(i) A physiological description of the client's disease, injury, impairment, or other ailment, and any changes in the client's condition written by the prescribing physician, ARNP, PAC, licensed prosthetist and/or orthotist, physical therapist, occupational therapist, or speech therapist; and/or

(ii) Video and/or photograph(s) of the client demonstrating the impairments as well and client's ability to use the requested equipment, when applicable.

(2) ~~((MAA))~~ The department evaluates a request for any equipment or device~~((s that are))~~ listed as noncovered in WAC 388-543-1300 under the provisions of WAC ~~((388-501-0165))~~ 388-501-0160.

(3) ~~((MAA))~~ The department evaluates a request for a service that is in a covered category, but has been determined to be experimental or investigational under WAC 388-531-0550, under the provisions of WAC 388-501-0165 ~~((which relate to medical necessity))~~.

(4) ~~((MAA))~~ The department evaluates requests for covered services in this chapter that are subject to limitations or other restrictions and approves such services beyond those limitations or restrictions ~~((when medically necessary, under the standards for covered services in))~~ under the provisions of WAC 388-501-0165 and WAC 388-501-0169.

(5) ~~((MAA))~~ The department does not reimburse for DME and related supplies, prosthetics, orthotics, medical supplies, related services, and related repairs and labor charges under **fee-for-service (FFS)** when the client is any of the following:

(a) An inpatient hospital client;

(b) Eligible for both **Medicare** and Medicaid, and is staying in a **nursing facility** in lieu of hospitalization;

(c) Terminally ill and receiving hospice care; or

(d) Enrolled in a risk-based managed care plan that includes coverage for such items and/or services.

(6) ~~((MAA))~~ The department covers medical equipment and related supplies, prosthetics, orthotics, medical supplies and related services, repairs, and labor charges listed in ~~((MAA's))~~ the department's published issuances, including Washington Administrative Code (WAC), billing instructions, and numbered memoranda.

(7) An interested party may request ~~((MAA))~~ the department to include new equipment/supplies in the billing instructions by sending a written request plus all of the following:

(a) Manufacturer's literature;

(b) Manufacturer's pricing;

(c) Clinical research/case studies (including FDA approval, if required); and

(d) Any additional information the requester feels is important.

(8) ~~((MAA))~~ The department bases the decision to purchase or rent DME for a client, or to pay for repairs to client-owned equipment on medical necessity.

(9) ~~((MAA))~~ The department covers replacement batteries for purchased medically necessary DME equipment covered within this chapter.

(10) ~~((MAA))~~ The department covers the following categories of medical equipment and supplies only when they are medically necessary, prescribed by a physician, ARNP, or PAC, are within the scope of his or her practice as defined by state law, and are subject to the provisions of this chapter and related WACs:

(a) Equipment and supplies prescribed in accordance with an approved plan of treatment under the home health program;

(b) Wheelchairs and other DME;

(c) Prosthetic/orthotic devices;

(d) Surgical/ostomy appliances and urological supplies;

(e) Bandages, dressings, and tapes;

(f) Equipment and supplies for the management of diabetes; and

(g) Other medical equipment and supplies~~((as))~~ listed in ~~((MAA))~~ department published issuances.

(11) ~~((MAA))~~ The department evaluates a **BR** item, procedure, or service for its medical appropriateness and reimbursement value on a case-by-case basis.

(12) For a client in a **nursing facility**, ~~((MAA))~~ the department covers only the following when medically necessary. All other DME and supplies identified in ~~((MAA))~~ the department's billing instructions are the responsibility of the nursing facility, in accordance with chapters 388-96 and 388-97 WAC. See also WAC 388-543-2900 (3) and (4). ~~((MAA))~~ The department covers:

(a) The purchase and repair of a speech generating device (SGD), a wheelchair for the exclusive full-time use of a permanently disabled nursing facility resident when the wheelchair is not included in the nursing facility's per diem rate, or a **specialty bed**; and

(b) The rental of a specialty bed.

(13) Vendors must provide instructions for use of equipment; therefore, instructional materials such as pamphlets and video tapes are not covered.

(14) Bilirubin lights are limited to rentals, for at-home newborns with jaundice.

AMENDATORY SECTION (Amending WSR 05-21-102, filed 10/18/05, effective 11/18/05)

**WAC 388-543-1150 Limits and limitation extensions.**

The ~~((medical assistance administration (MAA)))~~ department covers non-DME (MSE), DME, and related supplies, prosthetics, orthotics, medical supplies, and related services as described in WAC 388-543-1100(1). ~~((MAA))~~ The department limits the amount, frequency, or duration of certain covered MSE, DME, and related supplies, prosthetics, orthotics, medical supplies, and related services, and reimburses up to the stated limit without requiring prior authorization. These limits are designed to avoid the need for prior authorization for items normally considered medically necessary and for quantities sufficient for a thirty-day supply for one client. In order to exceed the stated limits, the provider must request a limitation extension (LE), which is a form of prior authorization (PA). ~~((MAA approves))~~ The department evaluates such requests for LE ~~((when medical necessary,))~~ under the ~~((standards for covered services in WAC 388-501-0165))~~ provisions of WAC 388-501-0169. Procedures for LE are found in ~~((MAA's))~~ department billing instructions. The following items and quantities do not require prior authorization; requests to exceed the stated quantities require LE:

(1) Antiseptics and germicides:

(a) Alcohol (isopropyl) or peroxide (hydrogen) - one pint per month;

(b) Alcohol wipes (box of two hundred) - one box per month;

(c) Betadine or pHisoHex solution - one pint per month;

(d) Betadine or iodine swabs/wipes (box of one hundred) - one box per month;

(e) Disinfectant spray - one twelve-ounce bottle or can per six-month period; or

(f) Periwash (when soap and water are medically contraindicated) - one five-ounce bottle of concentrate solution per six-month period.

(2) Blood monitoring/testing supplies:

(a) Replacement battery of any type, used with a client-owned, medically necessary home or specialized blood glucose monitor - one in a three-month period; and

(b) Spring-powered device for lancet - one in a six-month period.

(3) Braces, belts and supportive devices:

(a) Custom vascular supports (CVS) - two pair per six-month period. CVS fitting fee - two per six-month period;

(b) Surgical stockings (below-the-knee, above-the-knee, thigh-high, or full-length) - two pair per six-month period;

(c) Graduated compression stockings for pregnancy support (pantyhose style) - two per twelve-month period;

(d) Knee brace (neoprene, nylon, elastic, or with a hinged bar) - two per twelve-month period;

(e) Ankle, elbow, or wrist brace - two per twelve-month period;

(f) Lumbosacral brace, rib belt, or hernia belt - one per twelve-month period;

(g) Cervical head harness/halter, cervical pillow, pelvic belt/harness/boot, or extremity belt/harness - one per twelve-month period.

(4) Decubitus care products:

(a) Cushion (gel, sacroiliac, or accuback) and cushion cover (any size) - one per twelve-month period;

(b) Synthetic or lambs wool sheepskin pad - one per twelve-month period;

(c) Heel or elbow protectors - four per twelve-month period.

(5) Ostomy supplies:

(a) Adhesive for ostomy or catheter: Cement; powder; liquid (e.g., spray or brush); or paste (any composition, e.g., silicone or latex) - four total ounces per month.

(b) Adhesive or nonadhesive disc or foam pad for ostomy pouches - ten per month.

(c) Adhesive remover or solvent - three ounces per month.

(d) Adhesive remover wipes, fifty per box - one box per month.

(e) Closed pouch, with or without attached barrier, with a one- or two-piece flange, or for use on a faceplate - sixty per month.

(f) Closed ostomy pouch with attached standard wear barrier, with built-in one-piece convexity - ten per month.

(g) Continent plug for continent stoma - thirty per month.

(h) Continent device for continent stoma - one per month.

(i) Drainable ostomy pouch, with or without attached barrier, or with one- or two-piece flange - twenty per month.

(j) Drainable ostomy pouch with attached standard or extended wear barrier, with or without built-in one-piece convexity - twenty per month.

(k) Drainable ostomy pouch for use on a plastic or rubber faceplate (only one type of faceplate allowed) - ten per month.

(l) Drainable urinary pouch for use on a plastic, heavy plastic, or rubber faceplate (only one type of faceplate allowed) - ten per month.

(m) Irrigation bag - two every six months.

(n) Irrigation cone and catheter, including brush - two every six months.

(o) Irrigation supply, sleeve - one per month.

(p) Ostomy belt (adjustable) for appliance - two every six months.

(q) Ostomy convex insert - ten per month.

(r) Ostomy ring - ten per month.

(s) Stoma cap - thirty per month.

(t) Ostomy faceplate - ten per month. ~~((MAA))~~ The department does not allow the following to be used on a faceplate in combination with drainable pouches (refer to the billing instructions for further details):

(i) Drainable pouches with plastic face plate attached; or

(ii) Drainable pouches with rubber face plate.

(6) Supplies associated with client-owned transcutaneous electrical nerve stimulators (TENS):

(a) For a four-lead TENS unit - two kits per month. (A kit contains two leads, conductive paste or gel, adhesive, adhesive remover, skin preparation material, batteries, and a battery charger for rechargeable batteries.)

(b) For a two-lead TENS unit - one kit per month.



(c) TENS tape patches (for use with carbon rubber electrodes only) are allowed when they are not used in combination with a kit(s).

(d) A TENS stand alone replacement battery charger is allowed when it is not used in combination with a kit(s).

(7) Urological supplies - diapers and related supplies:

(a) The standards and specifications in this subsection apply to all disposable incontinent products (e.g., briefs, diapers, pull-up pants, underpads for beds, liners, shields, guards, pads, and undergarments). See subsections (b), (c), (d), and (e) of this section for additional standards for specific products. All of the following apply to all disposable incontinent products:

(i) All materials used in the construction of the product must be safe for the client's skin and harmless if ingested;

(ii) Adhesives and glues used in the construction of the product must not be water-soluble and must form continuous seals at the edges of the absorbent core to minimize leakage;

(iii) The padding must provide uniform protection;

(iv) The product must be hypoallergenic;

(v) The product must meet the flammability requirements of both federal law and industry standards; and

(vi) All products are covered for client personal use only.

(b) In addition to the standards in subsection (a) of this section, diapers must meet all the following specifications. They must:

(i) Be hourglass shaped with formed leg contours;

(ii) Have an absorbent filler core that is at least one-half inch from the elastic leg gathers;

(iii) Have leg gathers that consist of at least three strands of elasticized materials;

(iv) Have an absorbent core that consists of cellulose fibers mixed with absorbent gelling materials;

(v) Have a backsheet that is moisture impervious and is at least 1.00 mm thick, designed to protect clothing and linens;

(vi) Have a topsheet that resists moisture returning to the skin;

(vii) Have an inner lining that is made of soft, absorbent material; and

(viii) Have either a continuous waistband, or side panels with a tear-away feature, or refastenable tapes, as follows:

(A) For child diapers, at least two tapes, one on each side.

(B) The tape adhesive must release from the backsheet without tearing it, and permit a minimum of three fastening/unfastening cycles.

(c) In addition to the standards in subsection (a) of this section, pull-up pants and briefs must meet the following specifications. They must:

(i) Be made like regular underwear with an elastic waist or have at least four tapes, two on each side or two large tapes, one on each side;

(ii) Have an absorbent core filler that is at least one-half inch from the elastic leg gathers;

(iii) Have an absorbent core that consists of cellulose fibers mixed with absorbent gelling;

(iv) Have leg gathers that consist of at least three strands of elasticized materials;

(v) Have a backsheet that is moisture impervious, is at least 1.00 mm thick, and is designed to protect clothing and linens;

(vi) Have an inner lining made of soft, absorbent material; and

(vii) Have a top sheet that resists moisture returning to the skin.

(d) In addition to the standards in subsection (a) of this section, underpads are covered only for incontinent purposes in a client's bed and must meet the following specifications:

(i) Have an absorbent layer that is at least one and one-half inches from the edge of the underpad;

(ii) Be manufactured with a waterproof backing material;

(iii) Be able to withstand temperatures not to exceed one hundred-forty degrees Fahrenheit;

(iv) Have a covering or facing sheet that is made of non-woven, porous materials that have a high degree of permeability, allowing fluids to pass through and into the absorbent filler. The patient contact surface must be soft and durable;

(v) Have filler material that is highly absorbent. It must be heavy weight fluff filler or the equivalent; and

(vi) Have four-ply, nonwoven facing, sealed on all four sides.

(e) In addition to the standards in subsection (a) of this section, liners, shields, guards, pads, and undergarments are covered for incontinence only and must meet the following specifications:

(i) Have channels to direct fluid throughout the absorbent area, and leg gathers to assist in controlling leakage, and/or be contoured to permit a more comfortable fit;

(ii) Have a waterproof backing designed to protect clothing and linens;

(iii) Have an inner liner that resists moisture returning to the skin;

(iv) Have an absorbent core that consists of cellulose fibers mixed with absorbent gelling materials;

(v) Have pressure-sensitive tapes on the reverse side to fasten to underwear; and

(vi) For undergarments only, be contoured for good fit, have at least three elastic leg gathers, and may be belted or unbelted.

(f) ((MAA)) The department covers the products in this subsection only when they are used alone; they cannot be used in combination with each other. ((MAA)) The department approves a client's use of a combination of products only when the client uses different products for daytime and nighttime use (see ((MAA's)) department billing instructions for how to specify this when billing). The total quantity of all products in this section used in combination cannot exceed the monthly limitation for the product with the highest limit (see subsections (g), (h), (i), (j), (k), (l), and (m) of this section for product limitations). The following products cannot be used together:

(i) Disposable diapers;

(ii) Disposable pull-up pants and briefs;

(iii) Disposable liners, shields, guards, pads, and undergarments;

(iv) Rented reusable diapers (e.g., from a diaper service); and

(v) Rented reusable briefs (e.g., from a diaper service), or pull-up pants.

(g) Purchased disposable diapers (any size) are limited to:

(i) Three hundred per month for a child three to eighteen years of age; and

(ii) Two hundred forty per month for an adult nineteen years of age and older.

(h) Reusable cloth diapers (any size) are limited to:

(i) Purchased - thirty-six per year; and

(ii) Rented - two hundred forty per month.

(i) Disposable briefs and pull-up pants (any size) are limited to:

(i) Three hundred per month for a child age three to eighteen years of age; and

(ii) One hundred fifty per month for an adult nineteen years of age and older.

(j) Reusable briefs, washable protective underwear, or pull-up pants (any size) are limited to:

(i) Purchased - four per year.

(ii) Rented - one hundred fifty per month.

(k) Disposable pant liners, shields, guards, pads, and undergarments are limited to two hundred forty per month.

(l) Underpads for beds are limited to:

(i) Disposable (any size) - one hundred eighty per month.

(ii) Purchased, reusable (large) - forty-two per year.

(iii) Rented, reusable (large) - ninety per month.

(8) Urological supplies - urinary retention:

(a) Bedside drainage bag, day or night, with or without anti-reflux device, with or without tube - two per month. This cannot be billed in combination with any of the following:

(i) With extension drainage tubing for use with urinary leg bag or urostomy pouch (any type, any length), with connector/adaptor; and/or

(ii) With an insertion tray with drainage bag, and with or without catheter.

(b) Bedside drainage bottle, with or without tubing - two per six month period.

(c) Extension drainage tubing (any type, any length), with connector/adaptor, for use with urinary leg bag or urostomy pouch. This cannot be billed in combination with a vinyl urinary leg bag, with or without tube.

(d) External urethral clamp or compression device (not be used for catheter clamp) - two per twelve-month period.

(e) Indwelling catheters (any type) - three per month.

(f) Insertion trays:

(i) Without drainage bag and catheter - one hundred and twenty per month. These cannot be billed in combination with other insertion trays that include drainage bag, catheters, and/or individual lubricant packets.

(ii) With indwelling catheters - three per month. These cannot be billed in combination with: Other insertion trays without drainage bag and/or indwelling catheter; individual indwelling catheters; and/or individual lubricant packets.

(g) Intermittent urinary catheter - one hundred twenty per month. These cannot be billed in combination with: An insertion tray with or without drainage bag and catheter; or other individual intermittent urinary catheters.

(h) Irrigation syringe (bulb or piston) - cannot be billed in combination with irrigation tray or tubing.

(i) Irrigation tray with syringe (bulb or piston) - thirty per month. These cannot be billed in combination with irrigation syringe (bulb or piston), or irrigation tubing set.

(j) Irrigation tubing set - thirty per month. These cannot be billed in combination with an irrigation tray or irrigation syringe (bulb or piston).

(k) Leg straps (latex foam and fabric). Allowed as replacement only.

(l) Male external catheter, specialty type, or with adhesive coating or adhesive strip - sixty per month.

(m) Urinary suspensory with leg bag, with or without tube - two per month. This cannot be billed in combination with: a latex urinary leg bag; urinary suspensory without leg bag; extension drainage tubing; or a leg strap.

(n) Urinary suspensory without leg bag, with or without tube - two per month.

(o) Urinary leg bag, vinyl, with or without tube - two per month. This cannot be billed in combination with: A leg strap; or an insertion tray with drainage bag and without catheter.

(p) Urinary leg bag, latex - one per month. This cannot be billed in combination with an insertion tray with drainage bag and with or without catheter.

(9) Miscellaneous supplies:

(a) Bilirubin light therapy supplies - five days' supply. ~~(MAA)~~ The department reimburses only when these are provided with a prior authorized bilirubin light.

(b) Continuous passive motion (CPM) softgoods kit - one, with rental of CPM machine.

(c) Eye patch with elastic, tied band, or adhesive, to be attached to an eyeglass lens - one box of twenty.

(d) Eye patch (adhesive wound cover) - one box of twenty.

(e) Lice comb (e.g., LiceOut TM, or LiesMeister TM, or combs of equivalent quality and effectiveness) - one per year.

(f) Nontoxic gel (e.g., LiceOut TM) for use with lice combs - one bottle per twelve month period.

(g) Syringes and needles ("sharps") disposal container for home use, up to one gallon size - two per month.

(10) Miscellaneous DME:

(a) Bilirubin light or light pad - five days rental per twelve-month period.

(b) Blood glucose monitor (specialized or home) - one in a three-year period.

(c) Continuous passive motion (CPM) machine - up to ten days rental and requires prior authorization.

(d) Diaphragmatic pacing antennae - four per twelve month-period.

(e) Lightweight protective helmet/soft shell (including adjustable chin/mouth strap) - two per twelve-month period.

(f) Lightweight ventilated hard-shell helmet (including unbreakable face bar, woven chin strap w/adjustable buckle and snap fastener, and one set of cushion pads for adjusting fit to head circumference) - two per twelve-month period.

(11) Prosthetics and orthotics:

(a) Thoracic-hip-knee-ankle orthosis (THKAO) standing frame - one every five years.

(b) Preparatory, above knee "PTB" type socket, non-alignable system, pylon, no cover, SACH foot plaster socket, molded to model - one per lifetime, per limb.

(c) Preparatory, below knee "PTB" type socket, non-alignable system, pylon, no cover, SACH foot thermoplastic or equal, direct formed - one per lifetime, per limb.

(d) Socket replacement, below the knee, molded to patient model - one per twelve-month period.

(e) Socket replacement, above the knee/knee disarticulation, including attachment plate, molded to patient model - one per twelve-month period.

(12) Positioning devices:

(a) Deluxe floor sitter/feeder seat (small, medium, or large), including floor sitter wedge, shoulder harness, and hip strap - one in a three-year period.

(b) High-back activity chair, including adjustable footrest, two pairs of support blocks, and hip strap - one in a three-year period.

(c) Positioning system/supine boards (small or large), including padding, straps adjustable armrests, footboard, and support blocks - one in a five-year period.

(d) Prone stander (child, youth, infant or adult size) - one in a five-year period.

(e) Adjustable standing frame (for child/adult thirty - sixty-eight inches tall), including two padded back support blocks, a chest strap, a pelvic strap, a pair of knee blocks, an abductor, and a pair of foot blocks - one in a five-year period.

**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.

AMENDATORY SECTION (Amending WSR 05-13-038, filed 6/6/05, effective 7/7/05)

**WAC 388-544-0010 Vision care—General.** (1) The ~~((medical assistance administration (MAA)))~~ department covers ~~((the))~~ vision care ~~((listed in this chapter only,))~~ services subject to the exceptions, restrictions, and limitations listed in this chapter. Vision care is covered when ((they are)) it is:

(a) Within the scope of the eligible client's medical care program (see ~~((chapter 388-529))~~ WAC 388-501-0060 and WAC 388-501-0065); and

(b) Medically necessary as defined in WAC 388-500-0005.

(2) ~~((MAA))~~ The department evaluates a request for any service that is listed as noncovered in this chapter under the provisions of WAC 388-501-0160.

(3) ~~((MAA))~~ The department evaluates requests for covered services that are subject to limitations or other restrictions and approves such services beyond those limitations or restrictions ~~((when medically necessary,))~~ under the ~~((standards for covered services in WAC 388-501-0165))~~ provisions of WAC 388-501-0169.

(4) ~~((MAA))~~ The department evaluates a request for a service that is in a covered category, but has been determined to be experimental or investigational under WAC 388-531-0550, under the provisions of WAC 388-501-0165.

AMENDATORY SECTION (Amending WSR 05-13-038, filed 6/6/05, effective 7/7/05)

**WAC 388-544-0450 Vision care—Prior authorization.** (1) The ~~((medical assistance administration (MAA)))~~

department requires a provider to follow the prior authorization and expedited prior authorization (EPA) process for certain vision care services as identified in this chapter.

(2) For prior authorization (PA), a provider must call or send the department a fax ~~((MAA))~~ using the appropriate telephone or fax number listed in ~~((MAA's))~~ the department's published vision care billing instructions.

(3) For expedited prior authorization (EPA), a provider must create an EPA number. The process and criteria used to create this authorization number are explained in ~~((MAA's))~~ the department's published vision care billing instructions. The EPA number must be used when the provider bills ~~((MAA))~~ the department.

(4) ~~((MAA))~~ The department denies payment for vision care submitted without the required PA or EPA number, or the appropriate diagnosis or procedure code as indicated by the EPA number.

(5) Upon request, a provider must provide documentation to ~~((MAA))~~ the department showing how the client's condition met the criteria for PA or EPA.

(6) ~~((MAA))~~ The department may recoup any payment made to a provider under this chapter if ~~((MAA))~~ the department later determines that the service was not properly authorized or did not meet the EPA criteria. Refer to WAC 388-502-0100 (1)(c).

(7) When a client's situation does not meet the EPA criteria for vision care, or a requested service or item exceeds the limit indicated in this chapter, a provider must follow the requirements of WAC 388-501-0165 and WAC 388-501-0169.

(8) ~~((MAA))~~ The department evaluates a request for any service that is listed as noncovered in this chapter under the provisions of WAC 388-501-0160.

AMENDATORY SECTION (Amending WSR 00-23-068, filed 11/15/00, effective 12/16/00)

**WAC 388-544-1100 Hearing aid services—General.** (1) ~~((MAA))~~ The department covers only the hearing aid services listed in this chapter, subject to the exceptions, restrictions, and limitations listed in this chapter.

(2) ~~((MAA))~~ The department evaluates requests for covered services ~~((listed as noncovered or))~~ that are subject to limitations or other restrictions ~~((according to the provisions))~~ and approves such services beyond those limitations or restrictions as described in WAC ((388-501-0165)) 388-501-0169.

(3) ~~((MAA))~~ The department evaluates requests for any service listed as noncovered in this chapter under the provisions in WAC 388-501-0160.

(4) The department reimburses providers at the maximum allowable rates established by ~~((MAA))~~ the department.

AMENDATORY SECTION (Amending WSR 00-23-068, filed 11/15/00, effective 12/16/00)

**WAC 388-544-1400 Hearing aid services—Noncovered services.** (1) ~~((MAA))~~ The department does not cover any of the following:

(a) The purchase of batteries, ear trumpets, or tinnitus maskers;

(b) Group screenings for hearing loss, except as provided under the Healthy Kids/EPSTDT program under WAC 388-534-0100;

(c) Computer-aided hearing devices used in school;

(d) Hearing aid charges reimbursed by insurance or other payer source;

(e) Digital hearing aids; or

(f) FM systems or programmable hearing aids for:

(i) Adults;

(ii) Children when the device is used in school; or

(iii) Children whose hearing loss is adequately improved with hearing aids.

(2) ~~((MAA))~~ The department evaluates a request for any service listed in this section ~~((according to))~~ as noncovered under the provisions of WAC ((388-501-0165)) 388-501-0160.

AMENDATORY SECTION (Amending WSR 01-20-114, filed 10/3/01, effective 11/3/01)

**WAC 388-545-900 Neurodevelopmental centers.** (1) This section describes:

(a) Neurodevelopmental centers that may be reimbursed ~~((as such))~~ by the ~~((medical assistance administration (MAA)))~~ department;

(b) Clients who may receive covered services at a neurodevelopmental center; and

(c) Covered services that may be provided at and reimbursed to a neurodevelopmental center.

(2) In order to provide and be reimbursed for the services listed in subsection (4) of this section, ~~((MAA))~~ the department requires a neurodevelopmental center provider to do all of the following:

(a) Be contracted with the department of health (DOH) as a neurodevelopmental center;

(b) Provide documentation of the DOH contract to ~~((MAA))~~ the department;

(c) Sign a core provider agreement with ~~((MAA))~~ the department; and

(d) Receive a neurodevelopmental center provider number from ~~((MAA))~~ the department.

(3) Clients who are twenty years of age or younger and who meet the following eligibility criteria may receive covered services from neurodevelopmental centers:

(a) For occupational therapy, refer to WAC 388-545-300(2);

(b) For physical therapy, refer to WAC 388-545-500(2);

(c) For speech therapy and audiology services, refer to WAC 388-545-700(2); and

(d) For early and periodic screening, diagnosis and treatment (EPSTDT) screening by physicians, refer to WAC ~~((388-529-0200))~~ 388-534-0100.

(4) ~~((MAA))~~ The department reimburses neurodevelopmental centers for providing the following services to clients who meet the requirements in subsection (3) of this section:

(a) Occupational therapy services as described in WAC 388-545-300;

(b) Physical therapy services as described in WAC 388-545-500;

(c) Speech therapy and audiology services as described in WAC 388-545-700; and

(d) Specific pediatric evaluations and team conferences that are:

(i) Attended by the center's medical director; and

(ii) Identified as payable in ~~((MAA's))~~ the department's billing instructions.

(5) In order to be reimbursed, neurodevelopmental centers must meet ~~((MAA's))~~ the department's billing requirements in WAC 388-502-0020, 388-502-0100 and 388-502-0150.

AMENDATORY SECTION (Amending WSR 04-17-118, filed 8/17/04, effective 9/17/04)

**WAC 388-546-0200 Scope of coverage for ambulance transportation.** (1) The ambulance program is a medical transportation service. The medical assistance administration (MAA) pays for ambulance transportation to and from covered medical services when the transportation is:

(a) Within the scope of an eligible client's medical care program (see ~~((chapter 388-529 WAC, Scope of medical services))~~ WAC 388-501-0060);

(b) Medically necessary as defined in WAC 388-500-0005 based on the client's condition at the time of the ambulance trip and as documented in the client's record;

(c) Appropriate to the client's actual medical need; and

(d) To one of the following destinations:

(i) The nearest appropriate MAA-contracted medical provider of MAA-covered services; or

(ii) The designated trauma facility as identified in the emergency medical services and trauma regional patient care procedures manual.

(2) MAA limits coverage to medically necessary ambulance transportation that is required because the client cannot be safely or legally transported any other way. If a client can safely travel by car, van, taxi, or other means, the ambulance trip is not medically necessary and the ambulance service is not covered by MAA. See WAC 388-546-0250 (1) and (2) for noncovered ambulance services.

(3) If Medicare or another third party is the client's primary health insurer and that primary insurer denies coverage of an ambulance trip due to a lack of medical necessity, MAA requires the provider when billing MAA for that trip to:

(a) Report the third party determination on the claim; and

(b) Submit documentation showing that the trip meets the medical necessity criteria of MAA. See WAC 388-546-1000 and 388-546-1500 for requirements for nonemergency ambulance coverage.

(4) MAA covers the following ambulance transportation:

(a) Ground ambulance when the eligible client:

(i) Has an emergency medical need for the transportation;

(ii) Needs medical attention to be available during the trip; or

(iii) Must be transported by stretcher or gurney.

(b) Air ambulance when justified under the conditions of this chapter or when MAA determines that air ambulance is less costly than ground ambulance in a particular case. In the

latter case, the air ambulance transportation must be prior authorized by MAA. See WAC 388-546-1500 for nonemergency air ambulance coverage.

AMENDATORY SECTION (Amending WSR 04-17-118, filed 8/17/04, effective 9/17/04)

**WAC 388-546-0250 Ambulance services** (~~that MAA~~) **the department does not cover.** (1) The (~~medical assistance administration (MAA)~~) department does not cover ambulance services when the transportation is:

(a) Not medically necessary based on the client's condition at the time of service (see exception at WAC 388-546-1000);

(b) Refused by the client (see exception for ITA clients in WAC 388-546-4000(2));

(c) For a client who is deceased at the time the ambulance arrives at the scene;

(d) For a client who dies after the ambulance arrives at the scene but prior to transport and the ambulance crew provided minimal to no medical interventions/supplies at the scene (see WAC 388-546-0500(2));

(e) Requested for the convenience of the client or the client's family;

(f) More expensive than bringing the necessary medical service(s) to the client's location in nonemergency situations;

(g) To transfer a client from a medical facility to the client's residence (except when the residence is a nursing facility);

(h) Requested solely because a client has no other means of transportation;

(i) Provided by other than licensed ambulance providers (e.g., wheelchair vans, cabulance, stretcher cars); or

(j) Not to the nearest appropriate medical facility.

(2) If transport does not occur, (~~MAA~~) the department does not cover the ambulance service, except as provided in WAC 388-546-0500(2).

(3) (~~MAA~~) The department evaluates requests for services that are listed as noncovered in this chapter under the provisions of WAC 388-501-0160.

(4) For ambulance services that are otherwise covered under this chapter but are subject to one or more limitations or other restrictions, (~~MAA~~) the department evaluates, on a case-by-case basis, requests to exceed the specified limits or restrictions. (~~MAA~~) The department approves such requests when medically necessary, (~~in accordance with~~) according to the provisions of WAC 388-501-0165 and WAC 388-501-0169.

(5) An ambulance provider may bill a client for noncovered services as described in this section, if the requirements of WAC 388-502-0160 are met.

AMENDATORY SECTION (Amending WSR 03-02-056, filed 12/26/02, effective 1/26/03)

**WAC 388-550-2596 Services and equipment covered by** (~~MAA~~) **the department but not included in the LTAC fixed per diem rate.** (1) (~~MAA~~) The department uses the ratio of costs-to-charges (RCC) payment method to reimburse an LTAC facility for the following that are not included in the LTAC fixed per diem rate:

(a) Pharmacy - After the first two hundred dollars per day in total allowed charges for any combination of pharmacy services that includes prescription drugs, total parenteral nutrition (TPN) therapy, IV infusion therapy, and/or epogen/neupogen therapy;

(b) Radiology services;

(c) Nuclear medicine services;

(d) Computerized tomographic (CT) scan;

(e) Operating room services;

(f) Anesthesia services;

(g) Blood storage and processing;

(h) Blood administration;

(i) Other imaging services - Ultrasound;

(j) Pulmonary function services;

(k) Cardiology services;

(l) Recovery room services;

(m) EKG/ECG services;

(n) Gastro-intestinal services;

(o) Inpatient hemodialysis; and

(p) Peripheral vascular laboratory services.

(2) (~~MAA~~) The department uses the appropriate inpatient or outpatient payment method described in other published WAC to reimburse providers other than LTAC facilities for services and equipment that are covered by (~~MAA~~) the department but not included in the LTAC fixed per diem rate. The provider must bill (~~MAA~~) the department directly and (~~MAA~~) the department reimburses the provider directly.

(3) Transportation services that are related to transporting a client to and from another facility for the provision of outpatient medical services while the client is still an inpatient at the LTAC facility, or related to transporting a client to another facility after discharge from the LTAC facility:

(a) Are not covered or reimbursed through the LTAC fixed per diem rate;

(b) Are not reimbursable directly to the LTAC facility;

(c) Are subject to the provisions in chapter 388-546 WAC; and

(d) Must be billed directly to the:

(i) Department by the transportation company to be reimbursed if the client required ambulance transportation; or

(ii) Department's contracted transportation broker, subject to the prior authorization requirements and provisions described in chapter 388-546 WAC, if the client:

(A) Required nonemergent transportation; or

(B) Did not have a medical condition that required transportation in a prone or supine position.

(4) (~~MAA~~) The department evaluates requests for covered transportation services that are subject to limitations or other restrictions, and approves such services beyond those limitations or restrictions (~~when medically necessary~~) under the (~~standards~~) provisions of WAC 388-501-0165 and WAC 388-501-0169.

AMENDATORY SECTION (Amending WSR 02-15-082, filed 7/15/02, effective 8/15/02)

**WAC 388-551-2130 Noncovered home health services.** (1) (~~MAA~~) The Health and Recovery Services Administration (HRSA) does not cover the following home

health services under the home health program, unless otherwise specified:

(a) Chronic long-term care skilled nursing visits or specialized therapy visits for a medically stable client when a long-term care skilled nursing plan or specialized therapy plan is in place through the department of social and health services' aging and ~~((adult))~~ disability services administration ~~((AASA or DDD))~~ ADSA or division of developmental disabilities ~~(DDD))~~ (ADSA).

(i) ~~((MAA))~~ HRSA considers requests for interim chronic long-term care skilled nursing services or specialized therapy services for a client while the client is waiting for ~~((AASA or DDD))~~ ADSA to implement a long-term care skilled nursing plan or specialized therapy plan; and

(ii) On a case-by-case basis, ~~((MAA))~~ HRSA may authorize long-term care skilled nursing visits or specialized therapy visits for a client for a limited time until a long-term care skilled nursing plan or specialized therapy plan is in place. Any services authorized are subject to the restrictions and limitations in this section and other applicable published WACs.

(b) Social work services.

(c) Psychiatric skilled nursing services.

(d) Pre- and postnatal skilled nursing services, except as listed under WAC 388-551-2100 (2)(e).

(e) Well-baby follow-up care.

(f) Services performed in hospitals, correctional facilities, skilled nursing facilities, or a residential facility with skilled nursing services available.

(g) Home health aide services that are not provided in conjunction with skilled nursing or specialized therapy services.

(h) Health care for a medically stable client (e.g., one who does not have an acute episode, a disease exacerbation, or treatment change).

(i) Home health specialized therapies and home health aide visits for clients in the following programs:

(i) CNP - emergency medical only; and

(ii) LCP-MNP - emergency medical only.

(j) Skilled nursing visits for a client when a home health agency cannot safely meet the medical needs of that client within home health services program limitations (e.g., for a client to receive infusion therapy services, the caregiver must be willing and capable of managing the client's care).

(k) More than one of the same type of specialized therapy and/or home health aide visit per day.

(l) ~~((MAA))~~ HRSA does not reimburse for duplicate services for any specialized therapy for the same client when both providers are performing the same or similar procedure(s).

(m) Home health visits made without a written physician's order, unless the verbal order is:

(i) Documented prior to the visit; and

(ii) The document is signed by the physician within forty-five days of the order being given.

(2) ~~((MAA))~~ HRSA does not cover additional administrative costs billed above the visit rate (these costs are included in the visit rate and will not be paid separately).

(3) ~~((MAA))~~ HRSA evaluates a request for any service that is listed as noncovered under the provisions of WAC ~~((388-501-0165))~~ 388-501-0160.

AMENDATORY SECTION (Amending WSR 01-05-040, filed 2/14/01, effective 3/17/01)

**WAC 388-551-3000 Private duty nursing services for clients seventeen years of age and younger.** This section applies to private duty nursing services for eligible clients on fee-for-service programs. Managed care clients receive private duty nursing services through their plans (see chapter 388-538 WAC).

(1) **"Private duty nursing"** means four hours or more of continuous skilled nursing services provided in the home to eligible clients with complex medical needs that cannot be managed within the scope of intermittent home health services. Skilled nursing service is the management and administration of the treatment and care of the client, and may include, but is not limited to:

(a) Assessments (e.g., respiratory assessment, patency of airway, vital signs, feeding assessment, seizure activity, hydration, level of consciousness, constant observation for comfort and pain management);

(b) Administration of treatment related to technological dependence (e.g., ventilator, tracheotomy, bilevel positive airway pressure, intravenous (IV) administration of medications and fluids, feeding pumps, nasal stints, central lines);

(c) Monitoring and maintaining parameters/machinery (e.g., oximetry, blood pressure, lab draws, end tidal CO<sub>2</sub>s, ventilator settings, humidification systems, fluid balance, etc.); and

(d) Interventions (e.g., medications, suctioning, IV's, hyperalimentation, enteral feeds, ostomy care, and tracheostomy care).

(2) To be eligible for private duty nursing services, a client must meet all the following:

(a) Be seventeen years of age or younger (see chapter 388-71 WAC for information about private duty nursing services for clients eighteen years of age and older);

(b) Be eligible for categorically needy (CN) or medically needy (MN) scope of care (see WAC ~~((388-529-0100 and 388-529-0200 for client eligibility))~~ 388-501-0060 and WAC 388-501-0065);

(c) Need continuous skilled nursing care that can be provided safely outside an institution; and

(d) Have prior authorization from the department.

(3) The department contracts only with home health agencies licensed by Washington state to provide private duty nursing services and pays a rate established by the department according to current funding levels.

(4) A provider must coordinate with a division of developmental disabilities case manager and request prior authorization by submitting a complete referral to the department, which includes all of the following:

(a) The client's age, medical history, diagnosis, and current prescribed treatment plan, as developed by the individual's physician;

(b) Current nursing care plan that may include copies of current daily nursing notes that describe nursing care activities;

(c) An emergency medical plan which includes notification of electric, gas and telephone companies as well as local fire department;

(d) Psycho-social history/summary which provides the following information:

(i) Family constellation and current situation;

(ii) Available personal support systems;

(iii) Presence of other stresses within and upon the family; and

(iv) Projected number of nursing hours needed in the home, after discussion with the family or guardian.

(e) A written request from the client or the client's legally authorized representative for home care.

(5) The department approves requests for private duty nursing services for eligible clients on a case-by-case basis when:

(a) The information submitted by the provider is complete;

(b) The care provided will be based in the client's home;

(c) Private duty nursing will be provided in the most cost-effective setting;

(d) An adult family member, guardian, or other designated adult has been trained and is capable of providing the skilled nursing care;

(e) A registered or licensed practical nurse will provide the care under the direction of a physician; and

(f) Based on the referral submitted by the provider, the department determines:

(i) The services are medically necessary for the client because of a complex medical need that requires continuous skilled nursing care which can be provided safely in the client's home;

(ii) The client requires more nursing care than is available through the home health services program; and

(iii) The home care plan is safe for the client.

(6) Upon approval, the department will authorize private duty nursing services up to a maximum of sixteen hours per day except as provided in subsection (7) of this section, restricted to the least costly equally effective amount of care.

(7) The department may authorize additional hours:

(a) For a maximum of thirty days if any of the following apply:

(i) The family or guardian is being trained in care and procedures;

(ii) There is an acute episode that would otherwise require hospitalization, and the treating physician determines that noninstitutionalized care is still safe for the client;

(iii) The family or guardian caregiver is ill or temporarily unable to provide care;

(iv) There is a family emergency; or

(v) The department determines it is medically necessary.

(b) ~~((H))~~ After the department ~~((determines it is medically necessary))~~ evaluates the request according to the ~~((process explained in))~~ provisions of WAC 388-501-0165 ~~((Determination process for coverage of medical equipment and medical or dental services))~~ and WAC 388-501-0169.

(8) The department adjusts the number of authorized hours when the client's condition or situation changes.

(9) Any hours of nursing care in excess of those authorized by the department are the responsibility of the client, family or guardian.

AMENDATORY SECTION (Amending WSR 04-11-007, filed 5/5/04, effective 6/5/04)

**WAC 388-553-500 Home infusion therapy/parenteral nutrition program—Coverage, services, limitations, prior authorization, and reimbursement.** (1) The home infusion therapy/parenteral nutrition program covers the following for eligible clients, subject to the limitations and restrictions listed:

(a) Home infusion supplies, limited to one month's supply per client, per calendar month.

(b) Parenteral nutrition solutions, limited to one month's supply per client, per calendar month.

(c) One type of infusion pump, one type of parenteral pump, and/or one type of insulin pump per client, per calendar month and as follows:

(i) All rent-to-purchase infusion, parenteral, and/or insulin pumps must be new equipment at the beginning of the rental period.

(ii) ~~((MAA))~~ The department covers the rental payment for each type of infusion, parenteral, or insulin pump for up to twelve months. ~~((MAA))~~ The department considers a pump purchased after twelve months of rental payments.)

(iii) ~~((MAA))~~ The department covers only one purchased infusion pump or parenteral pump per client in a five-year period.

(iv) ~~((MAA))~~ The department covers only one purchased insulin pump per client in a four-year period.

(2) Covered supplies and equipment that are within the described limitations listed in subsection (1) of this section do not require prior authorization for reimbursement.

(3) Requests for supplies and/or equipment that exceed the limitations or restrictions listed in this section require prior authorization and are evaluated on an individual basis according to the provisions of WAC 388-501-0165 and WAC 388-501-0169.

(4) ~~((MAA's))~~ Department reimbursement for equipment rentals and purchases includes the following:

(a) Instructions to a client or a caregiver, or both, on the safe and proper use of equipment provided;

(b) Full service warranty;

(c) Delivery and pickup; and

(d) Setup, fitting, and adjustments.

(5) Except as provided in subsection (6) of this section, ~~((MAA))~~ the department does not pay separately for home infusion supplies and equipment or parenteral nutrition solutions:

(a) When a client resides in a state-owned facility (i.e., state school, developmental disabilities (DD) facility, mental health facility, Western State Hospital, and Eastern State Hospital).

(b) When a client has elected and is eligible to receive ~~((MAA's))~~ the department's hospice benefit, unless both of the following apply:

- (i) The client has a preexisting diagnosis that requires parenteral support; and
  - (ii) The preexisting diagnosis is not related to the diagnosis that qualifies the client for hospice.
- (6) ~~((MAA))~~ The department pays separately for a client's infusion pump, parenteral nutrition pump, insulin pump, solutions, and/or insulin infusion supplies when the client:
- (a) Resides in a nursing facility; and
  - (b) Meets the criteria in WAC 388-553-300.

AMENDATORY SECTION (Amending WSR 05-04-059, filed 1/28/05, effective 3/1/05)

**WAC 388-554-500 Orally administered enteral nutrition products—Coverage, limitations, and reimbursement.** (1) The enteral nutrition program covers and reimburses medically necessary orally administered enteral nutrition products, subject to:

- (a) Prior authorization requirements under WAC 388-554-700;
  - (b) Duration periods determined by the ~~((medical assistance administration (MAA)))~~ department;
  - (c) Delivery requirements under WAC 388-554-400(2); and
  - (d) The provisions in other applicable WAC.
- (2) Except as provided in subsection (3) of this section, ~~((MAA))~~ the department does not pay separately for orally administered enteral nutrition products:

(a) When a client resides in a state-owned facility (i.e., state school, developmental disabilities (DD) facility, mental health facility, Western State Hospital, and Eastern State Hospital).

(b) When a client has elected and is eligible to receive ~~((MAA's))~~ the department's hospice benefit, unless both of the following apply:

- (i) The client has a pre-existing medical condition that requires enteral nutritional support; and
- (ii) The pre-existing medical condition is not related to the diagnosis that qualifies the client for hospice.

(3) ~~((MAA))~~ The department pays separately for a client's orally administered enteral nutrition products when the client:

- (a) Resides in ~~((the))~~ a nursing facility;
  - (b) Meets the criteria in WAC 388-554-300; and
  - (c) Needs enteral nutrition products to meet one hundred percent of the client's nutritional needs.
- (4) ~~((MAA))~~ The department does not cover or ~~((reimburse))~~ pay for orally administered enteral nutrition products when the client's nutritional need can be met using traditional foods, baby foods, and other regular grocery products that can be pulverized or blenderized and used to meet the client's caloric and nutritional needs.

(5) ~~((MAA))~~ The department:

- (a) Determines reimbursement for oral enteral nutrition products according to a set fee schedule;
- (b) Considers Medicare's current fee schedule when determining maximum allowable fees;
- (c) Considers vendor rate increases or decreases as directed by the Legislature; and

(d) Evaluates and updates the maximum allowable fees for oral enteral nutrition products at least once per year.

(6) ~~((MAA))~~ The department evaluates a request for orally administered enteral nutrition products that are ~~((not covered or are))~~ in excess of the enteral nutrition program's limitations or restrictions, according to the provisions of WAC 388-501-0165 and WAC 388-501-0169.

(7) The department evaluates a request for orally administered enteral nutrition products that are listed as noncovered in this chapter according to the provisions of WAC 388-501-0160.

AMENDATORY SECTION (Amending WSR 05-04-059, filed 1/28/05, effective 3/1/05)

**WAC 388-554-600 Tube-delivered enteral nutrition products and related equipment and supplies—Coverage, limitations, and reimbursement.** (1) The enteral nutrition program covers and reimburses the following, subject to the limitations listed in this section and the provisions in other applicable WAC:

- (a) Tube-delivered enteral nutrition products;
- (b) Tube-delivery supplies;
- (c) Enteral nutrition pump rental and purchase;
- (d) Nondisposable intravenous (IV) poles required for enteral nutrition product delivery; and
- (e) Repairs to equipment.

(2) ~~((medical assistance administration (MAA)))~~ the department covers up to twelve months of rental payments for enteral nutrition equipment. After twelve months of rental, ~~((MAA))~~ the department considers the equipment ~~((to be))~~ purchased and it becomes the client's property.

(3) ~~((MAA))~~ The department requires a provider to furnish clients new or used equipment that includes full manufacturer and dealer warranties for one year.

(4) ~~((MAA))~~ The department covers only one:

- (a) Purchased pump per client in a five year period; and
- (b) Purchased nondisposable IV pole per ~~((a))~~ client for that client's lifetime.

(5) ~~((MAA's))~~ The department's reimbursement for covered enteral nutrition equipment and necessary supplies includes all of the following:

- (a) Any adjustments or modifications to the equipment that are required within three months of the date of delivery. This does not apply to adjustments required because of changes in the client's medical condition;
- (b) Fitting and set-up; and
- (c) Instruction to the client or the client's caregiver in the appropriate use of the equipment and necessary supplies.

(6) A provider is responsible for any costs incurred to have another provider repair equipment if all of the following apply:

- (a) Any equipment that ~~((MAA))~~ the department considers purchased requires repair during the applicable warranty period;
- (b) The provider is unable to fulfill the warranty; and
- (c) The client still needs the equipment.

(7) If ~~((the))~~ a rental equipment the department considers to have been purchased must be replaced during the warranty period, ~~((MAA))~~ the department recoups fifty percent of the



total amount previously paid toward rental and eventual purchase of the equipment delivered to the client. All of the following must apply:

- (a) The provider is unable to fulfill the warranty; and
- (b) The client still needs the equipment.
- (8) ~~((MAA))~~ The department rescinds any authorization for prescribed equipment if the equipment was not delivered to the client before the client:
  - (a) Loses medical eligibility;
  - (b) Becomes covered by a hospice agency and the equipment is used in the treatment of the terminal diagnosis or related condition(s);
  - (c) Becomes eligible for ~~((an MAA))~~ a department-contracted managed care plan; or
  - (d) Dies.
- (9) Except as provided in subsection (10) of this section, ~~((MAA))~~ the department does not pay separately for tube-delivered enteral nutrition products or necessary equipment or supplies when a client:
  - (a) Resides in a state-owned facility (i.e., state school, developmental disabilities (DD) facility, mental health facility, Western State Hospital, and Eastern State Hospital).
  - (b) Has elected and is eligible to receive ~~((MAA's))~~ the department's hospice benefit, unless both of the following apply:
    - (i) The client has a pre-existing medical condition that requires enteral nutritional support; and
    - (ii) The pre-existing medical condition is not related to the diagnosis that qualifies the client for hospice.
- (10) ~~((MAA))~~ The department pays separately for a client's tube-delivered enteral nutrition products and necessary equipment and supplies when:
  - (a) The client resides in ~~((the))~~ a nursing facility;
  - (b) The client meets the eligibility criteria in WAC 388-554-300; and
  - (c) Use of enteral nutrition products meets one hundred percent of the client's nutritional needs.
- (11) ~~((MAA))~~ The department determines reimbursement for tube-delivered enteral nutrition products and necessary equipment and supplies using the same criteria described in WAC 388-554-500(5).
- (12) ~~((MAA))~~ The department evaluates a request for tube-delivered enteral nutrition products and necessary equipment and supplies that are ~~((not covered or are))~~ in excess of the enteral nutrition program's limitations or restrictions, according to the provisions of WAC 388-501-0165 and WAC 388-501-0169.
- (13) The department evaluates a request for tube-delivered enteral nutrition products and necessary equipment and supplies, that are listed as noncovered in this chapter, under the provision of WAC 388-501-0160.

**AMENDATORY SECTION** (Amending WSR 01-01-009, filed 12/6/00, effective 1/6/01)

**WAC 388-556-0500 Medical care services under state-administered cash programs.** Medical care services (MCS) are state-administered medical care services provided to a client receiving cash benefits under the general assistance-unemployable (GA-U) program or the Alcohol and

Drug Addiction Treatment and Support Act (ADATSA) program. For a client eligible for MCS:

(1) The department of social and health services (DSHS) covers only the medically necessary services within the ~~((noted))~~ applicable program limitations listed in the MCS column under WAC ~~((388-529-0200))~~ 388-501-0060.

(2) DSHS does not cover medical services received outside the state of Washington unless the medical services are provided in a border area listed under WAC 388-501-0175.

**AMENDATORY SECTION** (Amending WSR 03-02-079, filed 12/30/02, effective 1/30/03)

**WAC 388-800-0045 What services are offered by ADATSA?** If you qualify for the ADATSA program you may be eligible for:

(1) Alcohol/drug treatment services and support described under WAC-388-800-0080.

(2) Shelter services as described under WAC 388-800-0130.

(3) Medical care services as described under WAC 388-556-0500 ~~((and 388-529-0200))~~, WAC 388-501-0060, and WAC 388-501-0065.

## WSR 07-01-011

### PERMANENT RULES

#### DEPARTMENT OF REVENUE

[Filed December 7, 2006, 2:41 p.m., effective January 1, 2007]

Effective Date of Rule: January 1, 2007.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: RCW 84.34.065 requires the department to annually determine a rate of interest and property tax component by rule that is published in the state register not later than the January 1 assessment date.

Purpose: To provide county assessors with the rate of interest and property tax component used in valuing farm and agricultural land classified under chapter 84.34 RCW, the open space program, during assessment year 2007.

This rule is being amended to update the interest rate and the property tax component used to value farm and agricultural land classified under chapter 84.34 RCW.

Citation of Existing Rules Affected by this Order: Amending WAC 458-30-262 Agricultural land valuation—Interest rate—Property tax component.

Statutory Authority for Adoption: RCW 84.34.065.

Other Authority: RCW 84.34.141.

Adopted under notice filed as WSR 06-20-115 on October 6, 2006.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: December 7, 2006.

Janis P. Bianchi  
Assistant Director  
Interpretations and  
Technical Advice Division

**AMENDATORY SECTION** (Amending WSR 05-24-028, filed 11/30/05, effective 1/1/06)

**WAC 458-30-262 Agricultural land valuation—Interest rate—Property tax component.** For assessment year (~~(2006)~~) 2007, the interest rate and the property tax component that are to be used to value classified farm and agricultural lands are as follows:

- (1) The interest rate is (~~(7.24)~~) 7.18 percent; and
- (2) The property tax component for each county is:

COUNTY	PERCENT	COUNTY	PERCENT
Adams	( <del>(4.32)</del> ) <u>1.28</u>	Lewis	( <del>(4.44)</del> ) <u>1.15</u>
Asotin	( <del>(4.41)</del> ) <u>1.39</u>	Lincoln	( <del>(4.32)</del> ) <u>1.29</u>
Benton	( <del>(4.32)</del> ) <u>1.28</u>	Mason	( <del>(4.28)</del> ) <u>1.24</u>
Chelan	1.33	Okanogan	( <del>(4.15)</del> ) <u>1.18</u>
Clallam	( <del>(4.40)</del> ) <u>0.99</u>	Pacific	( <del>(4.44)</del> ) <u>1.39</u>
Clark	( <del>(4.31)</del> ) <u>1.20</u>	Pend Oreille	( <del>(4.24)</del> ) <u>1.13</u>
Columbia	( <del>(4.33)</del> ) <u>1.30</u>	Pierce	( <del>(4.39)</del> ) <u>1.32</u>
Cowlitz	( <del>(4.27)</del> ) <u>1.25</u>	San Juan	( <del>(0.70)</del> ) <u>0.69</u>
Douglas	( <del>(4.38)</del> ) <u>1.33</u>	Skagit	( <del>(4.20)</del> ) <u>1.12</u>
Ferry	( <del>(0.95)</del> ) <u>0.90</u>	Skamania	( <del>(0.98)</del> ) <u>0.92</u>
Franklin	( <del>(4.49)</del> ) <u>1.38</u>	Snohomish	( <del>(4.49)</del> ) <u>1.11</u>
Garfield	( <del>(4.64)</del> ) <u>1.47</u>	Spokane	( <del>(4.54)</del> ) <u>1.44</u>
Grant	( <del>(4.44)</del> ) <u>1.37</u>	Stevens	( <del>(4.42)</del> ) <u>1.09</u>
Grays Harbor	( <del>(4.43)</del> ) <u>1.38</u>	Thurston	( <del>(4.34)</del> ) <u>1.21</u>
Island	( <del>(0.94)</del> ) <u>0.89</u>	Wahkiakum	( <del>(4.05)</del> ) <u>1.03</u>
Jefferson	( <del>(4.09)</del> ) <u>0.98</u>	Walla Walla	1.46
King	( <del>(4.08)</del> ) <u>1.04</u>	Whatcom	( <del>(4.25)</del> ) <u>1.15</u>
Kitsap	( <del>(4.21)</del> ) <u>1.07</u>	Whitman	( <del>(4.58)</del> ) <u>1.54</u>
Kittitas	( <del>(4.04)</del> ) <u>1.00</u>	Yakima	( <del>(4.27)</del> ) <u>1.22</u>
Klickitat	( <del>(4.43)</del> ) <u>1.08</u>		

**WSR 07-01-012  
PERMANENT RULES  
DEPARTMENT OF REVENUE**

[Filed December 7, 2006, 2:42 p.m., effective January 1, 2007]

Effective Date of Rule: January 1, 2007.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: RCW 84.34.310(6) requires the department to determine and publish the rate of inflation no later than January 1 of each year for use in that assessment year.

Purpose: To provide the rate of inflation used by county officials to calculate interest on deferred special benefit assessments when farm and agricultural or timber land is removed or withdrawn from classification under chapter 84.34 RCW, the open space program. Special benefit assessments for certain local improvements to farm and agricultural or timber land classified under chapter 84.34 RCW may be deferred by the land owner. If a land[owner] has chosen to defer these assessments, when the land is subsequently removed or withdrawn from classification the deferred special benefit assessment becomes due and payable with interest. WAC 458-30-590 provides the rate of inflation used in calculating the interest rate that is added to the amount of deferred special benefit assessments.

Citation of Existing Rules Affected by this Order: Amending WAC 458-30-590 Rate of inflation—Publication—Interest rate—Calculation.

Statutory Authority for Adoption: RCW 84.34.360.

Other Authority: RCW 84.34.310.

Adopted under notice filed as WSR 06-20-116 on October 4, 2006.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: December 7, 2006.

Janis P. Bianchi, Assistant Director  
Interpretations and Technical Advice Division

**AMENDATORY SECTION** (Amending WSR 05-24-119, filed 12/7/05, effective 1/1/06)

**WAC 458-30-590 Rate of inflation—Publication—Interest rate—Calculation.** (1) **Introduction.** This section sets forth the rates of inflation discussed in WAC 458-30-550. It also explains the department of revenue's obligation to annually publish a rate of inflation and the manner in which this rate is determined.

(2) **General duty of department—Basis for inflation rate.** Each year the department determines and publishes a rule establishing an annual rate of inflation. This rate of inflation is used in computing the interest that is assessed when farm and agricultural or timber land, which are exempt from special benefit assessments, is withdrawn or removed from current use classification.

(a) The rate of inflation is based upon the implicit price deflator for personal consumption expenditures calculated by the United States Department of Commerce. This rate is used

to calculate the rate of interest collected on exempt special benefit assessments.

(b) The rate is published by December 31st of each year and applies to all withdrawals or removals from farm and agricultural or timber land classification that occur the following year.

(3) **Assessment of rate of interest.** An owner of classified farm and agricultural or timber land is liable for interest on the exempt special benefit assessment. Interest accrues from the date the local improvement district is created until the land is withdrawn or removed from classification. Interest accrues and is assessed in accordance with WAC 458-30-550.

(a) Interest is assessed only for the time (years and months) the land remains classified under RCW 84.34.020 (2) or (3).

(b) If the classified land is exempt from the special benefit assessment for more than one year, the annual inflation rates are used to calculate an average rate of interest. This average is determined by adding the inflation rate for each year the classified land was exempt from the special benefit assessment after the local improvement district was created. The sum of the inflation rates is then divided by the number of years involved to determine the applicable rate of interest.

(c) **Example.** A local improvement district for a domestic water supply system was created in January 1990 and the owner used the statutory exemption provided in RCW 84.34.320. On July 1, 1997, the land was removed from the farm and agricultural classification. An average interest rate was calculated using the inflation rates for 1990 through 1997. The owner was then notified of the amount of previously exempt special benefit assessment, plus the average interest rate.

(4) **Rates of inflation.** The rates of inflation used to calculate the interest as required by WAC 458-30-550 are as follows:

YEAR	PERCENT	YEAR	PERCENT
1976	5.6	1977	6.5
1978	7.6	1979	11.3
1980	13.5	1981	10.3
1982	6.2	1983	3.2
1984	4.3	1985	3.5
1986	1.9	1987	3.7
1988	4.1	1989	4.8
1990	5.4	1991	4.2
1992	3.3	1993	2.7
1994	2.2	1995	2.3
1996	2.2	1997	2.1
1998	0.85	1999	1.42
2000	2.61	2001	1.89
2002	1.16	2003	1.84
2004	2.39	2005	2.54
<u>2006</u>	<u>3.42</u>		

**WSR 07-01-023**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Economic Services Administration)

[Filed December 8, 2006, 1:43 p.m., effective October 1, 2007]

Effective Date of Rule: October 1, 2007.

Purpose: To extend the effective date of the permanent rule filed as WSR 06-24-025 for WAC 388-419-0011 What is a midcertification review, and do I have to complete one in order to keep receiving benefits? The new effective date is October 1, 2007.

Citation of Existing Rules Affected by this Order: Amending WAC 388-418-0011.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090.

Adopted under notice filed as WSR 06-21-056 on October 16, 2006.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: December 8, 2006.

Andy Fernando, Manager  
 Rules and Policies Assistance Unit

**WSR 07-01-031**  
**PERMANENT RULES**  
**SPOKANE COUNTY AIR**  
**POLLUTION CONTROL AUTHORITY**

[Filed December 11, 2006, 2:26 p.m., effective January 11, 2007]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Items 1-2: Amend permitting regulations to exempt coffee roasters with less than or equal to ten pound maximum batch capacity from permitting requirements.

Item 3: Amend annual registration fees to achieve full program cost recovery.

Citation of Existing Rules Affected by this Order: Amending 1-2: SCAPCA Regulation I, Article IV, Section 4.02 and Article V, Section 5.02; 3: SCAPCA Regulation I, Article X, Section 10.06.

Statutory Authority for Adoption: 1-2: RCW 70.94.-380(2), 1-3: RCW 70.94.141(1).

Other Authority: 1-3: RCW 70.94.151 (1) and (2).

Adopted under notice filed as WSR 06-20-111 on October 4, 2006.

A final cost-benefit analysis is available by contacting Matt Holmquist, 1101 West College, Suite 403, Spokane, WA 99201, phone (509) 477-4727, fax (509) 477-6828, e-mail mgholmquist@scapca.org.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 7, 2006.

Matt Holmquist  
Compliance Administrator

## **AMENDATORY SECTION**

### **REGULATION I, ARTICLE V, SECTION 5.02**

#### **ARTICLE V**

#### **SECTION 5.02 NOTICE OF CONSTRUCTION (NOC) - WHEN REQUIRED**

A. A Notice of Construction application must be filed by the owner or operator and an order of approval issued by the permitting agency prior to the establishment of any new source or source categories. For purposes of this section "establishment" shall mean to "begin actual construction", as that term is defined in Article I, Section 1.04, and "new source" shall include any modification to an existing stationary source or source category, as defined in Article I, Section 1.04. Stationary sources or source categories subject to this Section include, but are not limited to, the following:

1. Stationary sources or source categories listed in Exhibit "R" of Article IV of this Regulation, except for those that are below emission thresholds listed therein or are exempted as provided in Section 5.02.P of this Regulation; or

2. Any modification to an existing stationary source or source category which results in an increase in actual emissions, except for stationary sources or source categories with actual emission increases below emission thresholds listed in Exhibit "R" of Article IV of this Regulation; or

3. Regardless of any other subsection of this section, a notice of construction application must be filed and an order of approval issued by the Authority prior to establishment of any of the stationary sources listed in Items 7 and 8 of Article IV, Exhibit "R"; or

4. a. Establishment of a new major stationary source or source category;

b. Major modifications to an existing stationary source or source category;

c. Establishment of a new major temporary stationary source or source category;

d. Major modification of a temporary stationary source or source category that is located at an existing stationary source or source category; or

5. Any modifications that require an increase either in a facility-wide emission limitation or a unit specific emission limit; or

6. Replacement of existing emissions unit(s) with new or used emissions unit(s); or

7. Restart of a stationary source or source category after "closure or shutdown", as defined in Article I, Section 1.04;

8. Relocation of an existing stationary source or source category, except as provided for in Section 5.02.H and as specified in Section 5.02.I; or

9. Location for the first time of a portable, (or temporary, if applicable) stationary source or source category operates in Spokane County.

10. Determination by the Authority that a Notice of Construction application is necessary in order to reduce the potential impact from any stationary source or source category's air emissions on: the health, safety, and/or welfare of the public, or unreasonable interference with any other property owner's use and enjoyment of his property, or damage to other property owner's property or business.

B. Stationary sources or source categories not subject to Section 5.02.A include those stationary sources or source categories listed in Sections 5.02.H, 5.02.I, 5.02.M and 5.02.N.1 of this Article.

C. The owner, operator, or their agent shall use Authority prepared and furnished application and information request forms when applying for a *Notice of Construction and Application for Approval*.

D. New source review of a modification shall be limited to the emissions unit or units proposed to be added to an existing or modified stationary source or source category and the air contaminants whose actual emissions would increase as a result of the modification. NOTE: Modification, as defined in Article I, Section 1.04 of this Regulation, does not have the same meaning as a Major Modification, defined in WAC 173-400-112 and WAC 173-400-113.

E. New stationary sources' or source categories' emission calculations shall be based on a stationary source or source categories' "potential-to-emit", as defined in Article I, Section 1.04 of this Regulation. Modified stationary source or source category emission calculations shall be based on the increase in "actual emissions", as defined in Article I Section 1.04 of this Regulation.

F. The Authority implements and enforces the requirements of WAC 173-400-114 for replacement or substantial alteration of emission control technology at an existing stationary source.

G. A separate *Notice of Construction and Application for Approval* shall be filed for each new or modified stationary source, source category, or emissions control system, unless identical units are to be constructed, installed, or established and operated in an identical manner at the same facility, except that the owner or operator has the option to file one

application for an entire facility, with a detailed inventory of stationary sources or source categories and their emissions related to that facility.

H. A *Notice of Construction and Application for Approval* is not required for construction, installation, establishment, modification, or alteration of stationary sources or source categories, comprised of equipment utilized exclusively in connection with any structure, which is designed for, and used exclusively as, a residence with not more than four dwelling units.

I. A *Notice of Construction and Application for Approval* is required for portable, (or temporary, if applicable) stationary sources or source categories, operating in accordance with Section 5.08 - the first time that it operates in Spokane County. Thereafter, each time that the portable or temporary stationary source or source category relocates and operates at a new site in Spokane County, it must apply for and obtain an approved *Notice of Intent to Install and Operate a Temporary Stationary Source* pursuant to Section 5.08.

J. A person seeking approval to construct or modify an air operating permit source, may elect to integrate review of the air operating permit application or amendment, required under RCW 70.94.161, and the *Notice of Construction and Application for Approval* required by this Article. A *Notice of Construction and Application for Approval* designated for integrated review shall be processed in accordance with the provisions in Chapter 173-401 WAC.

K. A *Notice of Construction and Application for Approval* for a major modification in a nonattainment area, or for a major stationary source in a nonattainment area, is subject to the public notice requirements of Section 5.05.

L. An applicant filing a *Notice of Construction and Application for Approval* for a project described in WAC 173-400-117(2) (Special protection requirements for Class I areas) must send a copy of the application to the responsible federal land manager.

M. De minimis emission levels (based on Potential-To-Emit), below which a new source or stationary source category, is not subject to a *Notice of Construction and Application for Approval*, are listed in Exhibit "R" of Article IV of this Regulation. De minimis emission levels (based on actual emissions increase), below which a modification of an existing stationary source or source category, is not subject to a *Notice of Construction and Application for Approval*, are listed in Exhibit "R" of Article IV of this Regulation. The owner or operator shall maintain sufficient documentation, as required by the Authority, to verify that the new or existing stationary source or source category is entitled to continued exemption under this section.

#### N. Transfer of Ownership

1. If an existing stationary source or stationary source category, with a valid Order of Approval, is transferred to new ownership per Article IV, Section 4.02.D and the stationary source category or stationary source category is unchanged by the transfer, then the existing Order of Approval is transferable to the new ownership, as written.

2. An existing Order of Approval is not transferable to a stationary source or stationary source category that is installed or established at a site where a stationary source category or stationary source category was previously located

and the business nature of the new source is different from the previous stationary source.

3. In either of the above cases, if the stationary source or stationary source category did not have a valid Order of Approval under the prior ownership, then the owner or operator of the new source or stationary source category shall apply for, and receive approval of, a *Notice of Construction* prior to commencing operation.

O. Except where Ecology is the permitting agency pursuant to WAC 173-400-141 (PSD) or Ecology's Industrial Sector has retained specific air pollution stationary sources or source categories exclusively under their jurisdiction, pursuant to RCW 70.94.422, the Authority permits, implements and enforces WAC 173-400-112 (Requirements for new sources in nonattainment areas) and WAC 173-400-113 (Requirements for new sources in attainment areas), in Spokane County.

P. The following new sources are exempt from the requirement to file a *Notice of Construction and Application for Approval*, provided that the source has registered with the Authority (as required per Regulation I, Article IV) prior to placing the source in operation:

1. Batch coffee roasters with a maximum rated capacity of 10 lbs per batch or less, unless air pollution controls are required because of documented nuisance odors or emissions.

## **AMENDATORY SECTION**

SCAPCA Regulation I, Article X, Section 10.06

### **SECTION 10.06 REGISTRATION AND OPERATING PERMIT FEES FOR AIR CONTAMINANT SOURCES**

A. Each source required by Article IV, Section 4.01 to be registered, each air operating permit source, and each source required by Article V, Section 5.02 to obtain an approved *Notice of Construction and Application for Approval* is subject to an annual fee for each calendar year, or portion of each calendar year, during which it operates. The owner or operator shall pay the fee, pursuant to the requirements in Section 10.02. Fees received pursuant to the registration program or the operating permit program shall not exceed the actual costs of program administration.

B. The annual fee for each source required by Article IV, Section 4.01 to be registered and that is not subject to Section 10.06.C of this Regulation shall be determined by adding all of the applicable fees in the current fee schedule.

1. The Board shall annually review the fee schedule for registered sources and determine if the total projected fee revenue to be collected pursuant to this Section is sufficient to fully recover program costs. Any proposed fee revisions shall include opportunity for public review and comment. Accordingly, the Authority shall account for program costs, including employee costs and overhead. If the Board determines that the total projected fee revenue is either significantly excessive or deficient for this purpose, then the Board shall amend the fee schedule to more accurately recover program costs.

((The annual fee for each source shall be determined as follows:

~~1. For sources that are not subject to Section 10.06.B.3, 4, or 5. of this Regulation and which emit less than 5 tons per year of criteria and toxic air pollutants:~~

- ~~a. a flat fee of \$160; and~~
- ~~b. a \$30 fee for each stack and other emission point, not to exceed \$600; and~~
- ~~c. an emission fee of \$20 per ton of each criteria and toxic air pollutant; and~~
- ~~d. an additional fee of \$150 for each source which operated at least one incinerator or burn out oven during the registration period; and~~
- ~~e. an additional fee of \$100 if the source is required by the Authority to submit an annual emissions inventory to the Washington Emission Data System (WEDS).~~

~~2. For sources that are not subject to Section 10.06.B.3, 4, or 5. of this Regulation and which emit 5 tons or more per year of criteria and toxic air pollutants, but less than 100 tons per year of any one criteria pollutant:~~

- ~~a. a flat fee of \$215; and~~
- ~~b. a \$30 fee for each stack and other emission point, not to exceed \$600; and~~
- ~~c. an emission fee of \$20 per ton of each criteria and toxic air pollutant; and~~
- ~~d. an additional fee of \$150 for each source which operated at least one incinerator or burn out oven during the registration period; and~~
- ~~e. an additional fee of \$100 if the source is required by the Authority to submit an annual emissions inventory to the Washington Emission Data System (WEDS).~~

~~3. For facilities, where the dispensing of gasoline is the only registered emission point, and which are not subject to Section 10.06.B.4 of this Regulation, a flat fee of \$165.)~~

$$PDRF_1 \quad_{y=2006 \Rightarrow 2015} = \frac{\text{Remaining Program Deficit}_y}{(2016 - y)} \times \frac{E_{1(y-1)}}{E_T(y-1)}$$

Where,

PDRF<sub>1</sub> is the program deficit recovery fee assessed during year "y" (from 2006-2015) to each AOP source, I, that operated during any portion of the calendar year "y";

Remaining Program Deficit<sub>y</sub> is the total cumulative funding deficit for SCAPCA's AOP program at the end of year "y";

"y" is the year, beginning in year 2006 and ending in year 2015;

E<sub>1</sub> is the total (in tons) of actual emissions from AOP source, I, during the calendar year prior to year "y" (y-1); and

E<sub>T</sub> is the sum (in tons) of the actual emissions from all AOP sources during the calendar year prior to year "y" (y-1).

Note: The program deficit recovery fee will expire in 2016 when the AOP program deficit will be zero.

e. A share of the assessment by Ecology pursuant to RCW 70.94.162(3), as determined by the following formula:

$$I = \frac{F_I \times A_E}{F_T}$$

Where,

I is the individual share of the assessment;

C. The annual fee for each air operating permit source shall be determined as follows:

~~((4))~~ 1. For sources that are subject to the air operating permit (AOP) program during any portion of the calendar year:

- a. Annual base fee of \$3,000;
- b. Emission fee of \$31.11 per ton of actual emissions from the previous calendar year;
- c. SCAPCA time fee, as determined by the following formula:

$$TF_1 = \frac{(H_I + H_G) \times RPC}{H_T}$$

Where,

TF<sub>1</sub> is the SCAPCA time fee for AOP source, I;

H<sub>I</sub> is the total SCAPCA staff hours spent on AOP source, I;

H<sub>G</sub> is the total general hours SCAPCA staff spent on the AOP program divided by the total number of sources subject to the AOP program during any portion of the calendar year;

RPC is the remaining SCAPCA AOP program cost, calculated by subtracting the sum of the Section 10.06.B.4.a and b. fees from the total SCAPCA AOP program costs; and

H<sub>T</sub> is the total number of hours SCAPCA staff spent on the AOP program, including total time spent on the AOP sources and general hours spent on the AOP program.

Note: H<sub>I</sub>, H<sub>G</sub>, H<sub>T</sub>, and RPC are for the most recent SCAPCA fiscal year.

Note: H<sub>I</sub>, H<sub>G</sub>, and H<sub>T</sub> are obtained from SCAPCA time accounting records.

d. Program deficit recovery fee, as determined by the following formula:

F<sub>1</sub> is the total individual fee assessed pursuant to Section 10.06.~~((B.4))~~C.1.a., b., c., and d. of this Regulation;

A<sub>E</sub> is the total Ecology assessment pursuant to RCW 70.94.162(3); and

F<sub>T</sub> is the sum of all the individual fees assessed pursuant to Sections 10.06.~~((B.4))~~C.1.a., b., c., and d. of this Regulation.

~~((5))~~ 2. For affected units under Section 404 of the Federal Clean Air Act (42 USC 7401 et seq):

a. A fee of \$50 per hour of time expended in carrying out the fee eligible activities specified in RCW 70.94.; and

b. A share of the assessment by Ecology pursuant to RCW 70.94.162(3), as determined by the following formula:

$$I = \frac{F_I \times A_E}{F_T}$$

Where,

I is the individual share of the assessment;

F<sub>1</sub> is the total individual fee assessed pursuant to Section 10.06.~~((B.5))~~C.2.a. of this Regulation;

A<sub>E</sub> is the total Ecology assessment pursuant to RCW 70.94.162(3); and

$F_T$  is the sum of all the individual fees assessed pursuant to Sections 10.06..~~(B-5)~~C.2.a. of this Regulation.

**Reviser's note:** The typographical errors in the above material occurred in the copy filed by the Spokane County Air Pollution Control Authority and appear in the Register pursuant to the requirements of RCW 34.08.040.

## **AMENDATORY SECTION**

### REGULATION I, ARTICLE IV, SECTION 4.02

#### ARTICLE IV

#### SECTION 4.02 GENERAL REQUIREMENTS FOR REGISTRATION

A. Registration Responsibility. The owner, operator, or a designated agent of a stationary source, shall register said stationary source, except those stationary sources exempted under Section 4.03 of this Article, using forms furnished by the Authority. The owner and operator of the stationary source are responsible for registration and for submitting accurate information.

B. Registration Information. The owner, operator, or designated agent shall register each emissions unit, including quantifiable fugitive air emissions, located at the stationary source. The owner, operator, or designated agent shall provide information to the Authority, as may be required by the Authority, concerning location, size, and height of air contaminant outlets, processes employed, nature of the air contaminant emission, and such other information, as is relevant to air pollution. The owner, operator, or designated agent shall update registration information annually, using forms provided by the Authority.

C. Signature. The owner, operator, or the designated agent for such owner or operator shall sign each registration form verifying that the information on the form is to his or her knowledge, complete and accurate.

D. Reporting requirements for transfer or change of ownership of registered stationary sources.

1. The new owner or operator, that assumes ownership and/or operational control of a registered stationary source, shall report any change of ownership or change of operator to the Authority, within ninety (90) days of completing transfer of ownership and/or assuming operational control. The new owner or operator shall report the change on "Change of Ownership Forms" provided by the Authority. The report shall contain the following information:

- a. Legal name of the company prior to transfer;
- b. Site address;
- c. Previous owner's name;
- d. New legal name of company (if different)
- e. New owner's name;
- f. New owner's mailing address;
- g. New owner's phone number;
- h. Effective date of the transfer;
- i. Description of the affected emission units; and
- j. New owner's or responsible agent's signature.

2. Any liability for fee payment, including payment of delinquent fees and other penalties shall survive any transfer of ownership of a stationary source.

E. Reporting requirements for permanent shutdown of registered stationary sources.

1. The owner or operator shall file a "Source Closure Notification Form" with the Authority within ninety (90) days after the owner or operator determines that operations, producing air contaminant emissions, have permanently ceased. The report shall contain the following information:

- a. Legal name of the company prior to closure or shutdown;
- b. Stationary source address;
- c. Effective date of the stationary source closure or emissions unit shutdown;
- d. Description of the affected emission units; and
- e. Owner's or responsible agent's signature.

2. In the event of a permanent closure, process and pollution control equipment may remain in place and on site, but shall be configured such that the equipment or processes are incapable of generating emissions to the atmosphere (e.g. disconnection of power to equipment, mechanical positioning that inhibits processing; placing of padlocks on equipment to prevent operation).

F. New Sources.

1. The owner or operator of an stationary source shall file a *Notice of Construction and Application for Approval*, in accordance with Article V of this Regulation, prior to establishing any new or modified stationary source. An approved *Notice of Construction and Application for Approval* suffices to meet the initial requirement to register the stationary source. Registration information shall be updated annually thereafter.

2. Prior to re-opening a closed stationary source, or establishing a new source at a site for which the Authority has received a "Source Closure Notification Form", the proponent shall contact the Authority for a determination as to whether a *Notice of Construction and Application for Approval* must be filed with, and approved by, the Control Officer, per the requirements of Article V of this Regulation, prior to operation.

3. An exemption from new source review under Article V of this Regulation shall not be construed as an exemption from registration under this Article. In addition, an exemption from registration under this Article shall not be construed as an exemption from any other provision of this Regulation.

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

## WSR 07-01-032

### PERMANENT RULES

### DEPARTMENT OF LICENSING

[Filed December 12, 2006, 10:12 a.m., effective February 15, 2007]

Effective Date of Rule: February 15, 2007.

Purpose: The reason for the fee change is that higher fees were being collected for conducting background searches on existing licenses to comply with the Federal Anti Terrorism and Prevention Act. The implementation of the act will be completed on February 15, 2007.

Citation of Existing Rules Affected by this Order:  
Amending WAC 308-18-150.

Statutory Authority for Adoption: Private security guards, chapter 18.170 RCW.

Other Authority: Federal Anti Terrorism and Prevention Act 2004.

Adopted under notice filed as WSR 06-21-033 on October 10, 2006.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 1, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: December 12, 2006.

Ralph Osgood  
Assistant Director

AMENDATORY SECTION (Amending WSR 05-24-121, filed 12/7/05, effective 1/9/06)

**WAC 308-18-150 Private security guard company, private security guard, and armed private security guard fees.** Licenses issued to private security guard companies and private security guards expire one year from the date of issuance and must be renewed each year. The fees are as follows:

Title of Fee	Fee
Private security guard company/principal:	
Application/includes first examination	\$ <del>(300.00)</del> <u>350.00</u>
Reexamination	25.00
License renewal	300.00
Late renewal with penalty	400.00
Change of principal/includes first examination	100.00
Principal armed endorsement	10.00
Private security guard:	
Original license	<del>(82.00)</del> <u>85.00</u>
Armed endorsement	10.00
Transfer fee	<del>(20.00)</del> <u>25.00</u>
 <u>Licensees with inactive licenses are not required to pay late renewal penalty fees.</u>	
<del>((Unarmed)) License renewal ((with current WSP*))</del>	<del>(70.00)</del> <u>55.00</u>

Title of Fee	Fee
<del>((Unarmed license renewal without current WSP*))</del>	<del>100.00</del>

Note: ~~((A current WSP means that a background check was completed by the security guard licensing unit within the last twelve months. You will be billed according to this status.))~~ License renewals without a Federal Bureau of Investigation background check will be required to pay additional background check fees.

<del>((Unarmed)) License late renewal with penalty. Late fee is not due if submitting a renewal with a transfer or rehire application.</del>	<del>((120.00))</del> <u>70.00</u>
<del>((Armed license renewal Armed license late renewal with penalty</del>	<del>40.00</del> <del>45.00))</del>
Certified trainer endorsement examination/reexamination	25.00
Certified trainer endorsement renewal	15.00
Duplicate license	10.00

**WSR 07-01-038**

**PERMANENT RULES**

**EMPLOYMENT SECURITY DEPARTMENT**

[Filed December 12, 2006, 4:44 p.m., effective January 12, 2007]

Effective Date of Rule: Thirty-one days after filing.

Purpose: 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, regulations replace the guidelines and policies. They clarify the conditions under which referral unions may participate in the program and the availability and job search requirements of individual union members.

Statutory Authority for Adoption: RCW 50.12.010, 50.12.040, 50.20.010.

Adopted under notice filed as WSR 06-18-097 on September 6, 2006.

Changes Other than Editing from Proposed to Adopted Version: The word "completed" is added to WAC 192-210-100 (4)(b) for purposes of clarification; the word "certification" is added to WAC 192-210-120 (3)(b) for consistency.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 6, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 6, Amended 0, Repealed 0.



Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 6, Amended 0, Repealed 0.

Date Adopted: November 16, 2006.

Karen T. Lee  
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 completed 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 remain-

ing 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, certification or permit or the license, certification 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 07-01-045**

##### **PERMANENT RULES DEPARTMENT OF**

##### **SOCIAL AND HEALTH SERVICES**

(Aging and Disability Services Administration)

[Filed December 14, 2006, 9:54 a.m., effective January 14, 2007]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Chapter 249, Laws of 2006 (RCW 70.128.120) requires that all prospective adult family home providers take the residential care administrator training prior to being licensed. The purpose of the new language in WAC 388-112-0270 Who must take residential care administrator training and when?, is to add this requirement.

Citation of Existing Rules Affected by this Order:  
Amending WAC 388-112-0270.

Statutory Authority for Adoption: RCW 74.08.090, 18.20.090, 70.128.040, chapter 70.128 RCW.

Other Authority: Chapter 249, Laws of 2006.

Adopted under notice filed as WSR 06-22-079 on October 31, 2006.

Changes Other than Editing from Proposed to Adopted Version: No changes have been made to proposed WAC 388-112-0270. Sections in chapter 388-112 WAC relating to CPR training and content requirements for HIV/AIDS training are being revised and are not being adopted at this time. These sections will be repropoed by the department at a later date.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or

Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: December 11, 2006.

Andy Fernando, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-15-066, filed 7/11/02, effective 8/11/02)

**WAC 388-112-0270 Who must take the forty-eight hour adult family home residential care administrator training and when? Providers licensed prior to December 31, 2006: Before operating more than one adult family home, the provider (including an entity representative as defined under chapter 388-76 WAC) must successfully complete the department approved forty-eight hour residential care administrator training.**

Prospective providers applying for a license after January 1, 2007: Before a license for an adult family home is granted, the prospective provider must successfully complete the department approved forty-eight hour residential care administrator training for adult family homes.

#### **WSR 07-01-046**

##### **PERMANENT RULES DEPARTMENT OF**

##### **SOCIAL AND HEALTH SERVICES**

(Aging and Disability Services Administration)

[Filed December 14, 2006, 9:58 a.m., effective January 14, 2007]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Revises and adopts the WACs cited below to grant administrative hearing rights to clients whose total monthly hours or residential rate is reduced as a result of a termination or reduction in an approved exception to rule.

Amending WAC 388-106-0140 What may change the maximum number of hours that I can receive for in-home personal care services?; and new WAC 388-106-0145 What may change the maximum payment rate that will be paid for residential personal care services provided to me? and 388-106-1315 Do I have a right to an administrative hearing if my total in-home personal care hours approved as an exception to rule are reduced or terminated or if my increased residential payment rate approved as an exception to rule is reduced or terminated?

Citation of Existing Rules Affected by this Order:  
Amending WAC 388-106-0140.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520, chapters 74.39 and 74.39A RCW.

Adopted under notice filed as WSR 06-21-121 on October 17, 2006.

Changes Other than Editing from Proposed to Adopted Version: No changes have been made to the proposed rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 1, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 2, Amended 1, Repealed 0.

Date Adopted: December 11, 2006.

Andy Fernando, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 05-11-082, filed 5/17/05, effective 6/17/05)

**WAC 388-106-0140** ~~What ((will))~~ may change the maximum number of hours that I can receive for in-home personal care services? The maximum number of in-home personal care hours you can receive may change:

(1) When you have a change in any of the criteria listed in WAC 388-106-0125 and/or 388-106-0130(~~the maximum hours you can receive will change~~); or

(2) Because you meet the criteria in WAC 388-440-0001, an exception to rule is approved by the department for in-home personal care hours in excess of the amount determined to be available to you by the CARE tool.

NEW SECTION

**WAC 388-106-0145** What may change the maximum payment rate that will be paid for residential personal care services provided to me? The maximum payment rate that will be paid for residential personal care services provided to you may change:

(1) When you have a change in any of the criteria listed in WAC 388-106-0115 and/or WAC 388-106-0120; or

(2) Because you meet the criteria in WAC 388-440-0001, an exception to rule is approved by the department for a payment rate for your residential personal care services in excess of the rate determined to be applicable to you by the CARE tool.

NEW SECTION

**WAC 388-106-1315** Do I have a right to an administrative hearing if my total in-home personal care hours approved as an exception to rule are reduced or termi-

**nated or if my increased residential payment rate approved as an exception to rule is reduced or terminated?** Notwithstanding WAC 388-440-0001(3), you have a right to an administrative hearing regarding the department's exception to rule decision if:

(1) You receive services in your own home, and:

(a) The total number of in-home personal care hours you are currently receiving includes in-home personal care hours approved as an exception to rule in addition to the number of in-home care hours determined to be available to you by CARE; and

(b) The total number of in-home personal care hours you are currently receiving is reduced because of a reduction or termination in the number of in-home personal care hours approved as an exception to rule.

(2) You receive services in a residential facility, and:

(a) You currently have an increased residential payment rate approved as an exception to rule; and

(b) Your increased residential payment rate that was approved as an exception to rule is reduced or terminated.

**WSR 07-01-048**  
**PERMANENT RULES**  
**OFFICE OF THE**  
**INSURANCE COMMISSIONER**

[Insurance Commissioner Matter No. R 2003-09—Filed December 14, 2006, 12:30 p.m., effective January 14, 2007]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This rule making updates the description of the internal organization and operations of the office of the insurance commissioner.

Citation of Existing Rules Affected by this Order: Repealing WAC 284-02-020 and 284-02-090; and amending WAC 284-02-010, 284-02-030, 284-02-040, 284-02-050, 284-02-060, 284-02-070, 284-02-080, and 284-02-100.

Statutory Authority for Adoption: RCW 48.02.060 and 34.05.220.

Adopted under notice filed as WSR 06-21-126 on October 18, 2006.

Changes Other than Editing from Proposed to Adopted Version: 1. WAC 284-02-010 (1)(a)(iii) *protection product guarantee providers* was included, and

2. WAC 284-02-080(4) *For all lines of insurance except property and casualty insurance and (For property and casualty insurance, see RCW 48.19.040(5)[.])* was added.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 8, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 14, 2006.

Mike Kreidler  
Insurance Commissioner

AMENDATORY SECTION (Amending Matter No. R 96-3, filed 4/10/96, effective 5/11/96)

**WAC 284-02-010 (~~Authority of~~) What are the responsibilities of the insurance commissioner(=) and the office of the insurance commissioner (OIC) staff?** The insurance commissioner is responsible for regulating the insurance industry and all persons or entities transacting insurance business in this state in the public interest. The position of insurance commissioner was established by the legislature as an independent, elective office in 1907. The insurance laws and the authority of the insurance commissioner are found in Title 48 RCW. The insurance commissioner's powers are set forth in chapter 48.02 RCW.

(1) (~~The office generally.~~ The position of insurance commissioner was established by the legislature as an independent, elective office in 1907. The insurance commissioner's powers are set forth in chapter 48.02 RCW.) **General powers and tasks.**

(a) To carry out the task of enforcing the insurance code the commissioner:

(i) May make rules and regulations governing activities under the insurance code ((consistent therewith)) (Title 48 RCW);

(ii) May conduct investigations to determine whether any person has violated any provision of the insurance code, including both informal and formal hearings;

(iii) May take action (including levying of fines and revocation of authority to transact business in this state) against an insurance company, fraternal benefit society, charitable gift annuity providers, health maintenance organization, ((a)) health care service contractor, motor vehicle service contract provider, service contract provider, protection product guarantee providers, self-funded multiple employer welfare arrangement, and ((a)) viatical settlement provider ((by revocation or suspension of its certificate of authority or certificate of registration; may fine insurance companies, fraternal benefit societies, health care service contractors, health maintenance organizations, and viatical settlement providers)); and

(iv) May issue, revoke, or suspend the licenses of insurance agents, brokers, solicitors, adjusters, ((=)) and insurance education providers, reinsurance intermediaries, viatical settlement brokers, or may fine any of them for violations of the insurance code. ((In addition;))

(b) All insurers and other companies regulated under the insurance code must meet financial, legal, and other requirements and must be licensed, registered, or certified by the OIC prior to the transaction of insurance in this state.

(c) The OIC is responsible for collecting a premium-based tax levied against insurers and other companies transacting insurance business in this state. The funds collected

from health care companies are deposited into the state's health services account. All other taxes are deposited into the state's general fund.

(d) Any person engaged in the marketing or sale of insurance in Washington must hold a license issued by the OIC. The OIC oversees the prelicensing education, testing, licensing, continuing education, and renewal of agent, broker, and solicitor licenses.

(e) Public and independent adjusters must be licensed by the OIC. The OIC is responsible for the processing of licenses, background checks, affiliations, testing, renewals, terminations, and certificates for individuals and business entities, both resident and nonresident, who act as independent or public adjusters in Washington.

(f) The OIC assists persons who have complaints about companies, agents, or other licensees of the OIC. OIC investigators follow up on consumer complaints, look into circumstances of disputes between consumers and licensees, and respond to questions.

(g) The OIC publishes and distributes consumer guides and fact sheets to help inform consumers about their choices and rights when buying and using insurance.

(2) **Orders.** The commissioner may issue a cease and desist order ((pursuant to)) based on the general enforcement powers granted by RCW 48.02.080, or ((pursuant to that section, the commissioner)) may bring an action in court to enjoin violations of the insurance code.

~~((2) Duties and responsibilities imposed by Title 48 RCW.~~

(a) The insurance code is found at Title 48 of the Revised Code of Washington. It deals largely with the commissioner's regulation of insurance companies, insurance agents, brokers, solicitors, and adjusters.

Chapter 48.29 RCW regulates the activities of title insurers and their agents. Chapter 48.36A RCW regulates fraternal societies. Agents of fraternal benefit societies are subject to the licensing requirements of chapter 48.17 RCW. Fraternal benefit societies are subject to the provisions of chapter 48.30 RCW relating to unfair trade practices, and RCW 48.36A.360 sets forth the penalties for violation of the fraternal benefit society chapter.

Chapter 48.41 RCW, entitled "Health Insurance Coverage Access Act," provides a mechanism to assure the availability of comprehensive health insurance coverage to residents of Washington who are denied adequate health insurance coverage.

Chapter 48.44 RCW regulates health care service contractors and chapter 48.46 RCW regulates health maintenance organizations, as defined therein. The regulatory powers of the insurance commissioner over health care service contractors and health maintenance organizations are similar to those over commercial insurers.

Chapter 48.56 RCW, entitled "Insurance Premium Finance Company Act," regulates premium finance companies.

Chapter 48.102 RCW regulates viatical settlement providers and viatical settlement brokers as defined therein.

(b) The insurance code contains a number of substantive provisions which relate to the rights of policyholders in general and which are enforced for their benefit by the insurance

commissioner. Those, for the most part, are contained in chapter 48.18 RCW, which is entitled "The insurance contract," and chapter 48.30 RCW, entitled "Unfair practices and frauds." Additional substantive provisions are contained in chapters of the insurance code dealing with specific lines of insurance. For example, certain standard provisions are required to be placed in an individual disability insurance contract (chapter 48.20 RCW). Similarly, substantive provisions appear in chapter 48.21 RCW, entitled "Group and blanket disability insurance," chapter 48.23 RCW, entitled "Life insurance and annuities," chapter 48.24 RCW, entitled "Group life and annuities," chapter 48.22 RCW, entitled "Casualty insurance," chapter 48.34 RCW, entitled "Credit life insurance and credit accident and health insurance," chapter 48.56 RCW, entitled "Insurance Premium Finance Company Act," chapter 48.66 RCW, entitled "Medicare Supplemental Health Insurance Act," chapter 48.84 RCW, entitled "Long-term Care Insurance Act," and chapter 48.102 RCW, entitled "Viatical settlements regulation.")

(3) ~~((Additional duties of the insurance commissioner.))~~ **SHIBA.** The OIC offers assistance statewide to consumers regarding health care insurance and health care access through its statewide health insurance benefits advisors (SHIBA) "HelpLine" program. Volunteers are trained by OIC employees to provide counseling, education, and other assistance to residents of Washington. Information about SHIBA, including how to become a SHIBA volunteer, can be found on the OIC web site (www.insurance.wa.gov).

(4) **Publication of tables for courts and appraisers.** The ((state)) insurance commissioner ((has been assigned the special duty of preparing annuity tables for calculation of the industrial insurance reserve fund (RCW 51.44.070). The commissioner must also publish for use of the state courts and appraisers,)) publishes tables showing the average expectancy of life((-)) and values of annuities and life and term estates for the use of the state courts and appraisers (RCW 48.02.160).

(5) **Copies of public documents.** Files of completed investigations, complaints against insurers or other persons or entities authorized to transact the business of insurance by the OIC, and copies of completed rate or form filings are generally available for public inspection and copying during business hours (see chapter 284-03 WAC) at the OIC's office in Tumwater, subject to other applicable law. Access by the public to information and records of the insurance commissioner is governed by chapter 284-03 WAC and the Public Records Act (chapter 42.56 RCW). Information on how to request copies of public documents is available on the OIC web site (www.insurance.wa.gov).

(6) **Web site.** The insurance commissioner maintains a web site at: www.insurance.wa.gov. Current detailed information regarding insurance, persons and entities authorized to transact insurance business in this state, consumer tips, links to Washington's insurance laws and rules, a list of publications available to the public, and other valuable information can be found on the web site.

(7) **Toll-free consumer hotline.** Members of the OIC staff respond to inquiries of consumers who telephone the agency's toll-free consumer hotline at 1-800-562-6900.

(8) **Location of offices.** The OIC's headquarters office is located in the insurance building on the state Capitol campus in Olympia. Branch offices are located in Tumwater, Seattle and Spokane. Addresses for the office locations can be found on the OIC web site (www.insurance.wa.gov) or by calling the commissioner's consumer hotline (1-800-562-6900).

(9) **Antifraud program.** Beginning in 2007, the OIC (in partnership with the Washington state patrol, county prosecutors, and the state attorney general's office) will investigate and assist in prosecuting fraudulent activities against insurance companies. Information about this program can be found on the OIC web site (www.insurance.wa.gov).

#### NEW SECTION

**WAC 284-02-023 How is the OIC organized?** The insurance commissioner is elected by popular vote every four years. The commissioner is assisted by a chief deputy insurance commissioner. The agency is divided into three line divisions, with four smaller divisions providing direct support. The line divisions are: Company supervision, consumer protection, and rates and forms. The support divisions are: Operations, legal affairs, public affairs, legislation, and policy. An up-to-date agency organizational chart can be requested from the OIC.

#### NEW SECTION

**WAC 284-02-025 How is the OIC funded?** The operations of the OIC are funded by a special assessment paid by all insurance companies based on the amount of insurance business they transact in Washington.

**AMENDATORY SECTION** (Amending Matter No. R 96-3, filed 4/10/96, effective 5/11/96)

**WAC 284-02-030 ((Obtaining)) How can service of process over foreign and alien insurers((-)) be made?** (1) Although domestic insurers are served with legal process personally, the insurance commissioner is the party on whom service of process ((should)) must be made on all foreign and alien insurers, whether authorized to transact business in this state or not. The exact procedures are set forth in the applicable statutes.

(a) Service of process against authorized foreign and alien insurers, other than surplus line insurers, must be made ((pursuant)) according to the requirements of RCW 48.05.200 and 48.05.210. RCW 48.05.220 specifies the proper venue for such actions.

(b) Service of process against surplus line insurers can be made on the commissioner((-pursuant to)) by following the procedures set forth in RCW 48.05.215 and 48.15.150. (A surplus lines insurer markets coverage which cannot be procured in the ordinary market from authorized insurers.)

(c) Service of process against other unauthorized insurers may be made on the commissioner((-pursuant to)) based on the procedures set forth in RCW 48.05.215.

(d) The commissioner is not authorized to accept service of process on domestic or foreign health care service contractors or health maintenance organizations.

(2) Where service of process against a foreign or alien insurer is made through service upon the commissioner (~~((pursuant to))~~) according to the requirements of RCW 48.05.210 or 48.05.215), against a nonresident agent or broker (~~((pursuant to))~~) RCW 48.17.340), or against a viatical settlement provider or broker (~~((pursuant to))~~) chapter 48.102 RCW or chapter 284-97 WAC), (~~((such))~~) this service (~~((shall))~~) must be made by personal service at, or by registered mail sent to, the (~~(Olympia, Washington,))~~ Tumwater office of the insurance commissioner only, and (~~((shall))~~) must otherwise comply with the requirements of the applicable statute.

(3) Service upon (~~(a branch))~~) any location other than the Tumwater office of the (~~(commissioner))~~) OIC is not permissible and will not be accepted. (~~((Pursuant to))~~)

(4) As authorized by RCW 1.12.060, whenever the use of "registered" mail is called for, "certified" mail with return receipt requested may be used.

AMENDATORY SECTION (Amending Matter No. R 96-3, filed 4/10/96, effective 5/11/96)

**WAC 284-02-040 Where can information about applying for a license as agent, adjuster, broker, or solicitor(=) be found?** The requirements for licensing are generally found in chapter 48.17 RCW.

(1) Licensing requirements and instructions for obtaining a license as an insurance agent, adjuster, broker or solicitor, (~~((=))~~) as a viatical settlement broker, or for any other license required for the transaction of the business of insurance under Title 48 RCW may be obtained from the OIC's licensing section (~~((of the investigations and enforcement division))~~).

(2) The OIC web site includes forms and instructions for applicants at: www.insurance.wa.gov.

AMENDATORY SECTION (Amending Matter No. R 96-3, filed 4/10/96, effective 5/11/96)

**WAC 284-02-050 Where can information and applications for admission as an authorized insurer, fraternal benefit society, health care service contractor, health maintenance organization, ((=)) viatical settlement provider(=), and for other entities required to be authorized to transact the business of insurance be found?** (1) A (~~((check list))~~) checklist of documents required for an application for admission is available from the company supervision division. The statutory requirements are contained in chapter 48.05 RCW (all insurance companies); chapter 48.06 RCW (domestic companies); chapter 48.07 RCW (domestic stock companies); chapter 48.09 RCW (mutual companies); chapter 48.10 RCW (reciprocal companies); chapter 48.36A RCW (fraternal benefit societies); chapter 48.102 RCW (viatical settlement providers); chapter 48.44 RCW (health care service contractors), (~~((and))~~) chapter 48.46 RCW (health maintenance organizations) and chapter 48.125 RCW (self-funded multiple employer welfare arrangements).

(2) Capital and surplus requirements for stock insurance companies are contained in RCW 48.05.340.

(3) The OIC web site includes forms and instructions for applicants at: www.insurance.wa.gov.

AMENDATORY SECTION (Amending Matter No. R 96-3, filed 4/10/96, effective 5/11/96)

**WAC 284-02-060 Where can information regarding filing a complaint against a company, agent, broker, solicitor, ((=)) adjuster(=), or other person or entity authorized by the OIC be found?** (1) A complaint or grievance against (~~((an insurance company, fraternal benefit society, viatical settlement provider, health care service contractor, health maintenance organization, agent, broker, solicitor, adjuster, or viatical settlement broker))~~) a person or entity authorized to transact the business of insurance under Title 48 RCW may be filed with the (~~((insurance commissioner))~~) OIC. The (~~((insurance commissioner))~~) complainant should (~~((be supplied with))~~) supply as many facts as possible to assist the OIC in the investigation of the complaint. (~~((This))~~) Complaints should include: The correct name of the insurance company or other entity issuing the policy or contract; the policy (~~((and/or))~~) number; the claim number; the name of the agent, broker, solicitor, adjuster, (~~((=))~~) viatical settlement broker, or any other person or entity offering to sell you insurance or to settle your claim; the date of loss or the date of the company's or other licensee's action; and a complete explanation of the loss or other problem.

(2) A form (~~((to))~~) that can be used (~~((in making))~~) to make a complaint may be requested from the OIC by telephone (~~((from one of the insurance commissioner's offices))~~) or can be found on the OIC web site (www.insurance.wa.gov). Use of (~~((such))~~) this form may be helpful in organizing the information, but its use is not required.

(3) If personal medical information is provided to the OIC, the OIC's medical release form must be signed and submitted by the appropriate person.

AMENDATORY SECTION (Amending Matter No. R 96-3, filed 4/10/96, effective 5/11/96)

**WAC 284-02-070 ~~((Hearings of the insurance commissioner))~~ How does the OIC conduct hearings?** (1) Generally.

(a) Hearings of the (~~((insurance commissioner's office))~~) OIC are conducted according to chapter 48.04 RCW and the Administrative Procedure Act (chapter 34.05 RCW). Two types of hearings are conducted: Rule-making hearings and adjudicative proceedings or contested case hearings(~~((the latter including))~~). Contested case hearings include appeals from disciplinary actions taken by the commissioner.

(b) How to demand or request a hearing. Under RCW 48.04.010 the commissioner is required to hold a hearing upon demand by any person aggrieved by any act, threatened act, or failure of the commissioner to act, if (~~((such))~~) the failure is deemed an act under the insurance code(~~((or by))~~) or the Administrative Procedure Act.

(i) Hearings can be demanded by an aggrieved person based on any report, promulgation, or order of the commissioner (~~((other than an order on a hearing of which such person was given actual notice or at which such person appeared as a party, or order pursuant to the order on such hearing))~~).

(ii) Requests for hearings must be (~~((made))~~) in writing and delivered to the (~~((commissioner at the commissioner's Olympia office,))~~) Tumwater office of the OIC. The request

must specify how the person making the demand has been aggrieved by the commissioner, and must specify the grounds to be relied upon as the basis for the relief sought.

~~((b))~~ Files of completed investigations, complaints against insurers, and rate or contract filings maintained by the commissioner are generally available for public inspection and copying during business hours (see chapter 284-03 WAC), subject to other applicable law.)

(c) Accommodation will be made for persons needing assistance, for example, where English is not their primary language, or for hearing impaired persons.

**(2) Proceedings for contested cases or adjudicative ~~((proceedings))~~ hearings.**

(a) Provisions specifically relating to disciplinary action taken against ~~((insurance agents, brokers, solicitors, adjusters, or viatical settlement brokers))~~ persons or entities authorized by the OIC to transact the business of insurance are contained in RCW 48.17.530, 48.17.540, 48.17.550, 48.17.560 ~~((and)),~~ chapter 48.102 RCW, and other chapters related to specific licenses. Provisions applicable to other adjudicative proceedings are contained in chapter 48.04 RCW and the Administrative Procedure Act (chapter 34.05 RCW). The uniform rules of practice and procedure appear in Title 10 of the Washington Administrative Code. The grounds for disciplinary action against insurance agents, brokers, solicitors, and adjusters are contained in RCW 48.17.530; grounds for similar action against insurance companies are contained in RCW 48.05.140; grounds for actions against fraternal benefit societies are found at RCW 48.36A.300 (domestic) and RCW 48.36A.310 (foreign); grounds for actions against viatical settlement providers are found in chapter 48.102 RCW; grounds for actions against health care service contractors are contained in RCW 48.44.160; and grounds for action against health maintenance organizations are contained in RCW 48.46.130. ~~((These statutes provide that))~~ Grounds for actions against other persons or entities authorized by the OIC under Title 48 RCW are found in the chapters of Title 48 RCW applicable to those licenses.

~~((a))~~ The insurance commissioner may suspend or revoke ~~((a licensee's))~~ any license, ~~((or the))~~ certificate of authority, or registration ~~((of an insurer, fraternal benefit society, viatical settlement provider, health care service contractor, or health maintenance organization))~~ issued by the OIC. In addition, the commissioner may generally levy fines against ~~((those licensees and))~~ any persons or organizations having been authorized by the OIC.

~~((b))~~ (c) Adjudicative proceedings or contested case hearings of the insurance commissioner are informal in nature, and compliance with the formal rules of pleading and evidence is not required.

(i) The insurance commissioner may delegate the authority to hear and determine the matter and enter the final order ~~((pursuant to))~~ under RCW 48.02.100 and 34.05.461 to a presiding officer; or may ~~((utilize))~~ use the services of an administrative law judge in accordance with chapter 34.12 RCW and the Administrative Procedure Act (chapter 34.05 RCW). The initial order of an administrative law judge will not become a final order without the commissioner's review (RCW 34.05.464).

(ii) The hearing will be recorded by any method chosen by the presiding officer. Except as required by law, the ~~((commissioner's office))~~ OIC is not required, at its expense, to prepare a transcript. Any party, at the party's expense, may cause a reporter approved by the ~~((commissioner))~~ presiding officer to prepare a transcript from the agency's record, or cause additional recordings to be made during the hearing if, in the opinion of the presiding officer, the making of the additional recording does not cause distraction or disruption. If appeal from the insurance commissioner's order is made to the superior court, the recording of the hearing will be transcribed~~((;))~~ and certified to the court.

(iii) The insurance commissioner or the presiding officer may allow any person affected by the hearing to be present during the giving of all testimony and will allow the aggrieved person a reasonable opportunity to inspect all documentary evidence, to examine witnesses, and to present evidence. Any person heard must make full disclosure of the facts pertinent to the inquiry.

~~((e))~~ (iv) Unless a person aggrieved by an order of the insurance commissioner demands a hearing ~~((thereon))~~ within ninety days after receiving notice of ~~((such))~~ that order, or in the case of ~~((licensees))~~ persons or entities authorized by the OIC to transact the business of insurance under Title 48 RCW, within ninety days after the ~~((commissioner has mailed the))~~ order was mailed to the ~~((licensee at the))~~ most recent address shown in the ~~((commissioner's))~~ OIC's licensing records, the right to ~~((such))~~ a hearing ~~((shall))~~ is conclusively ~~((be))~~ deemed to have been waived (RCW 48.04.010(3)).

~~((d))~~ (v) Prehearing or other conferences for ~~((the))~~ settlement or simplification of issues may be held at the discretion and direction of the presiding officer.

(3) **Rule-making hearings.** Rule-making hearings ~~((of the insurance commissioner))~~ are conducted ~~((pursuant to))~~ based on requirements found in the Administrative Procedure Act (chapter 34.05 RCW)~~((;))~~ and chapter 34.08 RCW (the State Register Act)~~((; and chapter 48.04 RCW)).~~

(a) Under applicable law all interested parties must be ~~((afforded))~~ provided an opportunity to express their views concerning a proposed ~~((regulation of the insurance commissioner's office))~~ rule, either orally or in writing. The ~~((commissioner))~~ OIC will accept comments on proposed rules by mail, electronic telefacsimile transmission, or electronic mail but will not accept comments by recorded telephonic communication or voice mail (RCW 34.05.325(3)).

(b) Notice of intention of the insurance commissioner to adopt a proposed rule ~~((or regulation))~~ or amend an existing rule is published in the state register and is sent to anyone who has requested notice in advance and to persons who the ~~((commissioner))~~ OIC determines would be particularly interested in the proceeding. ~~((The commissioner may require))~~ Persons requesting paper copies of all proposed rule-making notices of inquiry and hearing notices may be required to pay the cost of mailing these notices ~~((pursuant to))~~ (RCW 34.05.320(3)).

(c) Copies of proposed new rules and amendments to existing rules as well as information related to how the public may file comments are available on the OIC web site ([www.insurance.wa.gov](http://www.insurance.wa.gov)).



AMENDATORY SECTION (Amending Matter No. R 96-3, filed 4/10/96, effective 5/11/96)

**WAC 284-02-080** What publications and information are available from the OIC? The OIC makes information about insurance, persons and entities authorized by the OIC to transact the business of insurance under Title 48 RCW, policy forms and rates, interpretive statements, and official actions taken by the insurance commissioner available to the public. Below is a description of some of the information published by the OIC. Copies of these reports and publications, as well as consumer fact sheets and purchasing guides, are available on the OIC web site ([www.insurance.wa.gov](http://www.insurance.wa.gov)), at all OIC offices, and may be ordered by telephone (1-800-562-6900). Persons requesting paper copies may be required to pay the cost of producing and mailing the publication.

(1) **Insurance code.** The insurance commissioner publishes a paperbound copy of the insurance laws (Title 48 RCW) ~~((, pursuant to authority of))~~ as required by RCW 48.02.180 ~~((- Copies of))~~, and the insurance administrative rules ~~((and regulations of the insurance commissioner))~~ (Title 284 WAC) ~~((are available in pamphlet form))~~. ~~((Each))~~ Copies of these pamphlets may be purchased from the commissioner's ~~((Olympia))~~ Tumwater office. In addition, Titles 48 RCW and 284 WAC are available in any law library, as well as in most general libraries.

(2) **List of authorized insurers.** Except as provided in chapter 48.15 RCW, an insurer not authorized to do business in Washington is forbidden by law to solicit business in ~~((this state))~~ Washington (RCW 48.15.020). The ~~((insurance commissioner publishes periodically))~~ OIC compiles a list of all insurance companies authorized to do business in this state. ~~((Such lists are))~~ A paper copy of the list is available ~~((on request))~~ from the ~~((insurance commissioner's office))~~ OIC, and it is available on the OIC web site ([www.insurance.wa.gov](http://www.insurance.wa.gov)). The commissioner may require persons requesting paper copies of the list of authorized and registered companies to pay the cost of producing and mailing this list.

(3) **Annual report.** The insurance commissioner publishes an annual report, as required by RCW 48.02.170 ~~((, a copy of which is available on request. The commissioner may require all persons requesting a copy to pay the cost of developing, printing, and mailing the annual report))~~. Generally, the annual report contains a list of all insurers authorized to transact insurance in this state, showing the insurer's name, location, and kinds of insurance transacted. It also tabulates abstracts of the annual statements of all authorized insurers, and contains a summary of the operations of the insurance commissioner's office. The report is available on the OIC web site ([www.insurance.wa.gov](http://www.insurance.wa.gov)). A paper copy of the report is available upon request. The commissioner may require persons requesting a paper copy to pay the cost of developing, printing, and mailing the annual report.

(4) **Policy and contract forms and rates.** Rates of insurance companies and other ~~((licensees))~~ entities offering contracts in this state, and all policy forms required to be filed or approved by the insurance commissioner are on file in the commissioner's Tumwater office and are public records. For all lines of insurance except property and casualty insurance, actuarial formulas, statistics, and assumptions submitted ~~((by~~

~~an insurer, health care service contractor, or health maintenance organization))~~ in support of a rate or form filing are not available for public inspection (RCW 48.02.120(3)). ~~((For property and casualty insurance, see RCW 48.19.040(5).))~~

(5) **Examination reports, annual reports.** Reports of examination and annual reports of insurance companies, fraternal benefit societies, viatical settlement providers, health care service contractors, ~~((and))~~ health maintenance organizations, and other entities authorized to transact the business of insurance under Title 48 RCW are on file in the insurance commissioner's Tumwater office and are open for public inspection. Instructions for viewing or copying public records are available on the OIC web site ([www.insurance.wa.gov](http://www.insurance.wa.gov)).

(6) **Official actions of the insurance commissioner.** As required by the Administrative Procedure Act, actions taken by the ~~((insurance commissioner's office))~~ OIC relating to adoption of rules or the discipline of ~~((insurance companies, fraternal benefit societies, viatical settlement providers, health care service contractors, health maintenance organizations, insurance agents, brokers, solicitors, adjusters, and viatical settlement brokers))~~ persons or entities authorized by the OIC are on file in the commissioner's ~~((Olympia))~~ Tumwater office and are a matter of public record.

(7) **Deposits of insurers.** Records of deposits of insurers, required by chapter 48.16 RCW and other sections of the insurance code, are on file in the insurance commissioner's Tumwater office.

(8) **Articles of incorporation, bylaws of insurers.** All domestic insurers are required to file their articles of incorporation and bylaws, ~~((and))~~ plus any amendments ~~((thereto))~~ to them, with the ~~((insurance commissioner))~~ OIC. These are open for public inspection in the insurance commissioner's Tumwater office.

AMENDATORY SECTION (Amending Matter No. R 96-3, filed 4/10/96, effective 5/11/96)

**WAC 284-02-100** How can an interested person petition for adoption, amendment, or repeal of rules ~~((?))~~ (1) As authorized by the Administrative Procedure Act, any interested person may petition the insurance commissioner requesting the adoption, amendment, or repeal of any rule ~~((RCW 34.05.330))~~. The petition ~~((shall))~~ must be in writing, dated, and signed by the petitioner. In addition to the information ~~((set forth))~~ listed in RCW 34.05.330(3), each petition ~~((shall))~~ must include the following information:

(a) The name and address of the person requesting the action, and, if ~~((pertinent))~~ relevant, the background and identity of the petitioner and the interest of the petitioner in the subject matter of the rule;

(b) The full text of any proposed new or amendatory rule and the citation and caption of any existing rule to be amended or repealed;

(c) A narrative explaining the purpose and scope of any proposed new or amendatory rule including a statement generally describing the statutory authority relied upon by the petitioner, how the rule is to be implemented, ~~((and giving))~~ the reasons for the proposed action, accompanied by neces-

sary or pertinent data in support (~~(thereof)~~) of the new rule or amendment; and

(d) Statements from other persons in support of the action petitioned are encouraged, if they help the OIC to understand why the new rule or amendment is needed.

(2)(a) Within sixty days after (~~(submission of a)~~) the petition to adopt, amend, or repeal any rule is submitted, the (~~(commissioner will)~~) OIC either:

(i) Will formally deny the petition in writing to the person requesting the action, stating the reasons (~~(therefore)~~) for the denial, and, if appropriate, will state (~~(the)~~) any alternative means by which the insurance commissioner will address concerns raised; or (~~(the commissioner)~~)

(ii) Will initiate rule-making proceedings in accordance with the Administrative Procedure Act.

(b) If the insurance commissioner denies a petition to repeal or amend a rule, the petitioner may appeal the denial to the governor, within thirty days (~~(of)~~) after the denial (~~(according to the procedure set forth at)~~) (RCW 34.05.330 (2)).

(3) If the insurance commissioner determines it to be in the interest of the public, (~~(the commissioner may order)~~) a hearing may be held for the further consideration and discussion of the requested adoption, amendment, or repeal of any rule.

(4) For information concerning the subjects of rules being proposed, or to request paper copies of rules or copies of materials presented to the commissioner during the rule-making process, members of the public may contact the agency's rules coordinator. The name, address, and phone number of the rules coordinator are available on the OIC web site and are published at least annually in the *Washington State Register*. Complete information regarding all rules being proposed is available on the OIC web site (www.insurance.wa.gov).

~~((5) The office of financial management prescribes by rule a format for petitions for adoption, amendment, or repeal of rules. This form may be helpful to petitioners, but its use is not required. Petitions for adoption, amendment, or repeal of rules will be accepted whether or not the petition form adopted by the office of financial management is used.)~~

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 284-02-020                      Organization and operations.
- WAC 284-02-090                      Public access to information and records.

**WSR 07-01-049  
PERMANENT RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 06-300—Filed December 14, 2006, 1:58 p.m., effective January 14, 2007]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Amending WAC 232-12-027 Game farm licensing provisions, 232-28-282 Big game and wild turkey auction, raffle, and special incentive permits, 232-28-286 2007, 2008, 2009 Spring black bear seasons and regulations, 232-28-295 Landowner hunting permits, 232-28-337 Deer and elk area descriptions, and repealing WAC 232-28-075 2003 Black bear special permit seasons and quotas.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-075; and amending WAC 232-12-027, 232-28-282, 232-28-286, 232-28-295, and 232-28-337.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 06-19-114, [06-19-115,] 06-19-116, 06-20-119 on September 20, 2006, and October 4, 2006.

Changes Other than Editing from Proposed to Adopted Version: WAC 232-12-027 Game farm license provisions.

Changes, if any, from the text of the proposed rule and reasons for difference:

- In subsection (7), three changes are recommended to complete, and add clarity to, the proposed testing requirement:
  - Add: "Testing required under this subsection and subsection (8) must be performed by a qualified testing agent approved by WDFW."
  - Change second (now third) sentence to read: "Testing is not required for the year in which all birds on site were transferred from a game farm that complied with the testing requirements of this rule within one year of the transfer."
  - Add final sentence reading "Any test results indicating the presence of avian influenza disease must be reported immediately to the Washington State Department of Agriculture state veterinarian."

• Rationale:

- Ensures reliable laboratories do testing.
- Clarifies that birds only need to be tested once per year and are not exempt from testing the following year.
- Complies with other rules requiring notification to state veterinarian.

• In subsection (8), add clarifying language.

- Add: "as soon as possible upon the observation of symptoms:" to the text just before listing the diseases for testing.

• Rationale:

- Provides a timeframe for testing that was previously missing.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal

Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 5, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 11, 2006.

Susan Yeager  
for Ron Ozment, Chair  
Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 06-67, filed 4/11/06, effective 5/12/06)

**WAC 232-12-027 Game farm license provisions.** It is unlawful to operate a game farm without a current, valid Washington state game farm license.

(1) Game farms licensed prior to January 1, 1992, may continue to possess, propagate, sell and transfer wildlife they lawfully possessed on January 1, 1992, under their license issued by the department. Transfers of wildlife other than those species listed under subsection (2) are restricted to licensed game farms authorized by written license to possess said wildlife.

(2) Game farms licensed on or after January 1, 1992, may purchase, possess, propagate, sell or transfer the following wildlife:

(a) Game birds - pheasant, of the genus *Phasianus*; gray partridge of the genus *Perdix*; chukar of the genus *Alectoris*; quail of the genus *Colinus*, *Callipepla*, and *Oreortyx*; waterfowl of the family *Anatidae*.

(3) Application for a game farm license shall be made on a form provided by the department.

(4) The director or designee of the director may issue, with conditions or restrictions, a game farm license, if the applicant meets the requirements of subsection (1) or (2) above and complies with the following criteria:

(a) The applicant is the owner or tenant of or has a possessory interest in the lands, waters, and riparian rights shown in the application.

(b) The rearing and holding facilities are adequate and structurally sound to prevent the egress of game farm wildlife.

(c) Operating conditions are clean and humane.

(d) No hazards to state wildlife exist from the operation.

(e) The license covers only the immediate premises and areas described on the application where wildlife will be held.

(5) Holders of a game farm license must make annual reports no later than the 15th of January to the director on forms to be furnished by the department. Violation of this

subsection is an infraction, punishable under RCW 77.15.160.

(6) A licensed game farm must be inspected annually. All inspection costs will be paid by the licensee. The inspection must occur during the months of June, July, or August. An inspection form will be provided by the department and must be completed and signed by a licensed veterinarian or an agent authorized by the department. The inspection form must accompany the annual report and be submitted to the director no later than the 15th day of January.

(7) During June, July, or August, a licensed game farm must conduct annual avian influenza disease testing of ten percent or a maximum of thirty representative game birds on-site. Testing required under this subsection and subsection (8) of this section must be performed by a qualified testing agent approved by WDFW. Testing is not required for the year in which all birds on-site were transferred from a game farm that has complied with the testing requirements of this rule within one year of the transfer. Copies of testing records must be kept for one year. The licensee is responsible for all testing costs. Any test results indicating the presence of avian influenza disease must be reported immediately to the Washington state department of agriculture state veterinarian.

(8) If birds being held on the game farm exhibit symptoms of respiratory infection, diarrhea, central nervous system malfunction, or more than twenty-five percent flock mortality, licensed game farms must test for one or more of the following diseases as soon as possible upon the observation of symptoms: Mycoplasma gallisepticum and Mycoplasma synoviae, pullorum, salmonella, histomoniasis, and exotic Newcastle disease. The licensee is responsible for all testing costs.

(9) A game farm license is not required for captive-bred mink, *Mustela vison*, and captive-bred silver fox, *Vulpes fulva*, lawfully acquired from a licensed breeder or fur farm and held for fur farming purposes.

AMENDATORY SECTION (Amending Order 06-92, filed 5/8/06, effective 6/8/06)

**WAC 232-28-282 Big game and wild turkey auction, raffle, and special incentive permits.**

#### BIG GAME AUCTION PERMITS

The director will select a conservation organization(s) to conduct annual auction(s). Selection of the conservation organizations will be based on criteria adopted by the Washington department of fish and wildlife. Big game and wild turkey auctions shall be conducted consistent with WAC 232-28-292.

SPECIES - ONE WESTSIDE DEER PERMIT

Hunting season dates: September 1 - December 31

Hunt Area: Western Washington EXCEPT GMU 485 and those GMUs closed to deer hunting by the fish and wildlife commission.

Weapon: Any legal weapon.

Bag limit: One additional any buck deer

## SPECIES - ONE EASTSIDE DEER PERMIT

Hunting season dates: September 1 - December 31  
 Hunt Area: Eastern Washington EXCEPT those GMUs closed to deer hunting by the fish and wildlife commission.  
 Weapon: Any legal weapon.  
 Bag limit: One additional any buck deer

## SPECIES - ONE WESTSIDE ELK PERMIT

Hunting season dates: September 1 - December 31  
 Hunt Area: Western Washington EXCEPT GMU 485, those GMUs closed to elk hunting, and those GMUs not opened to branch antlered bull elk hunting by the fish and wildlife commission.  
 Weapon: Any legal weapon.  
 Bag limit: One additional any bull elk

## SPECIES - ONE EASTSIDE ELK PERMIT

Hunting season dates: September 1 - December 31  
 Hunt Area: Eastern Washington EXCEPT GMU 157, those GMUs closed to elk hunting, and those GMUs not opened to branch antlered bull elk hunting by the fish and wildlife commission.  
 Weapon: Any legal weapon.  
 Bag limit: One additional any bull elk

## SPECIES - ONE CALIFORNIA BIGHORN SHEEP PERMIT

Hunting season dates: September 1 - December 31  
 Hunt Area: Any open sheep unit with two (2) or more permits during the respective license year, except sheep units in Walla Walla, Columbia, Garfield, Asotin, or Pend Oreille counties are not open.  
 Weapon: Any legal weapon.  
 Bag limit: One bighorn ram

## SPECIES - ONE MOOSE PERMIT

Hunting season dates: September 1 - December 31  
 Hunt Area: Any open moose unit.  
 Weapon: Any legal weapon.  
 Bag limit: One moose of either sex

## SPECIES - ONE MOUNTAIN GOAT PERMIT

Hunting season dates: September 1 - December 31  
 Hunt Area: Any open goat unit with two (2) or more permits during the respective license year.  
 Weapon: Any legal weapon.  
 Bag limit: One mountain goat of either sex

**RAFFLE PERMITS**

Raffle permits will be issued to individuals selected through a Washington department of fish and wildlife drawing or the director may select a conservation organization(s) to conduct annual raffles. Selection of a conservation organization will be based on criteria adopted by the Washington department of fish and wildlife. Big game and wild turkey raffles shall be conducted consistent with WAC 232-28-290.

## RAFFLE PERMIT HUNT(S)

## WESTSIDE DEER RAFFLE PERMIT HUNT

Bag limit: One additional any buck deer  
 Open area: Western Washington EXCEPT GMU 485 and those GMUs closed to deer hunting by the fish and wildlife commission.  
 Open season: September 1 - December 31  
 Weapon: Any legal weapon.  
 Number of permits: 1

## EASTSIDE DEER RAFFLE PERMIT HUNT

Bag limit: One additional any buck deer  
 Open area: Eastern Washington EXCEPT those GMUs closed to deer hunting by the fish and wildlife commission.  
 Open season: September 1 - December 31  
 Weapon: Any legal weapon.  
 Number of permits: 1

## WESTSIDE ELK RAFFLE PERMIT HUNT

Bag limit: One additional any bull elk  
 Open area: Western Washington EXCEPT GMU 485, those GMUs closed to elk hunting, and those GMUs not open to branch antlered bull elk hunting by the fish and wildlife commission.  
 Open season: September 1 - December 31  
 Weapon: Any legal weapon.  
 Number of permits: 1

## EASTSIDE ELK RAFFLE PERMIT HUNT

Bag limit: One additional any bull elk  
 Open area: Eastern Washington EXCEPT GMU 157, those GMUs closed to elk hunting, and those GMUs not opened to branch antlered bull elk hunting by the fish and wildlife commission.  
 Open season: September 1 - December 31.  
 Weapon: Any legal weapon.  
 Number of permits: 1

## CALIFORNIA BIGHORN SHEEP RAFFLE PERMIT HUNT

Bag limit: One bighorn ram  
 Open area: Any open bighorn sheep unit with two (2) or more permits during the respective license year, except sheep units in Walla Walla, Columbia, Garfield, Asotin, or Pend Oreille counties are not open.  
 Open season: September 1 - December 31.  
 Weapon: Any legal weapon.  
 Number of permits: 1

## MOOSE RAFFLE PERMIT HUNT

Bag limit: One moose of either sex  
 Open area: Any open moose unit.  
 Open season: September 1 - December 31.  
 Weapon: Any legal weapon.  
 Number of permits: ((+)) 2

## MOUNTAIN GOAT RAFFLE PERMIT HUNT

Bag limit: One mountain goat of either sex  
 Open area: Any open goat unit with two (2) or more permits during the respective license year.

Open season: September 1 - December 31.  
 Weapon: Any legal weapon.  
 Number of permits: 2

**TURKEY RAFFLE PERMIT HUNTS**

Bag limit: Three (3) additional wild turkeys, but not to exceed more than one turkey in Western Washington or two turkeys in Eastern Washington.  
 Open area: Statewide.  
 Open season: April 1 - May 31.  
 Weapon: Archery or shotgun only.  
 Number of permits: 2

**DIRECTOR AUTHORIZED BIG GAME AUCTION OR RAFFLE PERMITS**

The director shall determine which method of permit opportunity, auction or raffle, taking into consideration impacts to the wildlife resource, opportunity to the hunting community, other resource management issues, and expected revenue. The director may select a conservation organization(s) to conduct annual auction(s) or raffle(s). Selection of the conservation organization will be based on criteria adopted by the Washington department of fish and wildlife. Big game auctions and raffles shall be conducted consistent with WAC 232-28-292.

**ROCKY MOUNTAIN BIGHORN SHEEP AUCTION OR RAFFLE PERMIT**

Hunting season dates: September 1 - December 31  
 Hunt Area: GMUs 169, 172, 181, 186.  
 Weapon: Any legal weapon.  
 Bag limit: One bighorn ram

**SPECIAL INCENTIVE PERMITS**

Hunters will be entered into a drawing for special deer and elk incentive permits for prompt reporting of hunting activity in compliance with WAC 232-28-299.

(a) There will be two (2) any elk special incentive permits for Western Washington.  
 Open area: Western Washington EXCEPT GMUs 418, 485, 522, and those GMUs closed to elk hunting or closed to branch antlered bull elk hunting by the fish and wildlife commission.  
 Open season: September 1 - December 31.  
 Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.  
 Bag limit: One additional elk.

There will be two (2) any elk special incentive permits for Eastern Washington.

**Hunt areas, permit levels, and season dates for each license year:**

Hunt name	Hunt area	Permits	Season dates <sup>b</sup>
Sherman	GMU 101	15	April 15 – May 31
Kelly Hill	GMU 105	10	April 15 – May 31
Douglas	GMU 108	5	April 15 – May 31

Open area: Eastern Washington EXCEPT GMU 157 and those GMUs closed to elk hunting or closed to branch antlered bull elk hunting by the fish and wildlife commission.  
 Open season: September 1 - December 31.  
 Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.  
 Bag limit: One additional elk.

(b) There will be five (5) statewide any deer special incentive permits, for use in any area open to general or permit hunting seasons EXCEPT GMUs 157, 418, 485, 522, and those GMUs closed to deer hunting by the fish and wildlife commission.

Open season: September 1 - December 31.  
 Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons and any legal weapon at other times if there are no firearm restrictions.  
 Bag limit: One additional any deer.

**Auction, raffle, and special incentive hunt permittee rules**

- (1) Permittee shall contact the appropriate regional office of the department of fish and wildlife when entering the designated hunt area or entering the region to hunt outside the general season.
- (2) The permittee may be accompanied by others; however, only the permittee is allowed to carry a legal weapon or harvest an animal.
- (3) Any attempt by members of the permittee's party to herd or drive wildlife is prohibited.
- (4) If requested by the department, the permittee is required to direct department officials to the site of the kill.
- (5) The permit is valid during the hunting season dates for the year issued.
- (6) The permittee will present the head and carcass of the bighorn sheep killed to any department office within 72 hours of date of kill.
- (7) The permittee must abide by all local, state, and federal regulations including firearm restriction areas and area closures.
- (8) Hunters awarded the special incentive permit will be required to send the appropriate license fee to the department of fish and wildlife headquarters in Olympia. The department will issue the license and transport tag and send it to the special incentive permit winner.

**AMENDATORY SECTION** (Amending Order 06-90, filed 5/8/06, effective 6/16/06)

**WAC 232-28-286 2007, 2008, and 2009 Spring black bear seasons and regulations.**

**Who may apply:** Anyone with a valid Washington big game license, which includes black bear as a species option.

Hunt name	Hunt area	Permits	Season dates <sup>b</sup>
Aladdin	GMU 111	10	April 15 – May 31
49 Degrees North	GMU 117	15	April 15 – May 31
Huckleberry	GMU 121	15	April 15 – May 31
Blue Creek	GMU 154	30	April 15 – May 31
Dayton	GMU 162	22	April 15 – May 31
Tucannon	GMU 166	7	April 15 – May 31
Wenaha	GMU 169	45	April 15 – May 31
Mt. View	GMU 172	22	April 15 – May 31
Lick Creek	GMU 175	22	April 15 – May 31
Grande Ronde	GMU 186	7	April 15 – May 31
Copalis <sup>a</sup>	<u>That portion of GMU 642 that is designated as the hunt area by Rainier Timber Company.</u>	100	April 15 – June 15
Kapowsin <sup>a</sup>	That portion of GMUs 653 and/or 654 that is designated as the hunt area by Hancock Forest Management	100	April 15 – June 15
Capitol Forest <sup>a</sup>	That portion of Capitol Forest within GMU 663	<del>((100))</del> 50	April 15 – June 15
<sup>a</sup> Spring black bear hunting seasons under this area constitute a pilot program to reduce black bear damage to trees.			
<sup>b</sup> Permits are valid for the license year they are issued.			

**Bag limit:** One black bear per black bear special permit season.

**License required:** A valid big game hunting license, which includes black bear as a species option, is required to hunt black bear. One black bear transport tag is included with a big game hunting license that has black bear as a species option.

**Hunting method:** Hunters may use any lawful big game modern firearm, archery, or muzzleloader equipment for hunting black bear. The use of dogs or bait to hunt black bear is prohibited statewide.

**Submitting bear teeth:** Successful bear hunters must submit the black bear premolar located behind the canine tooth of the upper jaw.

AMENDATORY SECTION (Amending Order 06-92, filed 5/8/06, effective 6/8/06)

**WAC 232-28-295 Landowner hunting permits.** A landowner may enter into a contract with the department and establish boundaries and other requirements for hunter access consistent with commission policy.

Hunters must possess both an access permit from the landowner and a hunting permit from the department when hunting on lands and for species covered under contract.

**(1) Buckrun**

Buckrun is located in Grant County, near the town of Wilson Creek. A legal description of the property has been filed with the county and is in the contract between Buckrun and the department.

Hunting on Buckrun is managed for a quality experience by scheduling hunt dates and keeping the number of hunters in the field low. Hunters with limited flexibility for hunt dates may experience scheduling problems. Hunters can generally expect one day hunts during the permit seasons with written authorization from the Buckrun manager. All hunters must check in and out on hunt day. Schedule hunts in advance by calling 509-345-2577.

**Mule and Whitetail Deer**

**2006 Buckrun Landowner Hunting Permits**

The manager of Buckrun will distribute these hunting permits. An access fee may be charged in order to utilize these permits. No access fee will be charged for the raffle permit winners. Only hunters possessing a modern firearm deer tag are eligible for permits on Buckrun properties. Contact the manager at 509-345-2577 for additional information.

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Buckrun	10	Sept. 1 - Oct. <del>((13))</del> 12	Antlerless only	Buckrun
Buckrun	15	Oct. <del>((23))</del> 22 - Dec. 31	Antlerless only	Buckrun
Buckrun	13	Sept. 1 - Oct. <del>((13))</del> 12	3 pt. max. buck* or antlerless	Buckrun
Buckrun	13	Oct. <del>((23))</del> 22 - Dec. 31	3 pt. max. buck* or antlerless	Buckrun
Buckrun	4	Sept. 1 - Dec. 31	Any deer	Buckrun
Buckrun Raffle	2	Sept. 1 - Dec. 31	Any deer (3 day guided hunt)	Buckrun

**Mule and Whitetail Deer****2006 Buckrun Special Hunting Permits**

Hunters apply to Washington department of fish and wildlife for these permits. Only hunters possessing a modern firearm deer tag are eligible for Buckrun special permits. Hunters can generally expect one day hunts during the permit season with written authorization from the Buckrun manager. All hunters must check in and out on hunt day. Schedule hunts in advance by calling 509-345-2577.

Hunt Name	Permit Number	Permit Season	Special Restrictions	Boundary Description
Buckrun A	10	Sept. 1 - Oct. <del>((13))</del> <u>12</u>	Antlerless only youth hunters	Buckrun
Buckrun B	10	Sept. 1 - Oct. <del>((13))</del> <u>12</u>	Antlerless only disabled hunters	Buckrun
Buckrun C	5	Oct. <del>((23))</del> <u>22</u> - Dec. 31	Antlerless only senior hunters (65+)	Buckrun
Buckrun D	4	Sept. 1 - Oct. <del>((13))</del> <u>12</u>	3 pt. max. buck* or antlerless	Buckrun
Buckrun E	4	Oct. <del>((23))</del> <u>22</u> - Dec. 31	3 pt. max. buck* or antlerless	Buckrun

\*3 Pt. maximum - A legal buck must have no more than 3 antler points on either antler (i.e., 1x1, 1x2, 1x3, 2x2, 2x3, 3x3 are legal). All antler points must be at least one inch long. Antler points EXCLUDE eye guards.

**(2) 4-O Cattle Company****2006 4-O Cattle Company Landowner Hunting Permits**

The manager of the 4-O Cattle Company will distribute these hunting permits. An access fee may be charged in order to utilize these permits.

**Elk**

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
4-O Cattle Company	1	<del>((Sept. 15-25))</del> <u>Sept. 14-24</u>	Any Bull	4-O Cattle Company

**Whitetail Deer**

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
4-O Cattle Company	1	<del>((Nov. 15-25))</del> <u>Nov. 14-24</u>	Any Whitetail Buck	4-O Cattle Company

**2006 4-O Cattle Company Special Hunting Permits**

Hunters apply to the Washington department of fish and wildlife for these permits.

**Elk**

Hunt Name	Permit Number	Permit Season	Special Restrictions	Boundary Description
4-O Bull Elk	1	Oct. <del>((23))</del> <u>22</u> - Nov. <del>((5))</del> <u>4</u>	Any Bull	4-O Ranch
4-O Antlerless Elk A	33	<del>((Aug. 18-24))</del> <u>Aug. 17-23</u>	Antlerless Only	4-O Grouse Flats
4-O Antlerless Elk B	8	<del>((Aug. 18-24))</del> <u>Aug. 17-23</u>	Antlerless Only	4-O Mountain View

**Whitetail Deer**

Hunt Name	Permit Number	Permit Season	Special Restrictions	Boundary Description
4-O White-tailed Buck	1	<del>((Nov. 15-25))</del> <u>Nov. 14-24</u>	Any White-tailed Buck	4-O Ranch

AMENDATORY SECTION (Amending Order 06-196, filed 8/15/06, effective 9/15/06)

**WAC 232-28-337 Deer and elk area descriptions.****ELK AREAS**

**Elk Area No. 1010 (Columbia County):** GMU 162 excluding National Forest land and the Rainwater Wildlife Area.

**Elk Area No. 1011 (Columbia County):** That part of GMU 162 east of the North Touchet Road, excluding National Forest land.

**Elk Area No. 1012 (Columbia County):** That part of GMU 162 west of the North Touchet Road, excluding National Forest land and the Rainwater Wildlife Area.

**Elk Area No. 1013 (Asotin County):** GMU 172, excluding National Forest lands.

**Elk Area No. 1014 (Columbia-Garfield counties):** That part of GMU 166 Tucannon west of the Tucannon River and USFS Trail No. 3110 (Jelly Spr.-Diamond Pk. Trail).

**Elk Area No. 2032 Malaga (Kittitas and Chelan counties):** Beginning at the mouth of Davies Canyon on the Columbia River; west along Davies Canyon to the cliffs above (north of) the North Fork Tarpiscan Creek; west and north along the cliffs to the Bonneville Power Line; southwest along the power line to the North Fork Tarpiscan Road in Section 9, Township 20N, Range 21E; north and west along North Fork Tarpiscan Road to Colockum Pass Road (Section 9, Township 20N, Range 21E); south and west on Colockum Pass Road to section line between Sections 8 & 9; north along the section line between Sections 8 and 9 as well as Sections 4 & 5 (T20N, R21E) & Sections 32 & 33 (T21N, R21E) to Moses Carr Road; west and north on Moses Carr Road to Jump Off Road; south and west on Jump Off Road to Shaller Road; north and west on Shaller Road to Upper Basin Loop Road; north and west on Upper Basin Loop Road to Wheeler Ridge Road; north on Wheeler Ridge Road to the Basin Loop Road (pavement) in Section 10 (T21N, R20E); north on Basin Loop Road to Wenatchee Heights Road; west on Wenatchee Heights Road to Squilchuck Road; south on Squilchuck Road to Beehive Road (USFS Rd 9712); northwest on Beehive Road to USFS Rd 7100 near Beehive Reservoir; north and west on USFS Rd 7100 to Peavine Canyon Road (USFS Rd 7101); north and east on Peavine Canyon Road to Number Two Canyon Road; north on Number Two Canyon Road to Crawford Street in Wenatchee; east on Crawford Street to the Columbia River; south and east along the Columbia River to Davies Canyon and point of beginning. (Naneum Green Dot, Washington Gazetteer, Wenatchee National Forest)

**Elk Area No. 2033 Peshastin (Chelan County):** Beginning at Crawford Street and the Columbia River in Wenatchee; west on Crawford Street and Number Two Canyon Road to USFS 7101 Road (Peavine Canyon); west on USFS 7101 Road to Mission Creek Road; north on Mission Creek Road to USFS 7104 Road (Sand Creek Road); west on USFS 7104 Road (Sand Creek Road) to Camas Creek; west up Camas Creek to where Camas Creek crosses USFS 7200 Road, T22N, R18E, Section 4; north along USFS 7200 Road to U.S. Highway 97; north on U.S. Highway 97 to USFS 7300 Road (Mountain Home Road); north on the USFS 7300 Road to the Wenatchee River at Leavenworth; down the Wenatchee River and Columbia River to the point of beginning.

**Elk Area No. 2051 Tronsen (Chelan County):** All of GMU 251 except that portion described as follows: Beginning at the junction of Naneum Ridge Road (WDFW Rd 9) and Ingersol Road (WDFW Rd 1); north and east on Ingersol Road to Colockum Road (WDFW Rd 10); east on Colockum Road and Colockum Creek to the intersection of Colockum Creek and the Columbia River; south on the Columbia River to mouth of Tarpiscan Creek; west up Tarpiscan Creek and Tarpiscan Road (WDFW Rd 14) and North Fork Road (WDFW Rd 10.10) to the intersection of North Fork Road and Colockum Road; southwest on Colockum Road to Naneum Ridge Road; west on Naneum Ridge Road to Ingersol Road and the point of beginning.

~~**(Elk Area No. 3028 Cooke Creek (Kittitas County):** Beginning at the junction of the Naneum Ridge and Swift Creek Road in T20N, R20E, Section 16, east on the Naneum Ridge Road to the Colockum Road; south on the Colockum~~

~~and Brewton roads to the power lines in T20N, R21E, Section 29; south and west on the power lines to the Coleman Creek Road; north on the Coleman Creek Road to the Swift Creek Road and point of beginning, excluding Arthur Coffin Game Reserve.)~~

**Elk Area No. 3068 Klickitat Meadows (Yakima County):** Beginning at Darland Mountain, southeast along the main divide between the Diamond Fork drainage and the Ahtanum Creek drainage to the point due west of the headwaters of Reservation Creek (Section 18, T12N, R14E); then along a line due west to Spencer Point (as represented in the DNR 100k map); northeast from Spencer Point to US Forest Service (USFS) Trail 1136; north along USFS Trail 1136 to USFS Trail 615; east on USFS Trail 615 to Darland Mountain and the point of beginning.

**Elk Area No. 3721 Corral Canyon (Benton and Yakima counties):** That part of GMU 372 beginning at the Yakima River Bridge on SR 241 just north of Mabton; north along SR 241 to the Rattlesnake Ridge Road (mile post #19); east on Rattlesnake Ridge Road to the Hanford Reach National Monument's (HRNM) southwest corner boundary; east and south along the HRNM boundary to SR 225; south on SR 225 to the Yakima River Bridge in Benton City; west (upstream) along Yakima River to point of beginning (SR 241 Bridge).

**Elk Area No. 3722 Blackrock (Benton and Yakima counties):** That part of GMU 372 beginning at southern corner of the Yakima Training Center border on Columbia River, northwest of Priest Rapids Dam; southeast on southern shore of Columbia River (Priest Rapids Lake) to Priest Rapids Dam; east along Columbia River to the Hanford Reach National Monument's (HRNM) western boundary; south along the HRNM boundary to the Rattlesnake Ridge Road; west on Rattlesnake Ridge Road to SR 241; south on SR 241 to the Yakima River Bridge just north of Mabton; west along Yakima River to SR 823 (Harrison Road) south of town of Pomona; east along SR 823 (Harrison Road) to SR 821; southeast on SR 821 to Firing Center Road at I-82; east on Firing Center Road to main gate of Yakima Training Center; south and east along Yakima Training Center boundary to southern corner of Yakima Training Center boundary on Columbia River and point of beginning.

**Elk Area No. 3911 Fairview (Kittitas County):** Beginning at the intersection of the BPA Power Lines in T20N, R14E, Section 36 and Interstate 90; east along the power lines to Highway 903 (Salmon La Sac Road); northwest along Highway 903 to USFS Road 4305 (Bear Creek Road); east on USFS Road 4305 to Corral Creek, east along Corral Creek to West Fork Teanaway River; east along West Fork Teanaway River to North Fork Teanaway River; north along North Fork Teanaway River to Teanaway Road; southeast on Teanaway Road to Ballard Hill Road; east on Ballard Hill Rd and Swauk Prairie Road to Hwy 970; northeast on Hwy 970 to Hwy 97; south on Hwy 97 to the power lines in T20N, R17E, Section 34; east on the power lines to Naneum Creek; south on Naneum Creek approximately 1/2 mile to power lines in T19N, R19E, Section 20; east along BPA power lines to Colockum Pass Road in T19N, R20E, Section 16; south on Colockum Pass Road to BPA power lines in T18N, R20E,



Section 6; east and south along power lines to Parke Creek; north on Parke Creek to Whiskey Jim Creek; east on Whiskey Jim Creek to Beacon Ridge Road; south on Beacon Ridge Road to the Vantage Highway; east along the Vantage Highway to I-90; west along I-90 to the Yakima Training Center boundary; south and west along the Yakima Training Center boundary to I-82; north on I-82 to Thrall Road; west on Thrall Road to Wilson Creek; south on Wilson Creek to Yakima River; north on Yakima River to gas pipeline crossing in T17N, R18E, Section 25; south and west on the gas pipeline to Umtanum Creek; west on Umtanum Creek to the Durr Road; north on the Durr Road to Umtanum Road; north on Umtanum Road to South Branch Canal; west on South Branch Canal to Bradshaw Road; west on Bradshaw Road to the elk fence; north and west along the elk fence to power line crossing in T19N, R16E, Section 10; west along the power line (south branch) to the Cabin Creek Road; east and north on Cabin Creek Road to Easton and I-90; east on I-90 to point of beginning.

**Elk Area No. 3912 Old Naches (Yakima County):** Starting at the elk fence and Roza Canal along the south boundary T14N, R19E, Section 8; following the elk fence to the sheep feeding site in T15N, R16E, Section 36; south on the feeding site Access Road to the Old Naches Highway; west and south on the Old Naches Highway to State Route 12 and the Naches River; down the Naches River to the Tieton River; up the Tieton River approximately 2 miles to the elk fence in T14N, R16E, Section 3; due south from the start of the elk fence to the top of the cliff; southwest along the cliff/rimrock to the irrigation canal in T14N, R16E, Section 9; southwest along the irrigation canal to the elk fence in T14N, R16E, Section 8; the elk fence to the township line between T12N, R15E and T12N, R16E; south along the township line to the South Fork Ahtanum Creek; South Fork Ahtanum Creek to Ahtanum Creek to Yakima River; up the Yakima River to Roza Canal and point of beginning.

**Elk Area No. 3944 Clemen (Yakima County):** That portion of GMU 342 beginning at the junction of Highway 410 and USFS Road 1701 (Big Bald Mountain Road); north to USFS Road 1712; east on USFS Road 1712 (Clemen Ridge Road) to the elk fence gate (T15N; R17E; Section 23 NE 1/4) at the top of Austin Spur Road; south and west along the elk fence to Highway 410 to the point of beginning.

**Elk Area No. 4041 Grandy Creek (Skagit County):** Begin at the intersection of CP 190 Road and CP 132 Road (Section 28, T36N, R5E); east along the CP 132 Road to the CP 130 Road; east and south along CP 130 Road to CP 110 Road; west, south and east along CP 110 Road to Childs Creek; south down Childs Creek to State Route 20; east on State Route 20 to Grandy Creek; south down Grandy Creek to the Skagit River; south on a line to South Skagit Hwy; west on South Skagit Hwy to State Route 9; north on State Route 9 to State Route 20; east on State Route 20 to Helmick Road; north on Helmick Road to CP 190 Road to CP 132 Road and the point of beginning. (WA Atlas & Gazetteer & Mt. Baker-Snoqualmie National Forest Map)

**Elk Area No. 4941 Skagit River (Skagit County):** Beginning at the intersection of State Route 9 and State Route 20;

east on State Route 20 to Grandy Creek; south down Grandy Creek to the Skagit River; south on a line to South Skagit Highway; west on South Skagit Highway to State Route 9; north on State Route 9 to point of beginning.

**Elk Area No. 5029 Toledo (Lewis and Cowlitz counties):** Beginning at the Cowlitz River and State Highway 505 junction; east along the Cowlitz River to the Weyerhaeuser 1800 Road; south along Weyerhaeuser 1800 Road to Cedar Creek Road; east along Cedar Creek Road to Due Road; south on Due Road to Weyerhaeuser 1823 Road; south along Weyerhaeuser 1823 Road to the Weyerhaeuser 1945 Road; south along the Weyerhaeuser 1945 Road to the Weyerhaeuser 1900 Road; south along the Weyerhaeuser 1900 Road to the North Fork Toutle River; west along the North Fork Toutle River to the Toutle River; west on the Toutle River to the Cowlitz River; North along the Cowlitz River to the junction of State Highway 505 and the point of beginning.

**Elk Area No. 5051 Green Mountain (Cowlitz County):** Beginning at the junction of the Cowlitz River and the Toutle River; east along the Toutle River to the North Fork Toutle River; east along the North Fork Toutle River to the Weyerhaeuser 1900 Road; south along the Weyerhaeuser 1900 Road to the Weyerhaeuser 1910 Road; south along the Weyerhaeuser 1910 Road to the Weyerhaeuser 2410 Road; south along the Weyerhaeuser 2410 Road to the Weyerhaeuser 4553 Road; south along the Weyerhaeuser 4553 Road to the Weyerhaeuser 4500 Road; south along the Weyerhaeuser 4500 Road to the Weyerhaeuser 4400 Road; south along the Weyerhaeuser 4400 Road to the Weyerhaeuser 4100 Road; east along the Weyerhaeuser 4100 Road to the Weyerhaeuser 4700 Road; south along the Weyerhaeuser 4700 Road to the Weyerhaeuser 4720 Road; west along the Weyerhaeuser 4720 Road to the Weyerhaeuser 4730 Road; west along the Weyerhaeuser 4730 Road to the Weyerhaeuser 4732 Road; west along the Weyerhaeuser 4732 Road to the Weyerhaeuser 4790 Road; west along the Weyerhaeuser 4790 Road to the Weyerhaeuser 1390 Road; south along the Weyerhaeuser 1390 Road to the Weyerhaeuser 1600 Road; west along the Weyerhaeuser 1600 Road to the Weyerhaeuser Logging Railroad Tracks at Headquarters; west along the Weyerhaeuser Logging Railroad Track to Ostrander Creek; west along Ostrander Creek to the Cowlitz River; north along the Cowlitz River to the Toutle River and point of beginning.

**Elk Area No. 5052 Mossyrock (Lewis County):** Beginning at the intersection of Winston Creek Road and State Highway 12; east on State Highway 12 to the Cowlitz River; east on the Cowlitz River to Riffe Lake; southeast along the south shore of Riffe Lake to Swofford Pond outlet creek; south on Swofford Pond outlet creek to Green Mountain Road; west on Green Mountain Road to Perkins Road; west on Perkins Road to Longbell Road; south on Longbell Road to Winston Creek Road; north on Winston Creek Road to State Highway 12 and the point of beginning. (All lands owned and managed by the Cowlitz Wildlife Area are excluded from this Elk Area.)

**Elk Area No. 5053 Randle (Lewis County):** Beginning at the town of Randle and the intersection of U.S. Highway 12 and State Route 131 (Forest Service 23 and 25 roads); south

on State Route 131 to Forest Service 25 Road; south on Forest Service 25 Road to the Cispus River; west along the Cispus River to the Champion 300 line bridge; south and west on the Champion 300 line to the Champion Haul Road; north along the Champion Haul Road to Kosmos Road; north on Kosmos Road to U.S. Highway 12; east on U.S. Highway 12 to Randle and point of beginning. (All lands owned and managed by the Cowlitz Wildlife Area are excluded from this Elk Area.)

**Elk Area No. 5054 Boistfort (Lewis County):** Beginning at the town of Vader; west along State Highway 506 to the Wildwood Road; north along the Wildwood Road to the Abernathy 500 line gate (Section 20, T11N, R3W, Wilamette Meridian); northwest along the 500, 540, and 560 lines to the Weyerhaeuser 813 line; northwest along the 813, 812, 5000J, 5000 and 4000 lines to the Pe Ell/McDonald Road (Section 15, T12N, R4W); west along the Pe Ell/McDonald Road to the Lost Valley Road; northeast along the Lost Valley Road to the Boistfort Road; north along the Boistfort Road to the King Road; east along the King Road to the town of Winlock and State Highway 603; south along Highway 505 to Interstate 5; south along Interstate 5 to State Hwy 506; west along State Hwy 506 to the town of Vader and the point of beginning.

**Elk Area No. 5056 Grays River Valley (Wahkiakum County):** On or within 3/4 mile of agricultural land in the Grays River Valley within the following sections: T10N, R7W, Sections 8, 9, 17, 18 and T10N, R8W, Sections 13, 23, 24, 26.

**Elk Area No. 5057 Carlton (Lewis County):** That part of 513 (South Rainier) lying east of Highway 123 and north of Highway 12.

**Elk Area No. 5058 West Goat Rocks (Lewis County):** Goat Rocks Wilderness west of the Pacific Crest Trail.

**Elk Area No. 5059 Mt. Adams Wilderness (Skamania and Yakima counties):** The Mt. Adams Wilderness.

**Elk Area No. 5060 Merwin (Cowlitz County):** Begin at the State Route 503 and the Longview Fibre Road WS-8000 junction; north and west on the Longview Fibre Road WS-8000 to Day Place Road; west on Day Place Road to Dubois Road; south on Dubois Road to State Route 503; east on State Route 503 to the State Route 503 and the Longview Fibre Road WS-8000 junction and point of beginning.

**Elk Area No. 5061 Wildwood (Lewis County):** Beginning at the junction of the Pacific West Timber (PWT) 600 Road and the Wildwood Road (SE1/4 S29 T11N R3W); southwest on the 600 Road to the 800 Road (NW1/4 S36 T11N R4W); southwest on the 800 Road to the 850 Road (SW1/4 S3 T10N R4W); northwest on the 850 Road to the Weyerhaeuser 4720 Road (S20 T11N R4W); north on the Weyerhaeuser 4720 Road to the Weyerhaeuser 4700 Road (S17 T11N R4W); east on the Weyerhaeuser 4700 Road to the Weyerhaeuser 5822 Road (NW1/4 S16 T11N R4W); east on the Weyerhaeuser 5822 Road to the Weyerhaeuser 5820 Road (NW1/4 S10 T11N R4W); southeast on the Weyerhaeuser 5820 Road to the PWT 574 Road (SE1/4 S10 T11N R4W); south on the

PWT 574 Road to the 570 Road (NW1/4 S14 T11N R4W); south on the 570 Road to the 500 Road (NW1/4 S14 T11N R4W); northeast on the 500 Road to the 560 Road (SW1/4 S12 T11N R4W); east on the 560 Road to the 540 Road (SE1/4 S12 T11N R4W); east and south on the 540 Road to the 500 Road (SE1/4 S18 T11N R3W); east on the PWT 500 Road to the Wildwood Road (N1/2 S20 T11N R3W); south on the Wildwood Road to the point of beginning, the PWT 600 Road junction (SE1/4 S29 T11N R3W).

**Elk Area No. 5062 Trout Lake (Klickitat County):** Those portions of GMUs 560 (Lewis River) and 578 (West Klickitat) beginning at the intersection of SR 141 and Sunnyside Road; north on Sunnyside Road to Mount Adams Recreational Area Road; north on Mount Adams Recreational Area Road to USFS Road 23; north on USFS Road 23 to DNR T-4300 Road; west on DNR T-4300 Road to Trout Lake Creek Road; south on Trout Lake Creek Road to SR 141; east and south on SR 141 to the intersection of SR 141 and Sunnyside Road to the point of beginning.

**Elk Area 5063 Pumice Plain (Cowlitz and Skamania Counties):** Beginning at the confluence of the N. Fork Toutle River and Castle Creek; East along the N. Fork Toutle River to USFS trail 207; south along USFS trail 207 to USFS trail 216E; southwest along USFS trail 216E to USFS trail 216; west along USGS trail 216 to USGS 216G; northwest along USFS trail 216G to USGS trail 221; north along USFS 221 to Castle Creek; northwest along Castle Creek to N. Fork Toutle River and point of beginning.

**Elk Area No. 5090 JBH (Wahkiakum County):** The mainland portion of the Julia Butler Hansen National Wildlife Refuge, as administered by the U.S. Fish and Wildlife Service as described: Beginning at the junction of State Route 4 and Steamboat Island Slough Road, northwest on Steamboat Island Slough Road to Brooks Slough Road, east on Brooks Slough Road to State Route 4, south on State Route 4 to Steamboat Slough Road and point of beginning.

**Elk Area No. 5099 Mudflow (Cowlitz County):** That part of GMU 522 (Loo-wit) that is within the boundary of the St. Helens Wildlife Area.

**Elk Area No. 6010 Mallis (Pacific County):** That part of GMUs 506, 672, and 673 within one mile either side of State Road 6 between the east end of Elk Prairie Road and the Mallis Landing Road.

**Elk Area No. 6011 Centralia Mine (Lewis County):** That portion of GMU 667 within Centralia Mine property boundary.

**Elk Area No. 6012 Tri Valley (Grays Harbor and Mason counties):** Those portions of GMUs 648 (Wynoochee) and 651 (Satsop) within one mile of Brady-Matlock Road from State Highway 12 north to the junction with Schaefer State Park Road (east Satsop Road) and all lands within one mile of Wynoochee Valley Road from State Highway 12 north to the junction with Cougar Smith Road, and all lands within one mile of Wishkah Valley Road from north Aberdeen city limit to the junction with Wishkah-East Hoquiam Road and all lands within 2 miles north of SR 12 between the Satsop River

and Schouweiler and Hurd roads and then a line north from the end of Hurd Road to a point 2 miles north of SR 12.

**Elk Area No. 6054 Puyallup River (Pierce County):** ~~((That part of GMU 654 south of the Puyallup River.))~~ Beginning at the intersection of the Mount Rainier National Park western boundary and the Nisqually River, west down Nisqually River to mouth of Mashel River; north up Mashel River to SR 161 bridge (Eatonville-LaGrande Rd); north on SR 161 through Eatonville to Orville Rd E (Kapowsin-Eatonville Rd); north on Orville Rd E to Hancock's Kapowsin Tree Farm ownership boundary at the north end of Ohop Lake (Kapowsin and Buckley Tree Farms map); east along Kapowsin Tree Farm boundary to Mount Rainier National Park boundary; south long Mount Rainier National Park boundary to Nisqually River and point of beginning.

**Elk Area No. 6061 Twin Satsop Farms (Mason County):** That portion of GMU 651 starting at the junction of the Deckerville Road and the Brady-Matlock Road; southwest to the junction with the West Boundary Road; north on West Boundary Road to the Deckerville Road; east on the Deckerville Road to the junction of Brady-Matlock Road and point of beginning. In addition, the area within a circle with a radius of two miles centered on the junction of State Route 108 and the Eich Road.

**Elk Area No. 6062 South Bank (Grays Harbor County):** That portion of GMU 660 (Minot Peak) described as follows: Beginning at Highway 12 and Wakefield Road Junction (South Elma); south on Wakefield Road, across the Chehalis River to the South Bank Road; southeast on the South Bank Road to Delezene Road; south on the Delezene Road to a point one mile from the South Bank Road; southeast along a line one mile southwest of the South Bank Road to the Oakville-Brooklyn Road; east on the Oakville-Brooklyn Road to Oakville and Highway 12; northwest on Highway 12 to Wakefield Road to Elma and the point of beginning.

**Elk Area No. 6063 (Grays Harbor and Jefferson counties):** Private lands within Elk Area 6064 east of Highway 101.

**Elk Area No. 6064 Quinault Valley (Grays Harbor and Jefferson counties):** That portion of GMU 638 (Quinault) within the Quinault River watershed.

**Elk Area No. 6066 Chehalis Valley (Grays Harbor County):** That portion of GMU 660 (Minot Peak) beginning at Highway 12 and Highway 107 junction near Montesano; east and south on Highway 12 to Oakville; south on Oakville-Brooklyn Road to a point one mile west of South Bank Road; northwest along a line one mile southwest of South Bank Road to Delezene Road; north along Delezene Road to South Bank Road; northwest along South Bank Road to Wakefield Road; north on Wakefield Road to Chehalis River; west on Chehalis River to Highway 107 bridge; north on Highway 107 to Highway 12 and the point of beginning.

**Elk Area No. 6067 North Minot (Grays Harbor County):** The portion of GMU 660 (Minot Peak) beginning at the junction on State Route 107 and the Melbourne A-line, on the Melbourne A-line to the Vesta F-line; south on Vesta F-line

to Vesta H-line (Vesta Creek Road); south on Vesta Creek Road to the North River Road; south and east on North River Road to the Brooklyn Road; east on Brooklyn Road to the Garrard Creek Road; east and north on Garrard Creek Road to the South Bank Road; east on South Bank to South State Street (Oakville); north on South State Street to U.S. 12; northwest and west on U.S. 12 to State Route 107; south and southwest on SR 107 to the Melbourne A-line and the point of beginning.

**Elk Area No. 6068 Willapa (Grays Harbor County):** That part of GMU 658 south of SR 105 between the intersection of SR 105 and Hammond Road and the SR 105 bridge over Smith Creek; and within one mile north of SR 105 west from Hammond Road and east of the SR 105 bridge over Smith Creek.

**Elk Area No. 6069 Hanaford (Lewis and Thurston counties):** That part of GMU 667 (Skookumchuck) beginning at the intersection of Salzer Valley Road and Centralia-Alpha Road; east and north on Salzer Valley Road to Little Hanaford Road; west on Little Hanaford Road to Teitzel Road; north on Teitzel Road to Big Hanaford Road; west on Big Hanaford Road to State Route 507; north on State Route 507 to Skookumchuck Road; east on Skookumchuck Road to the first bridge over the Skookumchuck River; east along the Skookumchuck River to the Skookumchuck Road bridge; east on Skookumchuck Road to the steel tower power line; southwest along the power line to Big Hanaford Road; east and south along Big Hanaford Road to Weyerhaeuser Road E150; east on Weyerhaeuser Road E150 to Weyerhaeuser Road E247; south and west on Weyerhaeuser Road E247 to Weyerhaeuser Road E240; south on Weyerhaeuser Road E240 to North Fork Road; south on North Fork Road to Centralia-Alpha Road; west on Centralia-Alpha Road to Salzer Valley Road and the point of beginning.

**Elk Area No. 6071 Dungeness (Clallam County):** Portions of GMUs 621 (Olympic) and 624 (Coyle) beginning at the mouth of the Dungeness River; east and south along the coast of the Strait of Juan De Fuca to the mouth of Jimmycome-lately Creek on Sequim Bay; south and west up Jimmycome-lately Creek to Don Schmith Road; north on Don Schmith Road to Palo Alto Road; west and southwest on Palo Alto Road to US Forest Service Road 2880; southwest on US Forest Service Road 2880 to the Dungeness River; north down the Dungeness River to its mouth and the point of beginning.

**Elk Area No. 6072 Sol (~~(Duck)) Duc Valley (Clallam County):~~** That portion of GMU 607 (Sol (~~(Duck + Duc)) Duc) between the Sol (~~(Duck + Duc)) Duc River and Hwy 101 from a point at the Sol (~~(Duck)) Duc River bridge over Hwy 101 approximately 2 miles north of Forks to the westernmost Sol (~~(Duck + Duc)) Duc River bridge over Hwy 101 at a point approximately 1 mile east of Lake Pleasant.~~~~~~~~

**Elk Area No. 6073 Clearwater Valley (Jefferson County):** That portion of GMU 615 (Clearwater) within one mile of the Clearwater Road from the Quinault Indian Reservation boundary to a point 4 miles to the north.

## DEER AREAS

**Deer Area No. 1010 (Columbia County):** GMU 162 excluding National Forest land and the Rainwater Wildlife Area.

**Deer Area No. 1020 Prescott (Columbia and Garfield counties):** That portion of GMU 149 between Hwy 261 and Hwy 127.

**Deer Area No. 1021 Clarkston (Asotin County):** That portion of GMU 178 beginning at the junction of the Highway 12 bridge and Alpowa Creek; east on Highway 12 to Silcott Road; south and east on Silcott Road to Highway 128; southwest on Highway 128 to McGuire Gulch Road; southeast along the bottom of McGuire Gulch to Asotin Creek; east on Asotin Creek to the Snake River; north and west on the Snake River to Alpowa Creek; southwest of Alpowa Creek to the Highway 12 bridge and the point of beginning.

**Deer Area No. 1030 Flat Creek (Stevens County):** That portion of GMU 105, beginning at the junction of Northport-Flat Creek Rd (Co. 4005) and Bull Hill Rd; north on Bull Hill Rd to USFS Rd 240; north on USFS Rd 240 to USFS Rd 230 (Belshazzar Mtn Rd); east and north on USFS Rd 230 to East Boundary of Colville National Forest at Section 24; north on Forest Boundary to Sheep Creek Rd (USFS 15, Co. 4220); west on Sheep Creek Rd to USFS Rd 170 at Kiel Springs; south on USFS Rd 170 to Lael-Flat Creek Rd (USFS 1520); south on Lael-Flat Creek Rd (USFS 1520, Co. 4181) to Northport-Flat Creek Rd; north on Northport-Flat Creek Rd to Bull Hill Rd junction and point of beginning.

**Deer Area No. 1040 Summit Lake (Stevens County):** That portion of GMU 105, beginning at the intersection of Sand Creek Rd (Co. 4017) and the Kettle River at the Rock Cut Bridge; north and east on Sand Cr Rd to Lael-Flat Cr Rd (Co. 4181, USFS Churchill Mine Rd, 1520); east on Lael-Flat Cr Rd (Churchill Mine Rd) to intersection with USFS Rd 15 near Fisher Cr; north and east on USFS Rd 15 to USFS Rd 180; north and west on USFS Rd 180 and continue west on Box Canyon-Deep Creek Rd (USFS Rd 030, Co. 4212) to the intersection of Box Canyon-Deep Creek Rd and the Kettle River; south on the Kettle River to the intersection of Sand Creek Rd and the Kettle River at the Rock Cut Bridge and the point of beginning.

**Deer Area No. 2010 Benge (Adams County):** That part of GMU 284 beginning at the town of Washtucna; north on SR 261 to Weber Road; east on Weber Road to Bengel Road; north on Bengel Road to Wellsandt Road; east on Wellsandt Road to McCall Road; east on McCall Road to Gering Road; east on Gering Road to Lakin Road; east on Lakin Road to Revere Road; south on Revere Road to Rock Creek; south along Rock Creek to the Palouse River; south and west along the Palouse River to SR 26; west on SR 26 to Washtucna and the point of beginning.

**Deer Area No. 2011 Lakeview (Grant County):** That part of GMU 272 beginning at the junction of SR 28 and First Avenue in Ephrata; west on First Avenue to Sagebrush Flats Road; west on Sagebrush Flats Road to Davis Canyon Road; north on Davis Canyon Road to E Road NW; north on E Road

NW to the Grant-Douglas county line; east along the county line to the point where the county line turns north; from this point continue due east to SR 17; south on SR 17 to SR 28 at Soap Lake; south on SR 28 to the junction with First Avenue in Ephrata and the point of beginning.

**Deer Area 2012 Methow Valley (Okanogan County):** All private land in the Methow Watershed located outside the external boundary of the Okanogan National Forest and north of the following boundary: starting where the Libby Creek Road (County road 1049) intersects the Okanogan National Forest boundary; west on road 1049 to State Hwy 153; north on Hwy 153 to the Old Carlton Road; east on the Old Carlton Road to the Texas Creek Road (County road 1543); east on the Texas Creek Road to the Vintin Road (County road 1552); northeast on the Vintin Road to the Okanogan National Forest boundary.

**Deer Area No. 3071 Whitcomb (Benton County):** That part of GMU 373 made up by the Whitcomb Unit of the Umatilla National Wildlife Refuge.

**Deer Area No. 3072 Paterson (Benton County):** That part of GMU 373 made up by the Paterson Unit of the Umatilla National Wildlife Refuge.

**Deer Area No. 4004 (San Juan County):** That part of GMU 410 made up of Shaw Island.

**Deer Area No. 4005 (San Juan County):** That part of GMU 410 made up of Lopez Island.

**Deer Area No. 4006 (San Juan County):** That part of GMU 410 made up of Orcas Island.

**Deer Area No. 4007 (San Juan County):** That part of GMU 410 made up of Decatur Island.

**Deer Area No. 4008 (San Juan County):** That part of GMU 410 made up of Blakely Island.

**Deer Area No. 4009 (Skagit County):** That part of GMU 410 made up of Cypress Island.

**Deer Area No. 4010 (San Juan County):** That part of GMU 410 made up of San Juan Island.

**Deer Area No. 4011 (Island County):** That part of GMU 410 made up of Camano Island.

**Deer Area No. 4012 (Island County):** That part of GMU 410 made up of Whidbey Island.

**Deer Area No. 4013 (King County):** That part of GMU 454 made up of Vashon and Maury islands.

**Deer Area No. 6014 (Pierce County):** That part of GMU 652 made up of Anderson Island.

**Deer Area No. 4926 Guemes (Skagit County):** That part of GMU 407 (North Sound) on Guemes Island.

**Deer Area No. 3088 High Prairie (Klickitat County):** That portion of GMU 388 (Grayback) that is south of SR 142.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-275            2003 Black bear special permit season and quotas.

**WSR 07-01-051**  
**PERMANENT RULES**  
**HORSE RACING COMMISSION**

[Filed December 14, 2006, 2:06 p.m., effective January 14, 2007]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Adopt new sections to implement changes in labor and industries requirements that identified a new risk class for exercise riders.

Statutory Authority for Adoption: [RCW 67.16.020.]

Adopted under notice filed as WSR 06-19-054 on December 14 [September 18], 2006, [and WSR 06-22-042 on October 26, 2006].

Changes Other than Editing from Proposed to Adopted Version: Change in term used of exercise person and pony person will be listed as exercise rider and pony rider for better description of duties.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 3, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 3, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 14, 2006.

R. M. Leichner  
Executive Secretary

NEW SECTION**WAC 260-36-220 Industrial insurance premiums. (1)**

At the time of licensing, a trainer must pay industrial insurance premiums established by labor and industries, unless exempted under WAC 260-36-240.

(2)(a) A trainer at a Class A or B track must pay an industrial insurance premium for exercise riders based upon the number of stalls the trainer has both on and off the grounds of a racing association. The registration papers filed in the race office may be used to determine the number of stalls the trainer has on the grounds. As to stalls off the grounds of a racing association, a trainer must count all stalls that are used for horses subject to being ridden by licensed

exercise riders employed by the trainer, where those exercise riders are subject to Washington labor and industries industrial insurance coverage.

(b) In the event the number of stalls a trainer has on the grounds or the registration papers in the race office are unavailable, the number of industrial insurance premiums for exercise riders will be based upon the number of stalls or papers in the race office from the previous year.

(c) The number of exercise riders for which a trainer is required to pay industrial insurance premiums will be determined as follows:

(i) For zero to twelve stalls a trainer must pay an industrial insurance premium for one exercise rider;

(ii) For thirteen to twenty-four stalls a trainer must pay an industrial insurance premium for two exercise riders;

(iii) For twenty-five to thirty-six stalls a trainer must pay an industrial insurance premium for three exercise riders; and

(iv) For thirty-seven or more stalls a trainer must pay an industrial insurance premium for four exercise riders.

(3) The calculation of exercise rider industrial insurance premiums for trainers at Class C racetracks is the total number of horses listed under that trainer at all the Class C racetracks. The number of exercise riders for which a trainer is required to pay industrial insurance premiums will be determined as follows:

(a) For zero to twelve horses listed, a trainer must pay an industrial insurance premium for one exercise rider;

(b) For thirteen to twenty-four horses listed, a trainer must pay an industrial insurance premium for two exercise riders;

(c) For twenty-five to thirty-six horses listed, a trainer must pay an industrial insurance premium for three exercise riders; and

(d) For thirty-seven or more horses listed, a trainer must pay an industrial insurance premium for four exercise riders.

(4) If any trainer increases the number of horses listed or the number of stalls on or off the grounds during the license year, the trainer must pay an additional exercise rider industrial insurance premium owed as provided in this section.

NEW SECTION

**WAC 260-36-230 Short duration industrial insurance coverage.** (1) Trainers entering horses to run in Washington races will be allowed to obtain short duration industrial insurance coverage under the following conditions:

(a) Trainers who ship in to Class A or B race meets may purchase short duration industrial insurance coverage for seven consecutive calendar days. The trainer must pay twenty percent of the trainer base premium, and twenty percent for each groom slot obtained, assistant trainer hired, and each exercise rider as required in WAC 260-36-220 (all rounded to the next whole dollar). The base premium used for this calculation will be the industrial insurance premiums for Class A or B race meets. A trainer may only purchase Class A or B race meet short duration coverage for three seven-day periods per calendar year.

(b) Trainers who ship in to Class C race meets may purchase short duration industrial insurance coverage for seven consecutive calendar days. The trainer must pay twenty per-

cent of the trainer base premium, and twenty percent of each groom slot obtained, assistant trainer hired, and each exercise rider as required in WAC 260-36-220 (all rounded to the next whole dollar). The base premium used for this calculation will be the industrial insurance premiums for Class C race meets. A trainer may only purchase Class C race meet short duration coverage for three seven-day periods per calendar year. Class C race meet short duration industrial insurance coverage is not transferable to a Class A or B race meet.

(2) Before short duration coverage will be allowed, a trainer must obtain a license and pay all applicable license and fingerprint fees required in WAC 260-36-085. The trainer is also required to ensure that each groom, assistant trainer, pony rider, and exercise rider hired by the trainer has a proper license. A trainer may only employ persons on the grounds of the racing association who are properly licensed by the commission.

#### NEW SECTION

**WAC 260-36-240 Industrial insurance coverage—Reciprocal agreements.** The state of Washington has reciprocal agreements with other states. Trainers shipping in from these jurisdictions who have industrial insurance from a reciprocal state need not obtain industrial insurance coverage so long as they comply with the conditions of RCW 51.12-120 and WAC 296-17-31009.

### WSR 07-01-052

#### PERMANENT RULES

#### HORSE RACING COMMISSION

[Filed December 14, 2006, 2:09 p.m., effective January 14, 2007]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This continues the agencies efforts to incorporate clear and understandable language in the rules of racing. Also adds some changes in WAC 260-36-060 requiring assistant trainers and jockeys to obtain additional licenses to comply with labor and industries requirements for coverage. New language is added in WAC 260-36-110 requiring licensees to have in their possession their badges while in a restricted area. WAC 260-36-120 is amended clarifying requirements for license denial involving felony convictions and adds language regarding felony drug crimes.

Citation of Existing Rules Affected by this Order: Amending WAC 260-36-010, 260-36-015, 260-36-030, 260-36-050, 260-36-060, 260-36-062, 260-36-065, 260-36-080, 260-36-100, 260-36-110, 260-36-120, 260-36-150, 260-36-180, 260-36-200, and 260-36-210.

Statutory Authority for Adoption: RCW 67.16.020.

Adopted under notice filed as WSR 06-22-067 on October 30, 2006.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 15, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 15, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 15, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 14, 2006.

R. M. Leichner  
Executive Secretary

AMENDATORY SECTION (Amending WSR 06-05-039, filed 2/9/06, effective 3/12/06)

**WAC 260-36-010 License required.** Any person acting in an official capacity or any person participating directly in horse racing must have a valid license. Commissioners and employees of the commission ((and commissioners are)) do not ((required to be licensed)) require a license. Persons employed by a racing association who only perform duties of concessions, housekeeping, parking, food and beverage, landscaping or similar functions, and do not act in an official capacity or participate directly in horse racing are not required to be licensed. Decisions regarding who is required to be licensed, if not addressed in this chapter, ((shall)) will be made by the executive secretary. It ((shall be)) is a violation of these rules for any person to act in an official capacity or participate directly in horse racing unless licensed by the commission.

((This rule applies retroactively to all licensing for the 2006 racing season. Any person that is not required to be licensed by this rule, but was required to be licensed in 2005, shall not be required to obtain a 2006 license.))

AMENDATORY SECTION (Amending WSR 06-05-039, filed 2/9/06, effective 3/12/06)

**WAC 260-36-015 Age requirement for license.** Applicants for licensing ((shall)) must be at least fourteen years of age unless otherwise specified. An applicant may be required to submit a certified copy of his/her birth certificate.

AMENDATORY SECTION (Amending WSR 06-05-039, filed 2/9/06, effective 3/12/06)

**WAC 260-36-030 Veterinarians—License required.** Veterinarians licensed by the commission may also apply for a trainer's license. A licensee holding a veterinarian and a trainer's license ((shall be)) is subject to the following restrictions:

(1) The licensee may treat, using veterinary methods, only those horses for which he/she is the trainer of record.

(2) Notwithstanding subsection (1) of this section, during an emergency on the grounds of the racing association, the licensee may respond and assist at the scene of the emergency. Any veterinary treatment provided at the scene ((shall)) must be reported in writing to the official veterinarian. The report ((shall)) will include, at a minimum, the

names of horses treated and treatment rendered. The report must be filed by the next race day's first race.

AMENDATORY SECTION (Amending WSR 06-05-039, filed 2/9/06, effective 3/12/06)

**WAC 260-36-050 Application for license.** All applications for a license ~~((shall))~~ must be made to the commission on approved forms. It ~~((shall be))~~ is a violation of these rules for any person applying for a license to provide false information or fail to provide accurate and complete information. Persons completing an application ~~((shall be))~~ are responsible for the accuracy and completeness of the information contained on the application. Applicants may be required to have their photograph taken. The commission, executive secretary, stewards, or security investigators, in their discretion, may require a photograph from any applicant or licensee at any time.

AMENDATORY SECTION (Amending WSR 06-05-039, filed 2/9/06, effective 3/12/06)

**WAC 260-36-060 Application for license—Stewards' review.** (1) Applications for an initial license submitted by trainers, assistant trainers, jockeys, apprentice jockeys, jockey agents, exercise riders, pony ~~((persons))~~ riders, or outriders must be reviewed by a steward to determine if the applicant is qualified for the license requested.

(a) All assistant trainers must also obtain a groom license.

(b) Jockeys must have an exercise rider license to perform exercise rider duties.

(2) The determination whether an applicant is qualified for the license ~~((shall))~~ will be made by a steward based on review of the application, and, at the discretion of the steward, the applicant may also be required to do one or more of the following:

(a) Pass a written exam;

(b) Appear for an oral interview either in person or by phone; or

(c) Demonstrate skills required for the license.

If a steward determines that an applicant is not qualified to receive the license requested, the applicant ~~((shall))~~ will be notified and provided an opportunity to request a stewards' ruling conference on that issue.

(3) If an applicant has been previously determined, within the past five years, to be qualified for the license requested, review of the applicant's qualifications for that license is not necessary for subsequent license applications for the same type of license. An applicant may be determined to be qualified for the license requested if that person has been licensed in this state or other recognized jurisdiction in the past five years.

AMENDATORY SECTION (Amending WSR 06-05-039, filed 2/9/06, effective 3/12/06)

**WAC 260-36-062 Fitness to participate.** (1) All applicants for a jockey, apprentice jockey, exercise rider, pony ~~((person))~~ rider or outrider license ~~((shall))~~ must certify on their application that they are physically fit to ride.

(2) During the conduct of a race meet, if the board of stewards finds that a threat to the public health, safety or welfare requires emergency action, the board of stewards may require a jockey, apprentice jockey, exercise rider, pony ~~((person))~~ rider or outrider to provide a physician's written statement verifying fitness to ride before being allowed to ride in a race or on the grounds of the racing association.

AMENDATORY SECTION (Amending WSR 06-05-039, filed 2/9/06, effective 3/12/06)

**WAC 260-36-065 Approval of application for license.** The procedure for processing license applications ~~((shall))~~ will be determined by the executive secretary.

AMENDATORY SECTION (Amending WSR 06-05-039, filed 2/9/06, effective 3/12/06)

**WAC 260-36-080 Duration of a license.** (1) Every license issued by the commission ~~((shall))~~ will be for a term not exceeding one year. Licenses ~~((shall))~~ expire on December 31st of each year except as otherwise provided in this rule.

(2) Licenses issued to employees of a ~~((class))~~ racing association ~~((shall))~~ will be for a term of one year and expire on ~~((March 1st))~~ the last day of February of each year.

(3) A license ~~((shall))~~ will be considered expired as of the date a licensee is no longer performing the activities for which he or she was licensed, or, if applicable, the date the licensee is no longer employed by the employer who hired the licensee. The commission or its designee may, at its sole discretion, reinstate such a license if the licensee is reemployed or begins performing the activities for which he or she was licensed prior to the end of the license period for which the license had been originally issued.

AMENDATORY SECTION (Amending WSR 06-05-039, filed 2/9/06, effective 3/12/06)

**WAC 260-36-100 Fingerprints ~~((and photographs))~~.** Every person applying for a license ~~((shall))~~ must furnish the commission his or her fingerprints ~~((and photograph))~~ upon making an initial application for a license and at least once every three years thereafter. However, the commission, executive secretary, stewards, or security investigators, in ~~((its))~~ their discretion, may require fingerprints ~~((and a photograph))~~ from any applicant or licensee at any time.

AMENDATORY SECTION (Amending WSR 06-05-039, filed 2/9/06, effective 3/12/06)

**WAC 260-36-110 Display of license.** (1) Licensees ~~((shall))~~ must present their license when requested to do so by racing association security personnel or commission employees.

(2) The commission may require licenses to be ~~((worn))~~ displayed in plain view while on association grounds.

(3) Every licensee must have his/her commission license in his/her immediate possession at all times when in any restricted area of racing association grounds, acting in an official capacity or participating directly in horse racing.

AMENDATORY SECTION (Amending WSR 06-05-039, filed 2/9/06, effective 3/12/06)

**WAC 260-36-120 Denial, suspension, and revocation—Grounds.** (1) The commission or its designee may refuse to issue or may deny a license to an applicant, may modify or place conditions upon a license, may suspend or revoke a license issued, ~~((or))~~ may order disciplinary measures, or may ban a person from all facilities under the commission's jurisdiction, if the applicant ~~((or))~~ licensee, or other person:

(a) ~~((Has been convicted of a felony, as classified by the laws of the state of Washington or the laws of the jurisdiction in which the conviction occurred;~~

~~((b)))~~ Has been convicted of violating any law regarding gambling or a controlled substance;

~~((c)))~~ (b) Has pending misdemeanor or gross misdemeanor criminal charges, as classified by the laws of the state of Washington or the laws of the jurisdiction in which the conviction occurred;

~~((d)))~~ (c) Has failed to meet the minimum qualifications required for the license for which they are applying;

~~((e)))~~ (d) Has failed to disclose or states falsely any information required in the application;

~~((f)))~~ (e) Has been found in violation of statutes or rules governing racing in this state or other jurisdictions;

~~((g)))~~ (f) Has a proceeding pending to determine whether the applicant or licensee has violated the rules of racing in this state or other racing jurisdiction;

~~((h)))~~ (g) Has been or is currently excluded from ~~((association grounds))~~ a racetrack at which parimutuel wagering on horse racing is conducted by a recognized racing jurisdiction;

~~((i)))~~ (h) Has had a license denied by any racing jurisdiction;

~~((j)))~~ (i) Is a person whose conduct or reputation may adversely reflect on the honesty and integrity of horse racing or who may interfere or has interfered with the orderly conduct of a race meeting;

~~((k)))~~ (j) Demonstrates financial irresponsibility by accumulating unpaid obligations, defaulting in obligations or issuing drafts or checks that are dishonored or payment refused;

~~((l)))~~ (k) Has violated any of the alcohol or substance abuse provisions outlined in chapter 260-34 WAC;

~~((m)))~~ (l) Has violated any of the provisions of chapter 67.16 RCW;

~~((n)))~~ (m) Has violated any provisions of Title 260 WAC;

~~((o)))~~ (n) Has association with persons of known disreputable character; or

~~((p)))~~ (o) Has not established the necessary skills or expertise to be qualified for a license as required by WAC 260-36-060.

(2) The commission or its designee ~~((shall))~~ must deny the application for license or suspend or revoke an existing license if the applicant or licensee:

(a) Has been convicted of any felony crime against a person. "Crime against a person" means a conviction for any offense enumerated in chapters 9A.32, 9A.36, 9A.40, 9A.42, and 9A.44 RCW, or an offense which would constitute an

offense enumerated in those chapters if committed in Washington state;

~~((b))~~ ~~((Has been convicted of any felony property crime within the past ten years. "Property crime" means a conviction for an offense enumerated in chapters 9A.48, 9A.52, 9A.56, and 9A.60 RCW, or an offense which would constitute an offense enumerated in those chapters if committed in Washington state;~~

~~((c)))~~ Has been convicted of any felony drug crime involving the possession or use of any drug as defined in chapter 69.41 RCW or any controlled substance as defined in chapter 69.50 RCW within the past three years~~((:~~

~~((d)))~~;

~~((e))~~ (c) Has been convicted of any other felony drug crime as defined in chapter 69.41 RCW or felony crime involving a controlled substance as defined in chapter 69.50 RCW~~((:~~ or a felony drug crime which would constitute an offense enumerated in those chapters if committed in Washington state;

~~((f))~~ (d) Has been convicted of any other felony crime within the past ten years. Other felony crime includes any felony conviction not listed in (a), (b), and (c) of this subsection. This also includes an offense committed in another jurisdiction, which would constitute a felony if committed in Washington state;

~~((g))~~ (e) Has five or more convictions for gross misdemeanors within the last three years, as classified by the laws of the state of Washington or the laws of the jurisdiction in which the conviction occurred;

~~((h))~~ (f) Is subject to current prosecution or pending charges for any felony crime;

~~((i))~~ (g) Has ~~((a))~~ any felony conviction under appeal;

~~((j))~~ (h) Is currently suspended or revoked in Washington or by another recognized racing jurisdiction;

~~((k))~~ (i) Is certified under RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order; or

~~((l))~~ (j) Has any outstanding arrest warrants.

~~((m))~~ (3) In considering a challenge of a decision denying or revoking a license pursuant to subsection (2) of this section, the commission may only reverse the denial or revocation on a showing by the appellant of mitigating information and that the best interests of horse racing would not be compromised by granting or reinstating a license.

~~((n))~~ (4) A license suspension or revocation ~~((shall))~~ will be reported in writing to the applicant or licensee and the Association of Racing Commissioners International, Inc.

AMENDATORY SECTION (Amending WSR 06-05-039, filed 2/9/06, effective 3/12/06)

**WAC 260-36-150 Employing or harboring an unlicensed person.** No racing association or licensee ~~((shall))~~ may employ an unlicensed person in a position for which a license is required by these rules. No licensee ~~((shall))~~ may harbor any unlicensed person in the restricted areas on the grounds of any class A or B racing association.



AMENDATORY SECTION (Amending WSR 06-05-039, filed 2/9/06, effective 3/12/06)

**WAC 260-36-180 Authority to search.** In order to protect the integrity of horse racing and to protect the interests and safety of the public and participants, the commission and its employees (~~(shall)~~) have the right to enter into or upon the buildings, stables, rooms, motor vehicles or other places within the grounds of a racing association to examine the same and to inspect and examine the personal property and effects of any licensee within such places. Any person who has been granted a license by the commission, by accepting a license, authorizes the commission or its employees to search his/her person and the areas indicated herein and to seize any medication, drugs, paraphernalia or device prohibited by the rules of racing, or other evidence of a violation of the rules of racing. If a licensee refuses to allow a search, the board of stewards (~~(shall)~~) **must** revoke his/her license and refer the matter to the commission.

AMENDATORY SECTION (Amending WSR 06-05-039, filed 2/9/06, effective 3/12/06)

**WAC 260-36-200 Application for owner's license by trainer.** (1) A trainer may submit an application for an owner's license on behalf of an owner (~~(providing)~~). Upon submitting such application, the trainer (~~(pays)~~) **must pay** all license fees and required labor and industries premiums (~~(are submitted with the application)~~).

(2) Within fourteen days of the trainer's submission of a license application on behalf of an owner, the owner must complete the license application process by providing fingerprints, a photograph, and any other information required by the commission. If the owner fails to complete the application process within the fourteen days, the board of stewards may revoke the owner's license.

AMENDATORY SECTION (Amending WSR 06-05-039, filed 2/9/06, effective 3/12/06)

**WAC 260-36-210 Owner's license.** There (~~(shall be)~~) **is** no age limitation for a person to apply for and be granted an owner's license, except that persons under the age of eighteen must have a parent or guardian assume financial responsibility for them.

#### WSR 07-01-053

##### PERMANENT RULES

#### HORSE RACING COMMISSION

[Filed December 14, 2006, 2:15 p.m., effective January 14, 2007]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To incorporate two sections of chapter 260-12 WAC into one section stating that all patrons and licensees must comply with the rules of racing and laws of Washington.

Citation of Existing Rules Affected by this Order: Repealing WAC 260-12-130 and 260-12-140.

Statutory Authority for Adoption: RCW 67.16.020.

Adopted under notice filed as WSR 06-22-066 on October 30, 2006.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 0, Repealed 2.

Number of Sections Adopted Using Negotiated Rule Making: New 1, Amended 0, Repealed 2; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 14, 2006.

R. M. Leichner  
Executive Secretary

#### NEW SECTION

#### **WAC 260-12-145 Persons bound by laws and rules.**

Any person on the grounds of any racing association or satellite location under the jurisdiction of the commission must comply with the laws of Washington and the rules promulgated by the commission.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 260-12-130	Participants, patrons, bound by rules.
WAC 260-12-140	Owners, etc., bound by rules.

#### WSR 07-01-054

##### PERMANENT RULES

#### HORSE RACING COMMISSION

[Filed December 14, 2006, 2:17 p.m., effective January 14, 2007]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To amend some license fees to comply with the mandate that license fees cover the administrative cost of the license program.

Citation of Existing Rules Affected by this Order: Amending WAC 260-36-085.

Statutory Authority for Adoption: RCW 67.16.020.

Adopted under notice filed as WSR 06-22-010 on October 20, 2006.

Changes Other than Editing from Proposed to Adopted Version: Change in term used of exercise person and pony person will be listed as exercise rider and pony rider for better description of duties.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 14, 2006.

R. M. Leichner  
Executive Secretary

**AMENDATORY SECTION** (Amending WSR 06-05-039, filed 2/9/06, effective 3/12/06)

**WAC 260-36-085 License and fingerprint fees.** The following are the license fees for any person actively participating in racing activities:

Apprentice jockey	\$((67.00)) <u>69.00</u>
Assistant trainer	\$((31.00)) <u>32.00</u>
Association employee—management	\$21.00
Association employee—hourly/seasonal	\$11.00
Association volunteer nonpaid	No fee
Authorized agent	\$21.00
Clocker	\$21.00
Exercise rider	\$((67.00)) <u>69.00</u>
Groom	\$21.00
Honorary licensee	\$11.00
Jockey agent	\$((67.00)) <u>69.00</u>
Jockey	\$((67.00)) <u>69.00</u>
Other	\$21.00
Owner	\$((67.00)) <u>69.00</u>
Pony ((person)) rider	\$((67.00)) <u>69.00</u>
Service employee	\$21.00
Spouse groom	\$21.00
Stable license	\$((41.00)) <u>42.00</u>
Trainer	\$((67.00)) <u>69.00</u>

Vendor	\$((103.00)) <u>106.00</u>
Veterinarian	\$((103.00)) <u>106.00</u>

The license fee for multiple licenses ((shall)) may not exceed \$((103.00)) 106.00, except persons applying for owner, veterinarian or vendor license ((shall)) must pay the license fee established for each of these licenses.

The following are examples of how this section applies:

Example one - A person applies for the following licenses: Trainer (\$((67.00)) 69.00), exercise ((person)) rider (\$((67.00)) 69.00), and pony ((person)) rider (\$((67.00)) 69.00). The total license fee for these multiple licenses would only be \$((103.00)) 106.00.

Example two - A person applies for the following licenses: Owner (\$((67.00)) 69.00), trainer (\$((67.00)) 69.00) and exercise ((person)) rider (\$((67.00)) 69.00). The total cost of the trainer and exercise ((person)) rider license would be \$((103.00)) 106.00. The cost of the owner license (\$((67.00)) 69.00) would be added to the maximum cost of multiple licenses (\$((103.00)) 106.00) ((to determine the)) for a total license fee of \$((170.00)) 175.00.

Example three - A person applies for the following licenses: Owner (\$((67.00)) 69.00), vendor (\$((103.00)) 106.00), and exercise ((person)) rider (\$((67.00)) 69.00). The license fees for owner (\$((67.00)) 69.00) and vendor (\$((103.00)) 106.00) are both added to the license fee for exercise ((person)) rider (\$((67.00)) 69.00) for a total license fee of \$((237.00)) 244.00.

In addition to the above fees, a \$10.00 fee will be added to cover the costs of conducting a fingerprint-based background check. The background check fee will be assessed only once annually per person regardless of whether the person applies for more than one type of license in that year.

The commission ((shall)) will review license and fingerprint fees annually to determine if they need to be adjusted to comply with RCW 67.16.020.

**WSR 07-01-065**  
**PERMANENT RULES**  
**CENTRAL WASHINGTON UNIVERSITY**

[Filed December 18, 2006, 9:54 a.m., effective January 18, 2007]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Modify existing student conduct rules to comply with federal and state regulations and current administrative practice.

Citation of Existing Rules Affected by this Order: Amending WAC 106-120-003, 106-120-004, 106-120-005, 106-120-006, 106-120-007, 106-120-021, 106-120-022, 106-120-023, 106-120-024, 106-120-025, 106-120-026, 106-120-027, 106-120-028, 106-120-033, 106-120-131, 106-120-132, and 106-120-143.

Statutory Authority for Adoption: RCW 28B.10.528 and 28B.35.120(12).

Adopted under notice filed as WSR 06-22-044 on October 27, 2006.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 17, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 14, 2006.

Jerilyn S. McIntyre  
President

## Chapter 106-120 WAC

### STUDENT (~~JUDICIAL~~) CONDUCT CODE

AMENDATORY SECTION (Amending Order CWU AO 75, filed 10/12/94, effective 11/12/94)

**WAC 106-120-003 Purpose.** The students of Central Washington University are responsible for complying with policies, standards, rules, and requirements for academic and social behavior formulated by the university for the maintenance of (~~and~~) an orderly and responsible functioning of the university community. Students enrolled at any of the university's campuses are expected to uphold these standards both on and off campus. The student conduct code shall apply to a student's conduct even if the student withdraws from the university while a disciplinary matter is pending. At the same time, students have protection through orderly procedures against arbitrary or capricious actions or decisions by university authorities. Due process is recognized as essential to the proper enforcement of university rules. The purpose of this chapter is to provide a procedure and rules by which a student will be afforded due process in the matter of alleged violations of university standards, rules and requirements governing academic and social conduct of students.

The university recognizes a responsibility to resolve behavior problems before they escalate into serious problems requiring the application of these rules. Therefore, the vice-president for student affairs and enrollment management shall generally review and/or investigate student behavioral problems which are referred by university community members or any subsidiary (~~judicial~~) conduct agencies to the (~~campus judicial~~) student conduct council, or which otherwise come to the attention of the vice-president through (~~campus safety reports~~) the office of public safety and police services or other official university reports. The vice-president and the problem-solving team shall be as proactive as (~~is~~) possible concerning the resolution of student behavioral problems and use reasonable arbitration and conflict resolution methods in order to prevent such problems from

further interfering with the university community or the student's own (~~educational~~) education progress.

AMENDATORY SECTION (Amending Order CWU AO 75, filed 10/12/94, effective 11/12/94)

**WAC 106-120-004 Definitions.** (1) "University" shall mean Central Washington University.

(2) "Vice-president" shall mean the vice-president for student affairs and enrollment management of the university or the vice-president's designee.

(3) "Student" shall mean a person enrolled either full or part time, pursuing undergraduate or graduate studies, or extension studies, or a person accepted for admission or readmission to the university.

(4) "University community" shall include the employees and students of Central Washington University and all property and equipment of the university.

(5) "Hazing" shall include 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 Central Washington University. The term does not include customary athletic events or other similar contests or competitions.

(6) "Sexual assault" occurs when the act is intentional and is committed either by:

(a) Physical force, violence, threat, or intimidation;

(b) Ignoring the objections of another person;

(c) Causing another's intoxication or impairment through the use of alcohol or drugs; or

(d) Taking advantage of another person's incapacitation, state of intimidation, helplessness, or other inability to consent.

(7) "Sexual misconduct" occurs when an act is committed without intent to harm another and where, by failing to correctly assess the circumstances, a person mistakenly believes that effective consent was given and did not meet his/her responsibility to gain effective consent.

(8) "Sexual harassment" is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. More specifically, sexually harassing behavior includes, but is not limited to the following:

(a) Gender harassment, including sexist statements and behaviors that convey insulting, degrading, or sexist attitudes;

(b) Seductive behavior encompassing unwanted, inappropriate, and offensive physical or verbal sexual advances;

(c) Sexual bribery, involving solicitation of sexual activity or other sex-linked behavior by promise of reward;

(d) Sexual coercion of sexual activity or other sex-linked behavior by threat of punishment; and

(e) Sexual assault, attempted rape, and rape. Additional examples of sexual harassment can be found in the university's sexual harassment policy. (CWU Policies Manual 2-2.2.3.2 <http://www.cwu.edu/~pres/policies/Part2-2.2.pdf>).

(9) "Stalking" is a legal term for repeated harassment or other forms of invasion of a person's privacy in a manner that

causes fear to its target. Stalking may include such acts as repeated following; unwanted contact (by letter or other means of communication); observing a person's actions closely for an extended period of time; or contacting family members, friends, or associates of a target inappropriately.

AMENDATORY SECTION (Amending WSR 91-04-054, filed 2/4/91, effective 3/7/91)

**WAC 106-120-005 Provision for due process.** The vice-president shall provide for due process for students throughout the behavioral problem-solving intervention by following the proper steps related to the initiation, investigation, and disposition of complaints against a student (~~(which is)~~) as outlined in WAC 106-120-131.

AMENDATORY SECTION (Amending Order 58, filed 3/15/85)

**WAC 106-120-006 Students subject to ~~((judicial)) student conduct code.~~** Any student is subject to these rules, independent of any other status the individual may have with the university. Any action taken against a student under these rules shall be independent of other actions taken by virtue of another relationship with the university in addition to that of student.

AMENDATORY SECTION (Amending Order 58, filed 3/15/85)

**WAC 106-120-007 Cooperation with law enforcement agencies.** Central Washington University distinguishes its responsibility for student conduct from the controls imposed by the larger community beyond the university, and of which the university is a part. ~~((The university does not have the responsibilities of a parent for the conduct of students, and is not responsible for conduct of students off campus.))~~ When students are charged with violations of laws of the nation or state, or ordinances of the county or city, the university will neither request nor agree to special consideration for students because of their status as students, but the university will cooperate with law enforcement agencies, courts, and any other agencies in programs for rehabilitation of students.

Central Washington University reserves the right to impose the provisions of this chapter and apply further sanctions before or after law enforcement agencies, courts, and other agencies have imposed penalties or otherwise disposed of a case.

AMENDATORY SECTION (Amending Order 58, filed 3/15/85)

**WAC 106-120-021 ~~((Campus judicial)) Student conduct council.~~** The ~~((campus-judicial)) student conduct council~~ shall be the principal campus-wide ~~((judicial)) conduct~~ body with jurisdiction over all students, whether graduate or undergraduate, and student organizations and authority to hear all charges of misconduct. It has authority to impose the sanctions described in WAC 106-120-028.

AMENDATORY SECTION (Amending Order 58, filed 3/15/85)

**WAC 106-120-022 Subsidiary judicial agencies.** Other divisions of the university may elect to establish subsidiary ~~((judicial)) conduct~~ agencies over which the ~~((campus judicial)) student conduct~~ council will have appellate jurisdiction. Subsidiary ~~((judicial)) conduct~~ agencies or persons levying sanctions should devise sanctions which are in proportion to both the nature and extent of the misconduct, and which redress injury, damage, expense, inconvenience and/or grievance as far as possible. Appeal from subsidiary councils or agencies must be made within five working days from the time of publication of findings by said subsidiary ~~((judicial)) conduct~~ agency. Failure to file such an appeal will constitute and be construed as full acceptance by all parties of the findings.

AMENDATORY SECTION (Amending WSR 91-04-054, filed 2/4/91, effective 3/7/91)

**WAC 106-120-023 ~~((Campus judicial)) Student conduct council—Membership.~~** The ~~((campus-judicial)) student conduct~~ council shall consist of ~~((three)) six~~ faculty members holding the rank of assistant professor or above, and eight students, at least one of whom should be a graduate student if a graduate student files for appointment to the council.

(1) The faculty members of the council shall be designated in accordance with procedures established by the faculty senate.

(2) The student members of the council shall be selected in accordance with procedures established by the constitution of the associated students of Central Washington University. Eight student members shall be appointed, each student being appointed for a term of one calendar year. Terms of office for students begin with the first day of instruction of the academic year for which the student is appointed.

AMENDATORY SECTION (Amending WSR 91-04-054, filed 2/4/91, effective 3/7/91)

**WAC 106-120-024 ~~((Campus judicial)) Student conduct council—Chair.~~** A ~~((campus-judicial)) student conduct~~ council chair shall be elected at the first meeting each academic year and shall continue in office until the person resigns or is recalled. The duties of the chair are as follows:

(1) To call regular and special meetings of the council by notification to members at least twenty-four hours in advance of the meeting time, except in bona fide emergency situations.

(2) To preside over all regular and special meetings.

(3) To act as presiding officer at all meetings of the proceeding board.

AMENDATORY SECTION (Amending Order 58, filed 3/15/85)

**WAC 106-120-025 ~~((Campus judicial)) Student conduct council—Quorum.~~** Two of the faculty members and

three of the student members of the council shall constitute a quorum.

AMENDATORY SECTION (Amending WSR 91-04-054, filed 2/4/91, effective 3/7/91)

**WAC 106-120-026 ((Campus judicial)) Student conduct council—Advisor.** The vice-president shall appoint a ((faculty member)) designee as a ((judicial)) student conduct council advisor whose duties shall be to convene the council, and advise the council during all meetings and hearings.

AMENDATORY SECTION (Amending Orders CWU AO 75 and CWU AO 75A, filed 10/12/94 and 10/19/94, effective 11/12/94 and 11/19/94)

**WAC 106-120-027 Proscribed conduct.** A student shall be subject to disciplinary action or sanction upon violation of any of the following conduct proscriptions:

(1) Disruptive and disorderly conduct which interferes with the rights and opportunities of other students to pursue their academic studies.

(2) Academic dishonesty in all its forms including, but ((without being)) not limited to:

(a) Cheating on tests.

(b) Copying from another student's test paper.

(c) Using materials during a test not authorized by the person giving the test.

(d) Collaboration with any other person during a test without authority.

(e) Knowingly obtaining, using, buying, selling, transporting, or soliciting in whole or in part the contents of an unadministered test or information about an unadministered test.

(f) Bribing any other person to obtain an unadministered test or information about an unadministered test.

(g) Substitution for another student or permitting any other person to substitute for oneself to take a test.

(h) "Plagiarism" which shall mean the appropriation of any other person's work and the unacknowledged incorporation of that work in one's own work offered for credit.

(i) "Collusion" which shall mean the unauthorized collaboration with any other person in preparing work offered for credit.

(3) Filing a formal complaint with the vice-president for student affairs and enrollment management with the intention of falsely accusing another with having violated a provision of this code.

(4) Furnishing false information to any university official, especially during the investigation of alleged violations of this code.

(5) Furnishing false information to the ((campus judicial)) student conduct council with the intent to deceive, the intimidation of witnesses, the destruction of evidence with the intent to deny its presentation to the ((campus judicial)) student conduct council or ((the willful failure to appear before the campus judicial council or)) the vice-president when properly notified to appear.

(6) Intentionally setting off a fire alarm or reporting a fire or other emergency or tampering with fire or emergency

equipment except when done with the reasonable belief in the existence of a need therefore.

(7) Forgery, alteration, or misuse of university documents, records, or identification cards.

(8) Sexual ((assault in any form, including acquaintance rape and other forced and/or nonconsensual sexual activity)) harassment including stalking, forced and/or nonconsensual sexual activity in any form, including sexual assault and sexual misconduct.

(9) Actual or attempted physical/emotional abuse of any person or conduct which threatens or endangers the health and safety of any person or which intentionally or recklessly causes a reasonable apprehension of harm to any person.

(10) Harassment of any sort or any malicious act which causes harm to any person's physical or mental well being.

(11) Recklessly engaging in conduct which creates a substantial risk of physical harm to another person.

(12) Creating noise in such a way as to interfere with university functions or using sound amplification equipment in a loud and raucous manner.

(13) Theft or malicious destruction, damage or misuse of university property, private property of another member of the university community, whether occurring on or off campus; or theft or malicious destruction, damage or misuse on campus of property of a nonmember of the university community.

(14) Unauthorized seizure or occupation or unauthorized presence in any university building or facility.

(15) Intentional disruption or obstruction of teaching, research, administration, disciplinary proceedings, or other university activities or programs whether occurring on or off campus or of activities or programs authorized or permitted by the university ((to be conducted on campus)) pursuant to the provisions of this chapter.

(16) Intentional participation in a demonstration which is in violation of rules and regulations governing demonstrations promulgated by the university pursuant to the provisions of this chapter.

(17) Unauthorized entry upon the property of the university or into a university facility or any portion thereof which has been reserved, restricted in use, or placed off limits; unauthorized presence in any university facility after closing hours; or unauthorized possession or use of a key to any university facility.

(18) Possession or use on campus of any firearm, dangerous weapon or incendiary device or explosive unless such possession or use has been authorized by the university.

(19) Possession, use, or distribution on campus of any controlled substance as defined by the laws of the United States or the state of Washington except as expressly permitted by law.

(20) Violation of the university policy on alcoholic beverages which states:

(a) Persons twenty-one years of age or older may possess and/or consume alcoholic beverages within the privacy of their residence hall rooms or apartments. Washington state law provides severe penalties for the possession or consumption of alcoholic beverages by persons under twenty-one years of age and for persons who furnish alcoholic beverages

to minors. All university students should be aware of these laws and the possible consequences of violations.

(b) The university does not condone the consumption of alcoholic beverages by minors at functions sponsored by Central Washington University organizations. Organizations are held responsible for the conduct of their members at functions sponsored by the organization and for failure to comply with Washington state law.

(c) The ~~((campus judicial))~~ student conduct council may place on probation any organization or prohibit a specific campus social function when the consumption of alcoholic beverages has become a problem of concern to the university.

(21) Conduct which violates the university policies on computer use.

(22) Violation of clearly stated proscriptions in any published rule or regulation promulgated by any official campus committee ~~((or))~~, commission, or council acting within the scope of its authority.

(23) Violation on or off campus of any city, county, state, or federal law ~~((or violation of any state or federal law off campus while participating))~~. This includes participation in any university sponsored activity.

(24) Conspiracy to engage in hazing or participation in hazing of another.

(25) Failure to comply with the directive of a university official acting in the scope of authority may result in disciplinary action.

AMENDATORY SECTION (Amending Order CWU AO 75, filed 10/12/94, effective 11/12/94)

**WAC 106-120-028 Disciplinary sanctions.** The following ~~((definitions of disciplinary terms have been established and))~~ may be the sanctions imposed by the vice-president for student affairs and enrollment management or by the ~~((campus judicial))~~ student conduct council.

(1) Warning. Notice in writing that the student has violated university rules or regulations or has otherwise failed to meet the university's standard of conduct. Such warning will contain the statement that continuation or repetition of the specific conduct involved or other misconduct will normally result in one of the more serious disciplinary actions described below.

(2) Disciplinary probation. Formal action specifying the conditions under which a student may continue to be a student at the university including limitation of specified activities, movement, or presence on the CWU campus, including restricted access to any university building. The conditions specified may be in effect for a limited period of time or for the duration of the student's attendance at the university.

(3) Restitution. An individual student may be required to make restitution for damage or loss to university or other property and for injury to persons. Failure to make restitution will result in suspension ~~((for an indefinite period of time as set forth in subsection (4) below provided that a student may be reinstated upon payment))~~ until payment is made.

(4) Suspension. Dismissal from the university and from status as a student for a stated period. The notice suspending the student will state in writing the term of the suspension and any condition(s) that must be met before readmission is

granted. The student so suspended must demonstrate that the conditions for readmission have been met. There is to be no refund of fees for the quarter in which the action is taken, but fees paid in advance for a subsequent quarter are to be refunded.

(5) Deferred suspension. Notice of suspension from the university with the provision that the student may remain enrolled contingent on meeting a specified condition. Not meeting the contingency shall immediately invoke the suspension for the period of time and under the conditions originally imposed.

(6) Expulsion. The surrender of all rights and privileges of membership in the university community and exclusion from the campus without any possibility for return.

(7) For the specific instance of hazing, forfeiture of any entitlement to state-funded grants, scholarships, or awards for a specified period of time.

AMENDATORY SECTION (Amending WSR 91-04-054, filed 2/4/91, effective 3/7/91)

**WAC 106-120-033 Readmission after suspension.**

Any student suspended from the university under the provisions of the student ~~((judicial))~~ conduct code may be readmitted upon expiration of the time period specified in the document of original suspension.

If circumstances warrant reconsideration of the suspension prior to its time of expiration, the student may be readmitted following approval of a written petition submitted to the vice-president. Such petitions must state reasons which either provide new evidence concerning the situation which resulted in the suspension, or demonstrate that earlier readmission is in the best interest of the student and the university. Approval for such readmission must be given by the vice-president or by the ~~((campus judicial))~~ student conduct council.

Students who have been suspended and whose suspension upon appeal is found to have been unwarranted shall be provided full opportunity to reestablish their academic and student standing to the extent possible within the abilities of the university, including an opportunity to retake examinations or otherwise complete course offerings missed by reason of such action.

AMENDATORY SECTION (Amending Order CWU AO 75, filed 10/12/94, effective 11/12/94)

**WAC 106-120-131 Initiation, investigation, and disposition of complaints.** (1) Philosophy.

~~((When))~~ The problem-solving team deals with student ~~((behavioral problems occur, the university employs a team problem-solving approach. The director of housing, director of residence living, and the chief of public safety and police services join the assistant and associate vice-president))~~ behaviors which constitute violations of this code. The problem-solving team meets weekly to review residence ~~((living))~~ hall incident reports filed by ~~((living group advisors))~~ resident assistants and ~~((hall))~~ building managers, as well as ~~((campus))~~ police reports which ~~((cover))~~ deal with both on- ~~((campus))~~ and off-campus students. ~~((This problem-solving~~

~~team then deals with student behavioral problems which constitute violations of this code.)~~

The problem-solving team works together to suggest intervention strategies which are considered to be most appropriate and effective for eliminating specific negative student behaviors. The problem-solving team is chaired by the associate vice-president for student affairs and includes representatives from public safety and police services, university housing and new student programs, the center for student empowerment and the wildcat wellness center.

(2) Process.

Incidents (~~which~~) that come to the attention of the problem-solving team may be addressed in one of the following ways:

- (a) No action;
- (b) Informal meetings with relevant university officials;
- (c) Referral to the residence hall arbitration council, for resolving certain disputes within the residence halls;
- (d) Initiate proceedings in the office of the vice-president for student affairs and enrollment management.

Official proceedings in the vice-president's office are conducted when it becomes apparent to the problem-solving team that the initial and more informal forms of intervention with a student have been unsuccessful in positively modifying a student's behavior. ~~((The following rules will govern the processing of alleged violations of the proscribed conduct listed in the student judicial code.))~~

(3) Investigation and disposition of complaints. The following rules will govern the processing of alleged violations of the proscribed conduct listed in the student conduct code with one exception. Allegations of discrimination, based on race, color, creed, religion, national origin, sex (including sexual harassment), sexual orientation, gender identity and gender expression, age, marital status, disability, or status as a protected veteran will utilize a separate process in order to provide both parties their rights under the law and in accordance with Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972. Copies of the discrimination grievance process are available in the office of the vice-president for student affairs and enrollment management.

(a) A complaint alleging misconduct against any student at the university may be filed by anyone at the office of the vice-president for student affairs and enrollment management. Students, faculty members, administrators, and other employees of the university shall have concurrent authority to request the commencement of the disciplinary proceedings provided for in this chapter. A person filing a complaint shall be complainant of record.

~~((4))~~ (b) Any student charged in a complaint shall receive ~~((oral or))~~ written notification from the vice-president. Such notice shall:

~~((a))~~ (i) Inform the student that a complaint has been filed alleging that the student violated specific provisions of the student ~~((judicial))~~ conduct code and the date of the violation(s);

~~((b))~~ (ii) Set forth those provisions allegedly violated;

~~((c))~~ (iii) Specify a time and date the student is required to meet with the vice-president or designee; and

~~((d))~~ (iv) Inform the student that failure to appear at the appointed time at the vice-president's office may subject the student to suspension from the university.

~~((5))~~ (4) When the vice-president meets with the student, the vice-president shall:

(a) Provide for the student a copy of the student ~~((judicial))~~ conduct code;

(b) Review the facts of the alleged violation with the student; and

(c) Conduct an investigation into the alleged violation.

~~((6))~~ (5) Upon completion of the review with the student and/or the investigation, the vice-president may:

(a) Drop the charges, when they appear to be invalid or without substance or capricious;

(b) Issue a verbal warning;

(c) Apply any of the sanctions as outlined in WAC 106-120-028 if such sanction is warranted by the evidence;

(d) Refer the case to the ~~((campus judicial))~~ student conduct council; or

(e) Invoke the summary suspension procedure as outlined in WAC 106-120-143 when deemed appropriate.

(6) The vice-president shall inform the student that ~~((the vice-president's sanction))~~ only suspension and expulsion sanctions may be appealed to the ~~((campus judicial))~~ student conduct council, and that if an appeal is made, the vice-president shall take no action or make any determination, except for summary suspension, in the matter other than to inform the student of the time, date, and location of the proceeding by the ~~((campus judicial))~~ student conduct council.

AMENDATORY SECTION (Amending Order CWU AO 75, filed 10/12/94, effective 11/12/94)

**WAC 106-120-132 Procedures for proceeding before the ~~((campus judicial))~~ student conduct council.** (1) When a case is referred to the ~~((campus judicial))~~ student conduct council the vice-president shall forward to the council:

(a) A statement describing the alleged misconduct;

(b) The name and address of the complainant;

(c) The name and address of the student charged; and

(d) All relevant facts and statements.

(2) The secretary to the council ~~((chair))~~ shall call a special meeting of the council and arrange for a proceeding in the following manner:

(a) The council shall determine the time and place of the proceeding, which shall be at least ten days after delivery of written notice to the student. In the interest of timeliness and efficiency, upon the request of either the student or the vice-president, this ten-day interval may be waived by the vice-president, with the student's permission. Time and place shall be set to make the least inconvenience for all interested parties. The chair may change the time and place of the proceeding for sufficient cause.

(b) The council shall draw lots ~~((for))~~ to determine a proceeding board consisting of five student names ~~((;))~~ and three faculty names, with one ~~((of whom will serve as an))~~ student and one faculty serving as alternates to be available until the proceeding board has been constituted and the chair selected who will act as the proceeding officer.

(c) No case shall be heard unless the full membership of the proceeding board is present.

(d) All cases will be heard de novo, whether the case be an appeal from a subsidiary judicial body or is heard as an original complaint.

(3) The ~~secretary to the~~ council (~~chair~~) shall send written notice by certified mail of the proceeding (~~to the student~~) to the student's last known address. The notice shall contain:

(a) A statement of the date, time, place and nature of the proceeding;

(b) To the extent known, a list of witnesses who will appear; and

(c) A summary description of any documentary or other physical evidence that would be presented by the university.

(4) The student shall have all authority possessed by the university to obtain information he/she specifically describes in writing and tenders to the council chair no later than two days prior to the proceeding or to request the presence of witnesses, or the production of other evidence relevant to the proceeding. However, the university shall not be liable for information requested by the student or the presence of any witnesses when circumstances beyond the control of the university prevent the obtaining of such information or the attendance of such witnesses at the proceeding.

(5) Proceedings will ordinarily be held in closed session unless the proceeding board determines there is a compelling reason for the proceeding to be open, or the student requests an open proceeding. A closed proceeding shall include only members of the proceeding board, persons directly involved in the proceeding as parties and persons called as witnesses.

(6) The proceeding shall be audio tape recorded, and the tape shall be on file at the office of the vice-president for a period of three years.

(7) The university shall be represented by the vice-president who shall present the university's case against the student.

(8) The student may be accompanied by counsel, or another third party, who may offer advice. If the student utilizes an attorney as advisor, the student must give to the vice-president two days notice of intent to do so. If the student elects to be advised by an attorney, the vice-president may elect to have the university advised by an assistant attorney general.

(9) The council chair shall insure that:

(a) The proceeding is held in an orderly manner giving full care that the rights of all parties to a full, fair and impartial proceeding are maintained.

(b) The charges and supporting evidence or testimony shall be presented first, and that there is full opportunity for the accused student to challenge the testimony and/or evidence, and to cross examine appropriately.

(c) The student charged shall next present evidence or testimony to refute the charge, and that there is full opportunity for the accuser to challenge testimony and/or evidence, and to cross examine appropriately.

(d) Only those materials and matters presented at the proceeding will be considered as evidence. The presiding officer shall exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence.

(10) Any person disruptive of the proceeding or any other procedure described in this document may be excluded from the process by the chair of the (~~campus judicial~~) student conduct council or by the vice-president, using such means as are necessary to ensure an orderly process. Any student engaging in such interference shall be in contempt and may be summarily suspended from the university by the (~~campus judicial~~) student conduct council or the vice-president immediately. The student shall be subject to a suspension or any lesser sanction as may be determined by the (~~campus judicial~~) student conduct council or the vice-president at the time the interference takes place or within fifteen working days thereafter.

(11) The student has a right to a fair and impartial proceeding, but the student's failure to cooperate with or attend a proceeding (~~procedure~~) shall not preclude the (~~committee~~) council from making its finding of facts, conclusions, and recommendations. Failure by the student to cooperate may be taken into consideration by the (~~campus judicial~~) student conduct council and the vice-president in deciding the appropriate disciplinary action.

(12) Upon conclusion of the proceeding, the proceeding board in closed session shall consider all the evidence presented and decide by majority vote to exonerate the student or to impose one of the sanctions authorized by this document.

(13) The student shall be provided with a copy of the board's findings of fact and conclusions regarding whether the student did violate any rule or rules of the student (~~judicial~~) conduct code and the board's decision as to the appropriate sanction to be imposed.

(14) If a student charged with misconduct under this code has been charged with a crime for the same act or closely related acts by federal, state, or local authorities, or if it appears that such criminal charge is under consideration, the (~~campus judicial~~) student conduct council may postpone action on the complaint until there has been a disposition of the criminal charge or of the consideration of filing such charge. However, prior to action by other agencies, the council may proceed to hear and decide the case if in the judgment of the council, the nature of the alleged misconduct and the circumstances surrounding it pose a serious risk to the health or well being of the student or other members of the university. If there is a determination of guilt by the council and if the subsequent criminal proceedings result in a judgment of acquittal, the student may petition the (~~campus judicial~~) student conduct council for a rehearing.

**AMENDATORY SECTION** (Amending Order CWU AO 75, filed 10/12/94, effective 11/12/94)

**WAC 106-120-143 Summary suspension proceedings.** The vice-president may summarily suspend any student from the university pending investigation, action of prosecution of charges of an alleged proscribed conduct violation or violations, if the vice-president has reason to believe that the student's physical or emotional safety and well-being, or the safety and well-being of other university community members, or the protection of property requires such suspension.



(1) If the vice-president finds it necessary to exercise the authority to summarily suspend a student the vice-president shall:

(a) Give to the student an oral or written notice of intent to determine if summary suspension is an appropriate action;

(b) Give an oral or written notice of the alleged misconduct and violation(s) to the student;

(c) Give an oral or written explanation of the evidence in support of the charge(s) to the student;

(d) ~~((Give an oral or written notice of the time and place of the summary suspension proceeding before the vice-president; and))~~ Determine a time for the summary suspension proceeding to be held within thirty-six hours;

(e) ~~((Determine a time for the summary suspension proceeding to be held within thirty-six hours;))~~ Give an oral or written notice of the time and place of the summary suspension proceeding before the vice-president; and

(f) Give an oral or written explanation of the summary suspension which may be imposed on the student.

(2) At the place and time designated for the summary suspension proceeding, the vice-president shall:

(a) Consider the evidence relating specifically to the probability of danger to the student, to others on the campus, or to property;

(b) Provide the student with an opportunity to show why continued presence on campus does not constitute a danger to the physical and emotional well being of self or others, or a danger to property;

(c) Give immediate oral notice of ~~((his or her))~~ the decision to the student to be followed by written notice; and

(d) If summary suspension is warranted, summarily suspend the student for no more than fifteen working days with a ~~((judicial))~~ student conduct council proceeding of the allegations to have commenced by the end of the suspension period.

(3) If a student has been instructed by the vice-president to appear for summary suspension proceedings and then fails to appear at the time designated, the vice-president may suspend the student from the university, and shall give written notice of suspension to the student at the last address of record on file with the university.

(4) During the period of summary suspension, the suspended student shall not enter the campus of the university other than to meet with the vice-president. However, the vice-president may grant the student special permission for the express purpose of meeting with faculty, staff, or students in preparation for a proceeding before the ~~((campus judicial))~~ student conduct council.

### WSR 07-01-066

#### PERMANENT RULES

#### CENTRAL WASHINGTON UNIVERSITY

[Filed December 18, 2006, 9:56 a.m., effective January 18, 2007]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Clarify and update admission and registration rules to reflect current practice.

Citation of Existing Rules Affected by this Order:  
Amending WAC 106-160-070, 106-160-080, 106-160-090,

106-160-110, 106-160-120, 106-160-130, 106-160-140, 106-160-160, 106-160-170, 106-160-180, 106-160-190, 106-160-200, 106-160-210, 106-160-220, and 106-160-230.

Statutory Authority for Adoption: RCW 28B.10.528 and 28B.35.120(12).

Adopted under notice filed as WSR 06-22-045 on October 27, 2006.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 15, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 14, 2006.

Jerilyn S. McIntyre  
President

AMENDATORY SECTION (Amending Order CWU AO 77, filed 10/6/94, effective 11/6/94)

**WAC 106-160-070 Finances.** Each ~~((applicant for admission to))~~ enrolled student at Central Washington University must pay the tuition and fees as established by the board of trustees or the president on or before the dates for payment as designated by the board of trustees or the president.

AMENDATORY SECTION (Amending Order CWU AO 77, filed 10/6/94, effective 11/6/94)

**WAC 106-160-080 Graduating students.** Students shall submit their applications for the appropriate degrees on or before the date designated for the purpose by the board of trustees or the president, which shall be published in the appropriate university catalog. No application shall be accepted after the designated dates. However, the president or ~~((his))~~ designee may waive this requirement.

AMENDATORY SECTION (Amending Order CWU AO 77, filed 10/6/94, effective 11/6/94)

**WAC 106-160-090 Registration.** Currently enrolled students and all other individuals desiring to enroll in Central Washington University shall do so during the early registration dates or on or before the ~~((preregistration or))~~ registration dates designated by the board of trustees or president, which shall be published in the appropriate university catalog. No registration ~~((or preregistration))~~ shall be accepted after the designated dates: Provided~~((s))~~ that the registrar may, whenever possible, waive this requirement within the

time designated by the board of trustees or president for late registration.

AMENDATORY SECTION (Amending Order CWU AO 77, filed 10/6/94, effective 11/6/94)

**WAC 106-160-110 Registration—Changes in registration and withdrawal.** Students who wish to change their registration or withdraw from a particular course or the university after having completed their registration must do so on or before the date established for such changes or withdrawal by the board of trustees or president and by the completion of the "change ~~((in registration))~~ of schedule" or "withdrawal" forms maintained by the university. Students who leave the university and do not withdraw shall receive failing grades for work not completed and are liable for tuition and fees. For further information, consult the tuition and fee payment policy in Part 7 of the CWU Policies Manual at <http://www.cwu.edu/~pres/policies/Part7-2.2.31.1DelinquencyPolicy.pdf>.

AMENDATORY SECTION (Amending Order CWU AO 77, filed 10/6/94, effective 11/6/94)

**WAC 106-160-120 Admission requirements—To freshman standing.** Central Washington University will admit qualified students who meet the published admissions criteria for any quarter. Admission to the university is based on the student's ability to successfully complete programs offered by the university. Eligibility for admission as a first-time freshman is based on evidence of potential success in university study. Eligibility for ~~((regular))~~ initial admission as a freshman will be guided by the following situations:

Situation 1: ~~((Regular))~~ Initial admission of ~~((freshman under twenty one years of age. Eligibility for regular admission as a freshman for those twenty one years of age or younger))~~ freshmen will be determined using both the student's high school grade point average and a nationally normed standardized test, either the ~~((American College Test (ACT)))~~ ACT(♯), or the ~~((Scholastic Aptitude Test (SAT)))~~ SAT(♯). The high school grade point average and test score will be combined to produce, for each freshman applicant, an admission index number. An offer of acceptance to the university as a freshman will be based on the resulting index number. The minimum index number established by the higher education coordinating board for the three regional universities and The Evergreen State College for regular admission is 13. A 13 index indicates that applicants have at least a sixty-five percent probability of achieving a "C" or better grade point average at the completion of their freshman year at Central Washington University. Freshman applicants must have prescribed set of high school courses totaling fifteen units. The required high school courses include: Four years of English, three years of math, two years of science, three years of social studies, two years of single foreign language, and one year of fine, visual or performing arts, or an additional year of any of the above college-prep courses.

~~((Situation 2: Regular admission of freshmen twenty one years of age or older. A student twenty one years of age or older who is seeking initial entry at the freshman level may be offered regular admission if the student obtained a score of~~

~~at least eighteen on the Enhanced ACT Exam or seven hundred minimum on the SAT Exam, or he or she has scored at least an eighty three or higher on WPCT if they took that exam prior to June 1, 1989.))~~

Situation ~~((3))~~ 2: Alternate standards for freshman admissions. Students ~~((seeking freshman admission))~~ who are not admissible through the initial admissions process may be admitted through the ~~((use of alternative criteria. Students applying under the alternative standard must satisfy each of the following requirements:~~

- ~~(1) Submit a score on the ACT or SAT;~~
- ~~(2) Submit a transcript showing achievement of a 2.0 or higher high school grade point average and/or a passing score on the General Education Development Test;~~
- ~~(3) Complete high school course pattern requirements as prescribed with no more than three subject year deficiencies waived; and~~
- ~~(4) Present evidence of success outside the classroom and strong motivation to succeed in college))~~ comprehensive review process. Admission to the university does not guarantee admission into a particular major or program offered by the university.

AMENDATORY SECTION (Amending Order CWU AO 77, filed 10/6/94, effective 11/6/94)

**WAC 106-160-130 Admission requirements for transfer applicants.** Eligibility for admission of transfer applicants with fewer than forty transferable quarter credits is the same as first-time freshmen as they must meet freshman requirements in addition to an assessment of the quality of previous college work.

Applicants who have earned more than forty transferable quarter credits will be admitted based on the quality of college work only. If transcripts do not provide evidence of academic ability, regardless of the grade point average, additional information may be required.

Central Washington University accepts academic credits earned at other accredited collegiate institutions which are essentially equivalent in academic level and nature of work offered at CWU. The university endorses the policy in the Intercollegiate Transfer and Articulation Agreement among Washington public colleges and universities.

~~((Transfer students who have not earned a Washington community college academic associate of arts degree will be admitted on sliding scale. Priority will be given to students with the highest grade point average (gpa) computed from previous transferable college level work and with the greatest number of hours completed in transfer.))~~ Students who have completed college-level math and English and those that have completed a Direct Transfer Associates degree (DTA) will do better in the comprehensive review process. See the following web site for a list of accepted DTA degrees: <http://www.cwu.edu/~cwuadmis/dta.html>.

Admission to the university does not guarantee admission into a particular major or program offered by the university.

AMENDATORY SECTION (Amending Order CWU AO 77, filed 10/6/94, effective 11/6/94)

**WAC 106-160-140 Readmission of former students.**

Former CWU students who have interrupted their studies for more than one ((year)) quarter, or who have attended another college or university after CWU, except for summer school, must ((file a returning CWU student application)) reapply for admission. Transcripts of any college work completed since last enrolled at Central Washington University must be submitted. ((Students will be admitted on a priority basis, based on the additional academic credits taken and the academic standing they had when they left CWU.))

AMENDATORY SECTION (Amending Order CWU AO 77, filed 10/6/94, effective 11/6/94)

**WAC 106-160-160 Nonmatriculating students.**

Students who are not seeking ((a)) degrees or certificates may ((request enrollment)) be allowed to enroll in courses as ((a nonmatriculant. Upon approval by the office of admissions, they)) nonmatriculated students. These students do not need to go through the regular admissions process but should apply through registrar services and may ((enroll if)) be allowed to register on a space ((is)) available((, for a maximum of nine credits so long as they meet academic standards)) basis. Credits earned ((in this status)) as a nonmatriculated student may not be ((applied)) used to ((any)) satisfy degree or certificate requirements unless the student applies and is ((formally admitted to the university)) accepted as a matriculated student, in which case a maximum of forty-five credits may be applied. ((Nonmatriculant students are not eligible for most financial aid, veterans' benefits, credit evaluations, or other university services.))

Students who have previously attended Central Washington University as matriculated students and have not obtained a degree and students who have applied and been rejected for undergraduate matriculated status will not be allowed to enroll as nonmatriculated students. Nonmatriculated students are not eligible for most financial aid, veteran's benefits, credit evaluations, or other services regularly provided for matriculated students.

AMENDATORY SECTION (Amending Order CWU AO 77, filed 10/6/94, effective 11/6/94)

**WAC 106-160-170 High school enrichment.**

((High school students who wish to enter Central Washington University before graduating from high school may apply for admission under one of the following situations:

Situation 1: Students who wish to enroll as full-time students at the completion of their junior year must have a cumulative gpa of 3.2 or higher and score at least a twenty-seven composite score on the American College Test, or a combined score of one thousand one hundred, including at least six hundred verbal, on the Scholastic Aptitude Test. They must be recommended by their high school principal, have parent or guardian approval if under eighteen years of age, and meet with the director of admissions prior to acceptance.

Situation 2: Students who wish to enrich their high school program may take one or more college level courses while still enrolled in high school. The opportunity is available to students who have completed their junior year and have at least a 3.0 cumulative grade point average. Prior to enrollment, courses must be approved by the high school principal or counselor and the director of admissions.)) Students who have not yet graduated from high school may be allowed to enroll as nonmatriculated students for courses that they need to advance academically, provided that such academic opportunities are not readily available to them elsewhere. To be eligible for the high school enrichment program, students must have demonstrated superior academic performance or preparation in the area of study for which they are applying. High school enrichment applicants must submit either ACT, SAT or compass scores, and official copies of their high school transcript. In addition, they need to explain in writing their reasons for wanting to attend specific courses at the university and offer arguments for their potential to succeed. They must also meet with the registrar and have the approval of their high school principal and the course professor.

AMENDATORY SECTION (Amending Order CWU AO 77, filed 10/6/94, effective 11/6/94)

**WAC 106-160-180 Admission requirements—International students.**

Central Washington University welcomes qualified students from other countries. Students demonstrating the greatest potential for success may be admitted after a thorough review and evaluation of their entire academic background.

Because educational systems vary widely around the world, there is no single uniform admission requirement for international students. However, they must meet the following basic minimum requirements:

(1) Completion of academic course work and national examinations necessary to satisfy admission requirements to colleges and universities in their native country.

(2) Adequate financial support verified by a Confidential Financial Statement Form and a current bank letter or scholarship award from a United States bank or agency.

(3) Competency in English demonstrated by a score of ((at least five hundred twenty-five)) 525 or above on the paper-based Test of English As A Foreign Language (TOEFL) or a score of 195 or above on the computer-based TOEFL, or a score of 71 or above on the internet-based TOEFL, or ((, in some cases, transferable)) a 3.0 (B grade) in each of two college level English composition courses from an accredited United States college or university which would meet the general education writing requirement at Central Washington University.

(4) International students transferring from United States institutions must have a minimum grade point average of ((2.75)) 2.50 in transferable courses, and must also meet the academic requirements for college entrance in their native country.

((5) International students must have two letters of recommendation from a professor or counselor with whom they are currently working.))

AMENDATORY SECTION (Amending Order CWU AO 77, filed 10/6/94, effective 11/6/94)

**WAC 106-160-190 Application procedures.** New and former students must submit an application for admission. ~~((All forms are available in the office of admissions, which is located on the first floor of Mitchell Hall.))~~ The preferred way to apply for admission is to apply online, via the following web site: <http://www.cwu.edu/~cwuadmis/apply/html>. Hard copy applications are available by request.

There is a ~~((thirty-five))~~ fifty dollar, nonrefundable application processing fee ~~((for new or former students)).~~

\*Application deadline dates: Fall-~~((June))~~ April 1; winter-November 1; spring-February 1; summer-June 1.

\*Dates are subject to change.

AMENDATORY SECTION (Amending Order CWU AO 77, filed 10/6/94, effective 11/6/94)

**WAC 106-160-200 Required transcripts.** Freshman applicants must have official transcripts sent directly to the office of admissions from their high school ~~((and/or))~~. Transfer applicants must have ~~((necessary))~~ transcripts ~~((mailed))~~ sent from each institution previously attended. All documents must be received by the announced closing dates to be considered for admission. Documents sent by the student received in open envelopes will not be considered official.

AMENDATORY SECTION (Amending Order CWU AO 77, filed 10/6/94, effective 11/6/94)

**WAC 106-160-210 Required tests.** ~~((Undergraduate))~~ Freshman students, or transfer students with fewer than forty college-level transferable quarter credits, applying to the university must submit scores from the ~~((American College Test (ACT)( $\circ$ )) or ~~((Scholastic Achievement Test (SAT)( $\circ$ )).~~~~

AMENDATORY SECTION (Amending Order CWU AO 77, filed 10/6/94, effective 11/6/94)

**WAC 106-160-220 Admission decision.** Completed application files are reviewed by the office of admissions and decisions are mailed to students in writing. ~~((Students may be admitted under the following situations:~~

~~Situation 1: Admitted, dean's distinction — indicating that academic requirements have been met with an outstanding high school or community college record. Students receiving this acceptance are recommended to the Douglas Honors College.~~

~~Situation 2: Admitted — indicating that all academic requirements have been satisfied.~~

~~Situation 3: Admitted, admissions deficiency — indicating that the student has a high school subject deficiency that needs to be completed prior to graduation from Central Washington University.~~

~~Situation 4: Admitted, probation — indicating that while admission requirements have been marginally met, the student enters on academic probation.~~

~~Situation 5: Denied — indicating that the admission requirements have not been met and the student is not being offered admission. Students denied admission may request a~~

~~review of the decision by writing a letter of appeal. A letter should be submitted only to present new factual information which will overcome, not simply explain, the academic record. Letters of petition for the denial should be directed to the admission committee for final determination.))~~ Appeals of admissions denials are handled on an individual basis. Students wishing to appeal should contact the office of admissions for the current appeal procedure.

AMENDATORY SECTION (Amending Order CWU AO 77, filed 10/6/94, effective 11/6/94)

**WAC 106-160-230 Accepting the offer of admission.** Students must confirm their intention to enroll to Central Washington University by submitting a ~~((fifty-five dollar))~~ confirmation of admission payment that will be applied to their first quarter's tuition. This payment should not be made until requested by the university, which occurs when students are notified officially of their admission. This payment is due by May 1 for fall quarter, October 1 for winter quarter, and February 1 for spring quarter. ~~((Special attention must be observed for))~~ These dates are subject to change. Priority consideration for registration, as well as completion of financial aid packaging ~~((and assignments of advisors)),~~ are designated when this payment is received. Students are encouraged to submit the ~~((fifty-five dollar))~~ confirmation of admission payment as early as possible after receiving the offer of admission. Central Washington University will guarantee a registration position to any student who submits the confirmation of admission payment prior to the announced deadline ~~((dates listed below for each quarter: Fall-May 1; winter-September 1; spring-January 1)).~~

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 106-160-150	Provisional enrollment.
WAC 106-160-260	Admission requirements— Application for fifth year or nondegree study.
WAC 106-160-280	Admission requirements— Procedures for high school graduates.
WAC 106-160-290	Admission requirements— Procedures for advanced undergraduate standing.
WAC 106-160-300	Admission requirements— Admission to credential program.

**WSR 07-01-069**  
**PERMANENT RULES**  
**DEPARTMENT OF LICENSING**

[Filed December 18, 2006, 12:00 p.m., effective January 18, 2007]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Driver training school program—Administration and enforcement, amends existing rules regarding basic requirements governing the operations and scope of traffic safety education programs that are offered by commercial businesses and licensed by the department in order to conform to recent legislation and upgrade standards. Creates new sections concerning criminal background checks and setting licensing fees.

Citation of Existing Rules Affected by this Order: Amending WAC 308-108-020, 308-108-080, 308-108-100, 308-108-110, 308-108-120, 308-108-130, 308-108-140, 308-108-150, 308-108-170, and 308-108-180.

Statutory Authority for Adoption: RCW 46.82.290, 46.82.310, 46.82.320, 46.82.330, and 46.82.340.

Adopted under notice filed as WSR 06-12-125 on June 7, 2006.

Changes Other than Editing from Proposed to Adopted Version: WAC 308-108-025 is changed to correct the fee for an instructor license renewal application to \$50; WAC 308-108-080 (1)(b)(i) is changed to correct an earlier typographical error in a cite to RCW 46.61.5249; WAC 308-108-120 (4) and (5) are changed to bring the records retention period into conformance with the requirements of RCW 46.82.360 (8)(d); WAC 308-108-130 is changed to require that records be made available at branch offices within twenty-four hours following request by the department; and WAC 308-108-150(4) is being changed to restore the requirement that a course be scheduled for not less than thirty days.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 2, Amended 3, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 10, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 7, 2006.

Becky Loomis  
 Assistant Director  
 Driver Services

AMENDATORY SECTION (Amending WSR 05-16-061, filed 7/29/05)

**WAC 308-108-020 Definitions.** The definitions of this section apply throughout this chapter unless the context clearly requires otherwise:

(1) "Behind the wheel instruction" means that portion of a traffic safety education course that consists of on-street, dual-controlled vehicle operation or similar instruction given under simulated conditions that has had prior approval of the director. (~~Behind the wheel instruction is characterized by driving experience.~~)

(2) "Branch office" or "branch classroom" means a facility within a thirty-five mile radius of a driver training school's established place of business that has been approved by the department for use by the driver training school.

(3) (~~"Classroom" means a space dedicated to and used exclusively by a driver training instructor for the instruction of students. With prior department approval, a branch office classroom may be located within alternative facilities, such as a public or private library, school, community college, college or university, or a business training facility.~~)

(4) ~~"Classroom instruction" means that portion of a traffic safety education course that is characterized by classroom-based student instruction conducted by or under the direct supervision of a licensed instructor or licensed instructors.~~

(5) ~~"Driver training school" means a commercial business offering instruction in the operation of automobiles for a fee:~~

(a) ~~To any person for the purpose of securing traffic safety education prior to applying for a basic driver's license; and/or~~

(b) ~~For the enhancement of an experienced driver's knowledge, skill, and ability.~~

(6)) "Engage in a course of instruction" means to enroll in, schedule, collect a fee for, or sign an application for an instruction permit in order to attend or take part in a driver training education course.

(4) "Inactive Instructor" means an instructor with a valid Washington instructor's license who is no longer employed by or otherwise associated with a licensed driver training school.

(5) "Instructor-trainer" means a currently licensed instructor who is training driving instructors and who has not less than:

(a) (~~Not less than~~) One thousand hours (~~(or five years of previous))~~ of experience in providing traffic safety education in the past year; (~~(or)~~)

(b) (~~Not less than~~) Five years of previous experience in providing traffic safety education; or

(c) One thousand hours or five years experience in the field of traffic safety(~~(, documented)~~) and proof of training acceptable to the director in (~~(teaching training techniques to)~~) how to teach and train others, and not less than three hundred hours of previous experience in (~~(providing)~~) training (~~(to)~~) others.

(~~(7)~~) "Owner" means a person or group that has a financial interest in a driver training school.

(8)) (6) "Records" means all documents, papers and reports required to own a driver training school, including but not limited to:

(a) Vehicle registration, title, insurance policy, and maintenance information;

(b) Business financial documents, such as franchise agreements, corporate documents, bank records, partnership

agreements, lease agreements, and purchase and sale agreements; and

(c) Student classroom and behind-the-wheel instruction reports.

~~(7) "Student" means any person ((enrolled in a traffic safety)) attending a driver training education course ((for which a fee is paid)) who is at least fifteen years of age.~~

~~((9) "Traffic safety education" means a course of instruction in the operation of automobiles that consists of two phases, classroom instruction and behind the wheel instruction. Each phase must meet basic course requirements established by the department.))~~

NEW SECTION

**WAC 308-108-025 Fees.** The following fees shall be charged by the driver services division, department of licensing:

Title of Fee	Fee
Driver training school license original application	\$500.00
Driver training school license renewal application	250.00
Driver training school license transfer	500.00
Branch office or branch classroom original application	250.00
Branch office or branch classroom renewal application	125.00
Instructor's license original application	75.00
Instructor's license renewal application	50.00
Duplicate license	10.00
Knowledge and/or skill examination	25.00

NEW SECTION

**WAC 308-108-070 Background check and fingerprint check.** An instructor, owner, or other person affiliated with a school who has contact with students must complete a background check through the Washington state patrol criminal identification system and through the federal bureau of investigation, including a fingerprint check, as required by RCW 46.82.325(1).

(1) An applicant for an instructor's license must complete the check at the time of initial application or, for a currently licensed instructor who has not completed such check within the past five years, at the time of the next application for a license renewal.

(2) An owner must complete the check at the time of initial application for a driver training school license or, for an owner of a currently licensed school who has not completed such check within the past five years, at the time of the next application for a license renewal.

(3) A person affiliated with a school who has contact with students must complete the check at the time of initial affiliation with the school or, for a person who is currently affiliated with a school who has not completed such check within the past five years, within the sixty-days prior to the

next application for a license renewal for the school. A person who must complete the check under this subsection at the time of initial affiliation with a school may begin duties following the department's notice that it has received an acceptable local criminal background check through the Washington state patrol criminal identification system, pending the outcome of the fingerprint check using the fingerprint card.

AMENDATORY SECTION (Amending WSR 05-16-061, filed 7/29/05)

**WAC 308-108-080 Instructor's license—Application**~~(—Background check and fingerprint check)~~. (1) ~~((Unless waived by the department under the provisions of RCW 46.82.325(3), an applicant for an instructor's license must complete a criminal background check, including a fingerprint check, at the time of initial application or, for a previously or currently licensed instructor who has not completed such check, at the time of the first re-qualification examination required under RCW 46.82.320(1) following the adoption of this rule.~~

~~(2)) To ensure that an applicant or instructor meets the conditions set out in RCW 46.82.330 (2)(a), the department shall review the complete abstract of driving record for all instructor's license ((applicant's complete abstract of driving record at the time of each initial and renewal application. For purposes of RCW 46.82.330 (3)(a)) applicants and licensed instructors. For this purpose:~~

(a) A moving traffic violation is an offense listed as a moving violation in WAC 308-104-160. The department will determine the number of moving traffic violations received by an applicant within a given time period based on the date(s) that the violation(s) occurred.

(b) An alcohol-related traffic violation will be deemed to have occurred if within the ~~((three)) seven-year~~ period immediately preceding the time of application an alcohol-related traffic incident occurred that resulted in:

(i) A conviction or finding that a traffic infraction was committed for violation of RCW 46.61.502, 46.61.503, 46.61.504, 46.61.519, 46.61.5195, 46.61.520 (1)(a), 46.61.522 (1)(b), or ~~((46.20.5249)) 46.61.5249~~, or a substantially similar law, administrative regulation, local law, ordinance, regulation, or resolution of a political subdivision of this state, the federal government, or any other state;

(ii) An administrative action imposed under RCW 46.20.3101;

(iii) An administrative action imposed under RCW 46.25.090 (1)(a), (b), or (e); or

(iv) Entry into a deferred prosecution agreement for an alcohol-dependency based case.

(c) A driver's license suspension, cancellation, revocation, or denial will be deemed to exist within the preceding ~~((three)) five~~ years if any such suspension, cancellation, revocation, or denial has been in effect at any time within the ~~((three)) five-year~~ period immediately preceding the time of application.

~~((3)) (2)~~ The instructor's license applicant must submit satisfactory evidence of completion of ~~((the required sixty hours of)) a course of instruction as approved by the director~~ in the training of drivers at time of initial application.

(3) For instructor's licenses that expire on or after July 1, 2007, each application for renewal of an instructor's license must be accompanied by proof of no less than eight hours of continuing professional development as approved by the director.

(4) Application for initial or renewal of an instructor's license is not complete until the applicant passes any examination requirement for licensure under RCW 46.82.320(1) or 46.82.330 (2)(e).

AMENDATORY SECTION (Amending WSR 05-16-061, filed 7/29/05)

**WAC 308-108-100 Place of business—Classroom space.** (1) The place of business of a driver training school:

(a) Shall not be established nor any business of a driver training school conducted or solicited within one thousand feet of an office building owned or leased by the department of licensing in which examinations for driver's licenses are conducted. The distance of one thousand feet shall be measured along the public streets by the nearest route from the place of business to such building. If the department establishes an office in which examinations for driver's licenses are conducted within one thousand feet of a driver training school's existing location, the driver training school may continue operations in such location until there is a change in school ownership, or the license to operate is not renewed or is suspended or revoked for cause.

(b) Shall be regularly occupied and used exclusively for the business of giving driver instruction. Regularly occupied means that the public and the department can expect to make contact with the school owner or its staff or instructors at the main office during its business hours; and

(c) Shall meet all applicable requirements of chapter 46.82 RCW.

(2) A driver training school's classroom space shall:

(a) Provide sufficient seating and table or desk space for all students enrolled in each class;

(b) Be properly equipped with all other equipment necessary for student training and instruction purposes; and

(c) Use walls, partitions, or separate scheduling of classroom and office activities if the classroom shares a single space with the driver training school office in order to mitigate student distraction or disruption of the instruction.

AMENDATORY SECTION (Amending WSR 05-16-061, filed 7/29/05)

**WAC 308-108-110 Traffic safety education vehicles.**

(1) All vehicles used for student instruction by a commercial driver training school shall:

(a) Carry a twenty-piece occupational safety and health act (OSHA) approved first aid kit, fire extinguisher, and emergency strobe light or reflective triangles;

(b) Pass an annual inspection meeting minimum equipment and safety criteria established by the department that has been conducted by or for the school owner; and

(c) Be used exclusively for driver training purposes at all times when student instruction is being given.

(2) Records of all traffic safety education vehicles used by a commercial driver training school shall:

(a) Be maintained at the school's primary place of business; and

(b) Include the original insurance policy or policies covering the vehicles and copies of the current vehicle registrations and annual vehicle safety inspection report.

AMENDATORY SECTION (Amending WSR 05-16-061, filed 7/29/05)

**WAC 308-108-120 Administration.** (1) The driver training school's license and all instructor certificates shall be posted in a conspicuous place at the location where instruction takes place. The school license must be posted before(~~(:~~

~~(a) Enrolling any students in a course of instruction;~~

~~(b) Issuing a verification of enrollment to any student; and~~

~~(c) Any classroom or behind the wheel instruction begins)) engaging students in a course of instruction.~~

(2) Each driver training school shall adopt and provide for its customers a written policy that includes, but is not limited to:

(a) Enrollment criteria;

(b) Student fees and student fee refunds;

(c) Course failures and course repeats; ~~((and))~~

(d) The minimum and maximum course duration;

(e) Refusing to allow a student to attend a driver training education course before the age of fifteen years;

(f) Refusing to enroll new students in a driver education course after the first three classes have been completed; and

(g) Information about Washington's intermediate licensing requirements, restrictions, and penalties.

(3) Driver training school owners and instructors shall maintain individual student records on forms provided by the department or on substantially similar forms that have been approved by the department. Student records shall document for each student:

(a) Course attendance, starting, and ending dates;

~~(b) ((Instruction starting and ending))~~ The dates and times for each session of classroom and behind the wheel instruction;

(c) Classroom and behind the wheel progress and time involvement or flowchart;

(d) Classroom and behind the wheel performance evaluation results; ~~((and))~~

(e) The name and signature of the instructor who provided each session of classroom and behind the wheel ~~((training session in which the student participated))~~ instruction; and

(f) That both the student and parent received intermediate license requirements, restriction, and penalty information.

(4) Student records must be maintained by a driver training school for the past five years from the date instruction has ended.

(5) Driver training school records that must be maintained by a driver training school for the past five years, ((including)) include but are not limited to:

(a) The school's written curriculum guide(~~(:)~~);

(b) Insurance policies(~~(:)~~);

(c) Collision or injury reports(~~(:)~~);

(d) Traffic safety education vehicle registration records(-); and

(e) Records of any traffic violations committed by an instructor employed by the school(~~(-must be maintained by a driver training school for the past three years)~~).

(6) Upon the sale or other transfer of a school by its owner, the school and student records shall be transferred to the new owner and become the property and responsibility of the new owner.

(7) The driving school owner must notify the department within thirty days of closing the school and submit all unused traffic safety certificates and student course completion reports to the department.

(8) Class size must not exceed city fire code requirements for the classroom.

(9) Traffic safety education classroom hours shall not overlap between two or more classes.

(10) Failure to renew a school license before it expires will put all related branch office or branch classroom licenses into an inactive status.

(11) Student records are subject to department audit and inspection anytime after ninety days of the school's initial licensing, or as soon as practicable for the department.

(12) Branch office or classroom locations must display an official license issued by the department in a conspicuous place.

AMENDATORY SECTION (Amending WSR 05-16-061, filed 7/29/05)

**WAC 308-108-130 Inspection and review.** (1) The department may require that a driver training school owner submit to an inspection or review of the school's operations and records at any time during regular business hours.

(2) Records shall be housed and immediately available for inspection at a driver training school's primary place of business. Branch office records (~~(not immediately available for inspection)~~) may be housed at the primary place of business, however, such records must be made available for inspection at the branch location within (~~(forty-eight)~~) twenty-four hours following a request for review by the department.

AMENDATORY SECTION (Amending WSR 05-16-061, filed 7/29/05)

**WAC 308-108-140 Reporting requirements.** All driver training school owners shall:

(1) Report to the department within (~~(thirty)~~) ten days any driving or traffic-related incidents involving an instructor employed by the school, including but not limited to:

- (a) Conviction for a traffic violation;
- (b) Finding that a traffic infraction has been committed;
- (c) Entry into a deferred prosecution agreement; or
- (d) Suspension, revocation, cancellation, or denial of driving privileges.

(2) Report to the department within twenty-four hours following any traffic safety education vehicle involved in a traffic collision for which an accident report must be or has been made under the provisions of RCW 46.52.030.

(3) Forward to the department by the seventh day of each month, a (~~(monthly)~~) report of student enrollment in traffic safety education courses provided by the school, including but not limited to:

(a) The start date and end date of any courses provided by the school that are initiated during the reporting period, including the total number of students enrolled in each course;

(b) The names and certificate numbers of all instructors providing classroom and/or behind the wheel instruction for each course;

(c) The names and instruction permit or driver's license numbers or dates of birth of all students enrolled in each course, along with the identifying number of the traffic safety education certificate reserved for each student for issuance upon successful completion of the course.

(4) Not less than annually, forward to the department a vehicle inspection report (~~(of the annual inspection of each traffic safety education vehicle conducted)~~) as required under WAC 308-108-110 (1)(b) (~~(-The driver training school owner must maintain a copy of the report in the school's records)~~) for all traffic safety education vehicles in use by the school.

AMENDATORY SECTION (Amending WSR 05-16-061, filed 7/29/05)

**WAC 308-108-150 Curriculum schedule.** A driver training school may offer classroom and behind the wheel instruction to students throughout the year. In order to be approved by the director, a curriculum schedule must satisfy or include the following requirements:

(1) Classroom and behind the wheel instruction (~~(must be)~~) that is complementary. This means that classroom instruction is (~~(augmented)~~) integrated in a timely manner (~~(by)~~) with behind the wheel instruction(-);

(2) Having students under age eighteen (~~(shall)~~) complete no more than two hours of classroom instruction and no more than one hour of behind the wheel instruction during any single day(-);

(3) For (~~(purposes of meeting)~~) students under the age of eighteen to meet the traffic safety education requirement of RCW 46.20.100, instruction (~~(for students under the age of eighteen must)~~) that:

(a) (~~(Include)~~) Includes not less than thirty hours of classroom instruction; and

(b) (~~(Meet)~~) Meets the behind the wheel instruction and observation requirements of WAC 308-108-160(-);

(4) Classroom and behind the wheel instruction (~~(must be provided)~~) in a course that is scheduled for not less than thirty days and not more than twenty-six contiguous weeks in length(-);

(5) Student enrollment in (~~(a class may be open for)~~) and attendance of classes no later than the third class session after the start date of (~~(a traffic safety education)~~) the course. Once enrollment is closed, no new students may be enrolled in that traffic safety education course or participate in the classroom instruction or behind the wheel instruction and observation for that course;

(6) Arrangements for any missed classroom sessions to be made up within the maximum twenty-six week length of



the course. All assignments and instruction must be equivalent to the instruction given during the missed sessions;

(7) Distributing to students instructional material developed by the department and the federally designated organ procurement organization for Washington state relating to organ and tissue donation awareness education; and

(8) Review and approval of the local school curriculum by the department as part of the initial application for a school license. To help ensure that minimum standards of instruction are met, the local school curriculum must include but is not limited to the following:

(a) Comprehensive elements of classroom and behind the wheel instruction as defined by the department;

(b) Comprehensive written and behind the wheel examinations, to include:

(i) Written examinations as submitted to and approved by the department; and

(ii) Behind the wheel examination criteria as approved by the department;

(c) A flow chart that indicates how the classroom and behind the wheel instruction are integrated; and

(d) Information on the state of Washington's intermediate license requirements, restrictions, violations, and sanctions for violation of these requirements.

AMENDATORY SECTION (Amending WSR 05-16-061, filed 7/29/05)

**WAC 308-108-170 Ensuring student accomplishment.** (1) Each driver training school must have a written curriculum guide available to each instructor and such guide shall be used for student instruction.

(2) ~~((At a minimum))~~ In order to receive a traffic safety education certificate, all students under the age of eighteen must ((receive)) satisfactorily complete all portions of the course of instruction ((according to)) included in the student curriculum as approved by the driver instructors' advisory committee.

(3) In order to satisfactorily complete a school's driver training course, all students under the age of eighteen must pass a comprehensive driving knowledge and skills test or tests meeting standards established by the department.

(4) Each driver training school must assess the needs and progress of students and give appropriate direction for additional driving experience and/or parent guided practice.

AMENDATORY SECTION (Amending WSR 05-16-061, filed 7/29/05)

**WAC 308-108-180 Disciplinary action**~~((—Term of license denial, suspension, or revocation))~~ **—Public notice of actions taken.** (1) Licensee responsibilities:

(a) School owners and instructors are responsible for knowing and complying with the requirements of chapter 46.82 RCW and rules promulgated under that chapter.

(b) Any failure to comply with these requirements may lead to disciplinary action affecting an applicant's or licensee's privileges to be licensed or to otherwise operate a commercial driver training school and/or to provide classroom and behind the wheel instruction.

(2) ~~((For purposes of consistently administering RCW 46.82.350 and 46.82.360, the department will use the following guidelines for determining the length of license denial, suspension, or revocation of a driver training school or instructor:~~

~~(a) Permanent revocation or denial of a license for conviction of a sexual offense involving a minor;~~

~~(b) Revocation or denial of a license for ten years for conviction of a felony, when the felony is related to the activity for which the person is seeking licensure;~~

~~(c) Except as otherwise provided in subsections (2)(a) and (2)(b) of this section, revocation or denial of a license for one year for conviction of a felony, crime of violence, dishonesty, deceit, indecency, degeneracy, or moral turpitude;~~

~~(d) Revocation or denial of a license for one year for:~~

~~(i) Falsification, fraud, or deceit in connection with an original or renewal license or application;~~

~~(ii) Fraudulent business practices;~~

~~(iii) Fraud or inducement to commit fraud in order to obtain a driver's license; or~~

~~(iv) Failure to secure and maintain liability insurance;~~

~~(e) Suspension or denial of a license for not less than one hundred eighty days nor more than one year for:~~

~~(i) Allowing or conducting unlicensed classroom or behind the wheel instruction, except when under the direct supervision and in the presence of an approved instructor-trainer.~~

~~(ii) Failing to satisfactorily adhere to and utilize all required classroom and behind the wheel concepts;~~

~~(iii) Failing to maintain or submit student and school records as required by the department; or~~

~~(iv) Failing to submit to an inspection or technical assistance visit by the department;~~

~~(f) Suspension or denial of a license for ninety days for:~~

~~(i) Violating vehicle equipment and signage requirements;~~

~~(ii) Instructing a student who is not in possession of a valid instruction permit or driver's license;~~

~~(iii) Prohibited advertising;~~

~~(iv) Doing business or providing instruction in a prohibited or unlicensed location; or~~

~~(v) Instructing or training on a department of licensing driver license testing route;~~

~~(g) Suspension or denial of a license for no more than thirty days:~~

~~(i) For failing to display the school or instructor license or licenses, or the required minimum curriculum; or~~

~~(ii) For failing to satisfy the other conditions of these rules or of chapter 46.82 RCW.~~

~~(3) The department may stay all or any portion of the period of a license revocation, suspension, or denial for causes specified in subsections (2)(b), (2)(c), (2)(d), (2)(e), (2)(f), or (2)(g) of this section, subject to such terms and conditions as shall be deemed by the department to be appropriate.~~

~~(4))~~ The original or a facsimile of each final order imposing disciplinary action that is issued to a driver training school or any of its instructors by the department shall be conspicuously displayed immediately adjacent to the driver training school's license. The final order shall be displayed

for not less than the duration of the sanction period plus the next sixty days or for one year, whichever is less.

**WSR 07-01-070**  
**PERMANENT RULES**  
**DEPARTMENT OF LICENSING**

[Filed December 18, 2006, 12:03 p.m., effective September 1, 2007]

Effective Date of Rule: September 1, 2007.

Purpose: Driver training school program—Administration and enforcement, amends existing rules regarding curriculum standards for driver training school instructors and students.

Citation of Existing Rules Affected by this Order: Amending WAC 308-108-090 and 308-108-160.

Statutory Authority for Adoption: RCW 46.82.290.

Adopted under notice filed as WSR 06-12-125 on June 7, 2006.

Changes Other than Editing from Proposed to Adopted Version: WAC 308-108-090 (2)(b)(iii)(A) is changed to require that instructors receive training in both education and special education. WAC 308-108-090(5) is changed to provide for consideration of alternative instructional methods and instruction providers.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 18, 2006.

Becky Loomis  
Assistant Director  
Driver Services

AMENDATORY SECTION (Amending WSR 05-16-061, filed 7/29/05)

**WAC 308-108-090 Instructing instructors in the training of drivers.** (1) The ~~((sixty-hour))~~ course of instruction approved by the director in the training of drivers required under RCW 46.82.330 ~~((3))~~ (2)(d) shall include instruction in driver education classroom methods and principles that prepare an instructor to provide traffic safety education as described in these rules and in state law.

(2) To ensure the quality of the training given, the instruction course must:

(a) Be provided by, and under the direct supervision of:

(i) An institution of higher learning accredited by the Northwest Association of Schools and Colleges or by an accrediting association recognized by the higher education board;

(ii) A licensed private vocational school as that term is defined by RCW 28C.10.020(7); or

(iii) An instructor-trainer.

(b) Be not less than one hundred hours in total length and consist of:

(i) Not less than ~~((twelve))~~ fifty hours of instruction in behind the wheel teaching methods;

(ii) Not less than ~~((six))~~ ten hours of supervised practice in behind the wheel teaching of driving techniques;

(iii) Not less than ~~((thirty))~~ forty hours total of ~~((approved))~~ instruction ~~((covering each))~~ that includes all of the following areas:

(A) Education ~~((or))~~ and special education;

(B) Driver education teacher, instructor, or trainer skills training;

(C) Classroom teaching techniques; ~~((and))~~

(D) Communication skills; ~~((and))~~

~~((iv) Not less than twelve hours of instruction that shall prepare the instructor to:)~~

~~((A) Communicate))~~ (E) Teaching the concepts of driving and traffic safety to others;

~~((B) Demonstrate))~~ (F) Educational methods, theories and concepts in teaching a driver education course, and knowledge of all aspects of the driving task;

~~((C) Develop))~~ (G) Developing instructional materials and activities that aid student learning and performance;

~~((D) Define))~~ (H) Defining and ~~((describe))~~ describing the nature of the driving task on public highways;

~~((E) Establish))~~ (I) Establishing and ~~((maintain))~~ main-  
taining classroom organization;

~~((F) Manage))~~ (J) Managing enrollment, student scheduling, student records, and required reports; and

~~((G) Plan))~~ (K) Planning a course of student instruction with outlines, lesson plans, and student performance evaluation tools.

(3) ~~((Not less than thirty days prior to any instructor training being conducted by an instructor-trainer, the instructor-trainer or owner of the driver training school where the instructor-trainer is employed shall submit a course curriculum for department review and approval))~~ The department must approve an instructor training course curriculum before use by an instructor-trainer.

(4) Any revision to ~~((the))~~ an approved instructor training course curriculum used by an instructor-trainer must be submitted for review and approval by the department no less than thirty days prior to its use.

(5) The department may consider other instructional methods, instruction providers, or academic instruction in lieu of ~~((that))~~ those listed in subsection (2)~~((4))~~ of this section.

(6) Before an instructor training course is given, the instructor-trainer or owner must submit a list of the dates, times, and locations for the training, the names of the persons to be trained, and the name of the instructor-trainer who will be providing training.

(7) The department may monitor instructor education courses at any time to ensure that the instructor training requirements of this section are being satisfied.

AMENDATORY SECTION (Amending WSR 05-16-061, filed 7/29/05)

**WAC 308-108-160 Behind the wheel instruction and observation.** (1) Instruction provided to students under the age of eighteen must include:

~~((+))~~ (a) Behind the wheel instruction consisting of:

~~((a) Four or more)~~ (i) Not less than six hours of on-street behind the wheel vehicle operation under the direct supervision and direction of a licensed instructor; or

~~((b))~~ (ii) ~~((Three))~~ Five or more hours of on-street behind the wheel vehicle operation and four or more hours of driving simulation instruction under the direct supervision and direction of a licensed instructor; and

~~((2))~~ (b) One or more hours of additional in-vehicle driver observation.

(2) Behind the wheel instruction must be documented on a form provided or approved by the department, including the time the instruction was conducted, the signature of the instructor, and initials of the student.

#### WSR 07-01-072

#### PERMANENT RULES

#### DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed December 18, 2006, 3:32 p.m., effective January 18, 2007]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Amending WAC 388-513-1380 Determining a client's financial participation in the cost of care for long-term care (LTC) services:

- To increase the personal needs allowance (PNA) for clients residing in medical institutions to \$53.68 effective July 1, 2006.
- To increase the community spouse income and family allowance to \$1,650 per month effective July 1, 2006.
- To increase the community spouse housing allowance to \$495 per month effective July 1, 2006.
- To change the community spouse maintenance allowance to \$2,541 effective January 1, 2007, due to federal standard change.
- To add language to state that the deduction for medical and remedial care expenses that were incurred as the result of imposition of assets penalty period is limited to zero.
- To make changes to the language to make rules more clear.

Citation of Existing Rules Affected by this Order: Amending WAC 388-513-1380.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.500, 74.09.530.

Other Authority: 2005-07 Omnibus Operating Budget (2006 Supplement) DSHS (chapter 372, Laws of 2006).

Adopted under notice filed as WSR 06-22-078 on October 31, 2006.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: December 15, 2006.

Andy Fernando, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 06-07-144, filed 3/21/06, effective 4/21/06)

**WAC 388-513-1380 Determining a client's financial participation in the cost of care for long-term care (LTC) services.** This rule describes how the department allocates income and excess resources when determining participation in the cost of care (in the post-eligibility process). The department applies rules described in WAC 388-513-1315 to define which income and resources must be used in this process.

(1) For a client receiving institutional or hospice services in a medical institution, the department applies all subsections of this rule.

(2) For a client receiving waiver services at home or in an alternate living facility, the department applies only those subsections of this rule that are cited in the rules for those programs.

(3) For a client receiving hospice services at home, or in an alternate living facility, the department applies rules used for the community options program entry system (COPES) for hospice applicants with income under the Medicaid special income level (SIL), if the client is not otherwise eligible for another noninstitutional categorically needy Medicaid program. (Note: For hospice applicants with income over the Medicaid SIL, medically needy Medicaid rules apply.)

(4) Excess resources are reduced in an amount equal to medical expenses incurred by the institutional client (for definition see WAC 388-519-0110(10)) that are not subject to third-party payment and for which the client is liable, including:

(a) Health insurance and Medicare premiums, deductions, and co-insurance charges of the institutional client;

(b) Necessary medical care recognized under state law, but not covered under the state's Medicaid plan with the exception of the deduction for medical and remedial care expenses that were incurred during a transfer of asset penalty

established per WAC 388-513-1363, WAC 388-513-1364 or WAC 388-513-1365; and

(c) The amount of excess resources is limited to the following amounts:

(i) For LTC services provided under the categorically needy (CN) program, the amount described in WAC 388-513-1315(3); or

(ii) For LTC services provided under the medically needy (MN) program, the amount described in WAC 388-513-1395 (2)(a) or (b).

(5) The department allocates nonexcluded income in the following order and the combined total of (5)(a), (b), (c), and (d) cannot exceed the medically needy income level (MNIL):

(a) A personal needs allowance (PNA) of:

(i) One hundred sixty dollars for a client living in a state veterans' home;

(ii) Ninety dollars for a veteran or a veteran's surviving spouse, who receives the ninety dollar VA improved pension and does not live in a state veterans' home; or

(iii) Forty-one dollars and sixty-two cents for all clients in a medical institution receiving general assistance.

(iv) Effective July 1, ~~((2005)) 2006, ((fifty-one)) fifty-three~~ dollars and ~~((sixty-two)) sixty-eight~~ cents for all other clients in a medical institution.

(b) Mandatory federal, state, or local income taxes owed by the client.

(c) Wages for a client who:

(i) Is related to the supplemental security income (SSI) program as described in WAC 388-503-0510(1); and

(ii) Receives the wages as part of a department-approved training or rehabilitative program designed to prepare the client for a less restrictive placement. When determining this deduction employment expenses are not deducted.

(d) Guardianship fees and administrative costs including any attorney fees paid by the guardian, after June 15, 1998, only as allowed by chapter 388-79 WAC.

(6) The department allocates nonexcluded income after deducting amounts described in subsection (5) in the following order:

(a) Income garnished for child support:

(i) For the time period covered by the PNA; and

(ii) Not deducted under another provision in the post-eligibility process.

(b) A monthly maintenance needs allowance for the community spouse not to exceed, effective January 1, ~~((2006)) 2007~~, two thousand ~~((four)) five~~ hundred ~~((eighty-nine)) forty-one~~ dollars, unless a greater amount is allocated as described in subsection (8) of this section. The community spouse maintenance allowance is increased each January based on the consumer price index increase (from September to September, <http://www.bls.gov/cpi/>). The monthly maintenance needs allowance:

(i) Consists of a combined total of both:

(A) An amount added to the community spouse's gross income to provide a total of one thousand six hundred ~~((four)) fifty~~ dollars ~~((, effective April 1, 2005))~~. This standard is based on one hundred fifty percent of the two person federal poverty level and increases annually on July 1st (<http://aspe.os.dhhs.gov/poverty/>); and

(B) Excess shelter expenses as described under subsection (7) of this section; and

(ii) Is allowed only to the extent the client's income is made available to the community spouse.

(c) A monthly maintenance needs amount for each minor or dependent child, dependent parent or dependent sibling of the community spouse or institutionalized person who:

(i) Resides with the community spouse:

(A) In an amount equal to one-third of one thousand six hundred ~~((four)) fifty~~ dollars less the dependent family member's income. This standard is based on one hundred fifty percent of the two person federal poverty level and increases annually on July 1st (<http://aspe.os.dhhs.gov/poverty/>). ~~((; and~~

~~((B) Is effective April 1, 2005;))~~

(ii) Does not reside with the community spouse or institutionalized person, in an amount equal to the MNIL for the number of dependent family members in the home less the dependent family member's income.

(iii) Child support received from noncustodial parent is the child's income.

(d) Incurred medical expenses described in subsections (4)(a) and (b) not used to reduce excess resources with the following exceptions:

(i) Private health insurance premiums for Medicare/Medicaid integration project (MMIP); ~~((and))~~

(ii) Managed care health insurance premiums for program of all-inclusive care for the elderly (PACE); and

(iii) The deduction for medical and remedial care expenses that were incurred during a transfer of asset penalty per WAC 388-513-1363, WAC 388-513-1364 or WAC 388-513-1365.

(e) Maintenance of the home of a single client or institutionalized couple:

(i) Up to one hundred percent of the one-person federal poverty level per month;

(ii) Limited to a six-month period;

(iii) When a physician has certified that the client is likely to return to the home within the six-month period; and

(iv) When social services staff documents initial need for the income exemption.

(7) For the purposes of this section, "excess shelter expenses" means the actual expenses under subsection (7)(b) less the standard shelter allocation under subsection (7)(a). For the purposes of this rule:

(a) The standard shelter allocation is four hundred ~~((eighty-one)) ninety-five~~ dollars ~~((, effective April 1, 2005))~~. This standard is based on thirty percent of one hundred fifty percent of the two person federal poverty level. This standard increases annually on July 1st (<http://aspe.os.dhhs.gov/poverty/>); and

(b) Shelter expenses are the actual required maintenance expenses for the community spouse's principal residence for:

(i) Rent;

(ii) Mortgage;

(iii) Taxes and insurance;

(iv) Any maintenance care for a condominium or cooperative; and

(v) The food stamp standard utility allowance for four persons, provided the utilities are not included in the maintenance charges for a condominium or cooperative.

(8) The amount allocated to the community spouse may be greater than the amount in subsection (6)(b) only when:

(a) A court enters an order against the client for the support of the community spouse; or

(b) A hearings officer determines a greater amount is needed because of exceptional circumstances resulting in extreme financial duress.

(9) A client who is admitted to a medical facility for ninety days or less and continues to receive full SSI benefits is not required to use the SSI income in the cost of care for medical services. Income allocations are allowed as described in this section from non-SSI income.

### WSR 07-01-073

#### PERMANENT RULES DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed December 18, 2006, 3:35 p.m., effective January 18, 2007]

Effective Date of Rule: Thirty-one days after filing.

Purpose: DSHS is amending WAC 388-513-1350 to:

- Clarify the rules, increase the spousal resource maximum from \$41,000 to \$41,943 effective July 1, 2005, increase the community spousal share maximum to \$99,540 effective January 1, 2006, and to \$101,640 effective January 1, 2007.
- Clarify that an individual retirement account (IRA) belonging to a community spouse is a countable resource when determining eligibility for long-term care (LTC) services. (Social Security Act section 1924 supersedes (SSI)-related rules.)

DSHS is amending this rule due to federal law change in the 2005 Deficit Reduction Act of 2005 (Public Law 109-171) regarding disqualification for long-term care assistance for individuals with home equity in excess of \$500,000 effective May 1, 2006.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-513-1360; and amending WAC 388-513-1350.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.500, 74.09.530, 74.09.575.

Other Authority: 2005 Federal Deficit Reduction Act (DRA) Public Law 109-171; and Section 1924 of the Social Security Act (42 U.S.C. 1396r-5).

Adopted under notice filed as WSR 06-21-122 on October 17, 2006.

Changes Other than Editing from Proposed to Adopted Version:

- WAC 388-513-1350(3) is amended as follows: "When both spouses are institutionalized, the department will determine the eligibility of each spouse as a single client the month following the month of separation."

- WAC 388-513-1350 (7)(c) is amended as follows: "For a SSI-related client, the department adds together the available resources of both spouses if subsections (2), (5), (6), (7), (8)(a) or (b) apply, but not if subsections (3) or (4) apply."
- The maximum community spouse resource standard is increased to \$101,640 effective January 1, 2007, in WAC 388-513-1350 (9)(a), due to federal standards increases.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 1, Repealed 1; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 1.

Date Adopted: December 15, 2006.

Andy Fernando, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 05-07-033, filed 3/9/05, effective 4/9/05)

**WAC 388-513-1350 Defining the ~~((maximum amount of resources allowed))~~ resource standard and determining resource~~((s-availability))~~ eligibility for long-term care (LTC) services.** This section describes how the department defines the resource standard and available or excluded resources when determining a client's eligibility for LTC services. The department uses the term "resource standard" to describe the maximum amount of resources a client can have and still be resource eligible for program benefits.

(1) The resource standard used to determine eligibility for LTC services equals:

(a) Two thousand dollars for:

(i) A single client; or

(ii) A legally married client with a community spouse, subject to the provisions described in subsections ~~((5))~~ (8) through ~~((8))~~ (11) of this section; or

(b) Three thousand dollars for a legally married couple, unless subsection ~~((2))~~ (3) of this section applies.

(2) ~~((If the department has already established eligibility for one spouse, then it applies the standard described in subsection (1)(a) to each spouse, unless doing so would make one of the spouses ineligible.~~

(3)) When both spouses apply for LTC services the department considers the resources of both spouses as available to each other through the month in which the spouses stopped living together.

(3) When both spouses are institutionalized, the department will determine the eligibility of each spouse as a single client the month following the month of separation.

(4) If the department has already established eligibility and authorized services for one spouse, and the community spouse needs LTC services in the same month, (but after eligibility has been established and services authorized for the institutional spouse), then the department applies the standard described in subsection (1)(a) of this section to each spouse. If doing this would make one of the spouses ineligible, then the department applies (a)(b) of this section for a couple.

(5) When a single institutionalized individual marries, the department will redetermine eligibility applying the rules for a legally married couple.

(6) The department applies the following rules when determining available resources for LTC services:

(a) WAC 388-475-0300, Resource eligibility (~~and limits~~);

(b) WAC 388-475-0250, How to determine who owns a resource; and

(c) WAC 388-470-0060(6), Resources of an alien's sponsor (~~and~~

(d) WAC 388-506-0620, SSI-related medical clients).

((4)) (7) For LTC services the department determines a client's nonexcluded resources as follows:

(a) (~~For an SSI-related client, the department reduces available resources by excluding resources described in WAC 388-475-0350 through 388-475-0550;~~

(b) ~~For an SSI-related client who has a community spouse, the department:~~

(i) ~~Excludes resources described in WAC 388-513-1360;~~ and

(ii) ~~Adds together the available resources of both spouses according to subsection (5)(a) or (b) as appropriate;~~

(c) ~~For a client not described in subsection (4)(a) or (b), the department applies the resource rules of the program used to relate the client to medical eligibility.~~

(5) ~~The department determines available resources of a legally married client, when both spouses are institutionalized, by following WAC 388-506-0620 (5) and (6).) The department determines available resources for SSI-related clients as described in WAC 388-475-0350 through WAC 388-475-0550 and resources excluded by federal law with the exception of:~~

(i) WAC 388-475-0550(16);

(ii) WAC 388-475-0350 (1)(b) ~~Clients who have submitted an application for LTC services on or after May 1, 2006 and have an equity interest greater than five hundred thousand dollars in their primary residence are ineligible for LTC services. This exception does not apply if a spouse or blind, disabled or dependent child under age twenty-one is lawfully residing in the primary residence. Clients denied or terminated LTC services due to excess home equity may apply for an undue hardship waiver.~~

(b) ~~For an SSI-related client one automobile per household is excluded regardless of value if it is used for transportation of the eligible individual/couple.~~

(i) ~~For an SSI-related client with a community spouse, the value of one automobile is excluded regardless of its use or value.~~

(ii) ~~Vehicles not meeting the definition of automobile is a vehicle that has been junked or a vehicle that is used only as a recreational vehicle.~~

(c) ~~For a SSI-related client, the department adds together the available resources of both spouses if subsections (2), (5), (6), (7) and (8)(a) or (b) apply, but not if subsection (3) or (4) apply.~~

(d) ~~For an SSI-related client, excess resources are reduced in an amount equal to medical expenses incurred by the client (for definition see WAC 388-519-0110(10)) that are not subject to third-party payment and for which the client is liable, including:~~

(i) ~~Health insurance and Medicare premiums, deductions, and co-insurance charges;~~

(ii) ~~Necessary medical care recognized under state law, but not covered under the state's Medicaid plan with the exception of the deduction for medical and remedial care expenses that were incurred during a transfer of asset penalty established per WAC 388-513-1363, WAC 388-513-1364 or WAC 388-515-1365; and~~

(iii) ~~The amount of excess resources is limited to the following amounts:~~

(A) ~~For LTC services provided under the categorically needy (CN) program, the amount described in WAC 388-513-1315(3); or~~

(B) ~~For LTC services provided under the medically needy (MN) program, the amount described in WAC 388-513-1395 (2)(a) or (b).~~

(e) ~~For a client not related to SSI, the department applies the resource rules of the program used to relate the client to medical eligibility.~~

(8) ~~For legally married clients when only one spouse meets institutional status, the following rules apply. If the client's current period of institutional status began:~~

(a) ~~Before October 1, 1989, the department adds together one-half the total amount of nonexcluded resources held in the name of:~~

(i) ~~The institutionalized spouse; or~~

(ii) ~~Both spouses.~~

(b) ~~On or after October 1, 1989, the department adds together the total amount of nonexcluded resources held in the name of:~~

(i) ~~Either spouse; or~~

(ii) ~~Both spouses.~~

((6)) (9) ~~If subsection ((5)) (8)(b) of this section applies, the department determines the amount of resources that are allocated to the community spouse before determining nonexcluded resources used to establish eligibility for the institutionalized spouse, as follows:~~

(a) ~~If the client's current period of institutional status began on or after October 1, 1989 and before August 1, 2003, the department allocates the maximum amount of resources ordinarily allowed by law. The maximum allocation amount is ((ninety-five)) ninety-nine thousand ((one)) five hundred forty dollars effective January 1, ((2005)) 2006. Effective January 1, 2007, the maximum allocation is one hundred one thousand six hundred and forty dollars. (this standard~~

increases annually on January 1st based on the consumer price index); or

(b) If the client's current period of institutional status began on or after August 1, 2003, the department allocates the greater of:

(i) A spousal share equal to one-half of the couple's combined nonexcluded resources as of the beginning of the current period of institutional status, up to the amount described in subsection ~~((6))~~ (9)(a) of this section; or

(ii) The state spousal resource standard of ~~((forty thousand))~~ forty-one thousand nine-hundred forty-three dollars effective July 1, 2005 (this standard increases every odd year on July 1st).

~~((7))~~ (10) The amount of the spousal share described in ~~((6))~~ (9)(b)(i) (is) can be determined (sometime) any-time between the date that the current period of institutional status began and the date that eligibility for LTC services is determined. The following rules apply to the determination of the spousal share:

(a) Prior to an application for LTC services, the couple's combined countable resources are evaluated from the date of the current period of institutional status at the request of either member of the couple. The determination of the spousal share is completed when necessary documentation and/or verification is provided; or

(b) The determination of the spousal share is completed as part of the application for LTC services if the client was institutionalized prior to the month of application, and declares the spousal share exceeds the state spousal resource standard. The client ~~((will be))~~ is required to provide verification of the couple's combined countable resources held at the beginning of the current period of institutional status.

~~((8))~~ (11) The amount of allocated resources described in subsection ~~((6))~~ (9) of this section can be increased, only if:

(a) A court transfers additional resources to the community spouse; or

(b) An administrative law judge establishes in a fair hearing described in chapter 388-02 WAC ~~((or by consent order))~~, that the amount is inadequate to provide a minimum monthly maintenance needs amount for the community spouse.

~~((9))~~ (12) The department considers resources of the community spouse unavailable to the institutionalized spouse the month after eligibility for LTC services is established, unless subsection ~~((4))~~ (13)(a), (b), or (c) of this section applies.

~~((10))~~ (13) A redetermination of the couple's resources as described in subsections ~~((4)(b) or (e))~~ (7) is required, if:

(a) The institutionalized spouse has a break of at least thirty consecutive days in a period of institutional status;

(b) The institutionalized spouse's nonexcluded resources exceed the standard described in subsection (1)(a), if subsection ~~((5))~~ (8)(b) applies; or

(c) The institutionalized spouse does not transfer the amount described in subsections ~~((6))~~ (9) or ~~((8))~~ (11) to the community spouse or to another person for the sole benefit of the community spouse as described in WAC 388-513-1365(4) by either:

(i) The first regularly scheduled eligibility review; or

(ii) The reasonable amount of additional time necessary to obtain a court order for the support of the community spouse.

**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.

### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-513-1360

Determining excluded resources for long-term care (LTC) services.

**WSR 07-01-078**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed December 19, 2006, 8:10 a.m., effective February 1, 2007]

Effective Date of Rule: February 1, 2007.

Purpose: Chapter 196-127 WAC, Prevailing wage, prevailing wage rates on public works projects are determined and enforced according to the trade, occupation, or "classification" of work actually performed. The purpose of this rule making is to write scope of work descriptions for three job classifications that have wage rates but no written scope of work descriptions. This rule making will include scope of work descriptions for: Street sweepers, stage rigging mechanics, and tinting and coating installers (formally known as solar controls for windows).

Statutory Authority for Adoption: Chapter 39.12 RCW and RCW 43.22.270.

Adopted under notice filed as WSR 06-21-093 on October 17, 2006.

A final cost-benefit analysis is available by contacting Trista Zugel, P.O. Box 44400, Olympia, WA 98504-4400, phone (360) 902-5860, fax (360) 902-5292, e-mail zugy235@lni.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 3, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 3, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 3, Amended 0, Repealed 0.

Date Adopted: December 19, 2006.

Judy Schurke  
Acting Director

#### NEW SECTION

**WAC 296-127-01392 Stage rigging mechanics (non-structural).** For the purpose of the Washington state public works law, chapter 39.12 RCW, stage rigging mechanics perform nonpermanent mechanical and operational stage rigging work for theatrical performances and productions (regardless of the size of the production), and is work requiring the use of manual hydraulic systems, pneumatic systems, motor systems, electro-mechanic and stage rigging systems and methods for controlling and linking these.

The work includes, but is not limited to:

- Assembling, working with, or disassembling cables, pulleys, tackle, winches, automated scenery, or other gear associated with the lifting or supporting of objects above the floor.
- Installing, maintaining and dismantling the physical means of support for the overhead equipment related to the stage production. Set motor power and truss attachment gear.
- Maintaining suspended stage equipment.

Work performed under this scope does not include: Any work processes as described above which are necessary as part of a public works construction project for new construction, improvement, alteration or repair to maintain structural integrity to an existing system or theatrical facility.

#### NEW SECTION

**WAC 296-127-01393 Street sweepers (nonconstruction).** For the purpose of the Washington state public works law, chapter 39.12 RCW, street sweepers perform cleaning or sweeping work under a public works maintenance contract that requires the use of power brooms (sweepers), power vacuums, power blowers, or power washers. This work includes, but is not limited to:

- The cleaning or sweeping of streets, roads, fire lanes, parking lots, school grounds (campus streets), game courts and similar paved surfaces and other nonroadway surfaces or locations on or adjacent to schools, office complexes, parks, and similar publicly owned or maintained facilities or locations.
- Driving a street sweeping vehicle to clean streets, parking lots, and other similar surfaces of debris. Incidental hand sweeping or backpack air blowing may be required in tight areas where the sweeper brooms cannot reach. Fills vehicle water tanks and operates the controls to activate rotary brushes and water spray nozzles to facilitate debris collection, cleaning, and in order to control dust. Disposes of waste material. Performs minor vehicle maintenance of the sweeper by cleaning it, checking fluids and tire pressure.

The cleaning work covered by this scope is limited to a maintenance contract for the cleaning of streets or similar exterior surfaces.

Work performed under this scope does not include: Sweeping work necessary and in conjunction with a public works construction project to maintain and keep streets or

similar surfaces clear of debris or the clean-up of streets or similar surfaces necessary during and after a public works construction project and prior to acceptance. Operation of street sweeping equipment during and after a public works construction project would fall under the classification of Operating engineers (equipment operators), WAC 296-127-01354, and operation of hand held or backpack air blowers or hand sweeping would fall under the classification of Laborers, WAC 296-127-01344.

Classifications:

- Equipment operators (riding-type)
- Power brooms
- Power vacuums
- Power blowers
- Power washers

#### NEW SECTION

#### **WAC 296-127-01394 Tinting and coating installer.**

For the purpose of the Washington state public works law, chapter 39.12 RCW, tinting and coating installers apply film, tints, and coatings to transparent surfaces. The work includes, but is not limited to:

- The application of any film, tints, and coatings to the interior or exterior of existing windows, glazed doors, partitions, shop fronts, etc. This includes special dyes, UV absorbers and metal coatings. This work also includes tints and coatings applied to reduce heat gain and glare, and low-emittance coatings to improve both heating and cooling performance.

#### **WSR 07-01-084**

#### **PERMANENT RULES BOARD OF**

#### **PILOTAGE COMMISSIONERS**

[Filed December 19, 2006, 8:44 a.m., effective January 20, 2007]

Effective Date of Rule: January 20, 2007.

Purpose: To adjust the per vessel surcharge used to pay training stipends in the Puget Sound pilotage district.

Citation of Existing Rules Affected by this Order:  
Amending WAC 363-116-300.

Statutory Authority for Adoption: RCW 88.16.035.

Adopted under notice filed as WSR 06-21-076 on October 17, 2006.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-



ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: December 14, 2006.

Peggy Larson  
Administrator

AMENDATORY SECTION (Amending WSR 06-12-009, filed 5/26/06, effective 7/1/06)

**WAC 363-116-300 Pilotage rates for the Puget Sound pilotage district.** Effective 0001 hours (~~July 1, 2006~~) January 20, 2007, through 2400 hours June 30, 2007.

CLASSIFICATION	RATE
Ship length overall (LOA)	
Charges:	
Per LOA rate schedule in this section.	
Boarding fee:	\$43.00
Per each boarding/deboarding at the Port Angeles pilot station.	
Harbor shift - Live ship (Seattle Port)	LOA Zone I
Harbor shift - Live ship (other than Seattle Port)	LOA Zone I
Harbor shift - Dead ship	Double LOA Zone I
Towing charge - Dead ship:	Double LOA Zone
LOA of tug + LOA of tow + beam of tow	

Any tow exceeding seven hours, two pilots are mandatory. Harbor shifts shall constitute and be limited to those services in moving vessels from dock to dock, from anchorage to dock, from dock to anchorage, or from anchorage to anchorage in the same port after all other applicable tariff charges for pilotage services have been recognized as payable.

Compass Adjustment	\$310.00
Radio Direction Finder Calibration	\$310.00
Launching Vessels	\$466.00
Trial Trips, 6 hours or less (minimum \$876.00)	\$146.00 per hour
Trial Trips, over 6 hours (two pilots)	\$291.00 per hour
Shilshole Bay – Salmon Bay	\$182.00
Salmon Bay – Lake Union	\$141.00
Lake Union – Lake Washington (plus LOA zone from Webster Point)	\$182.00
Cancellation Charge	LOA Zone I
Cancellation Charge – Port Angeles:	LOA Zone II

(When a pilot is ordered and vessel proceeds to a port outside the Puget Sound pilotage district without stopping for a pilot or when a pilot order is canceled less than twelve hours prior to the original ETA.)

**Waterway and Bridge Charges:**

*Ships up to 90' beam:*

A charge of \$229.00 shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street in Seattle, south of Eleventh Street in any of the Tacoma waterways, in Port Gamble, or in the Snohomish River. Any vessel movements required to transit through bridges shall have an additional charge of \$109.00 per bridge.

*Ships 90' beam and/or over:*

A charge of \$311.00 shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street in Seattle and south of Eleventh Street in any of the Tacoma waterways. Any vessel movements required to transit through bridges shall have an additional charge of \$217.00 per bridge.

(The above charges shall not apply to transit of vessels from Shilshole Bay to the limits of Lake Washington.)

*Two or three pilots required:*

In a case where two or three pilots are employed for a single vessel waterway or bridge transit, the second and/or third pilot charge shall include the bridge and waterway charge in addition to the harbor shift rate.

**Docking Delay After Anchoring:**

Applicable harbor shift rate to apply, plus \$236.00 per hour standby. No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is \$236.00 for every hour or fraction thereof.

**Sailing Delay:**

No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is \$236.00 for every hour or fraction thereof. The assessment of the standby fee shall not exceed a period of twelve hours in any twenty-four-hour period.

**Slowdown:**

When a vessel chooses not to maintain its normal speed capabilities for reasons determined by the vessel and not the pilot, and when the difference in arrival time is one hour, or greater,

from the predicted arrival time had the vessel maintained its normal speed capabilities, a charge of \$236.00 per hour, and each fraction thereof, will be assessed for the resultant difference in arrival time.

**Delayed Arrival – Port Angeles:**

When a pilot is ordered for an arriving inbound vessel at Port Angeles and the vessel does not arrive within two hours of its ETA, or its ETA is amended less than six hours prior to the original ETA, a charge of \$236.00 for each hour delay, or fraction thereof, shall be assessed in addition to all other appropriate charges.

When a pilot is ordered for an arriving inbound vessel at Port Angeles and the ETA is delayed to six hours or more beyond the original ETA, a cancellation charge shall be assessed, in addition to all other appropriate charges, if the ETA was not amended at least twelve hours prior to the original ETA.

**Tonnage Charges:**

*0 to 20,000 gross tons:*

Additional charge to LOA zone mileage of \$0.0073 a gross ton for all gross tonnage up to 20,000 gross tons.

*20,000 to 50,000 gross tons:*

Additional charge to LOA zone mileage of \$0.0751 a gross ton for all gross tonnage in excess of 20,000 gross tons up to 50,000 gross tons.

*50,000 gross tons and up:*

In excess of 50,000 gross tons, the charge shall be \$0.0900 per gross ton.

For vessels where a certificate of international gross tonnage is required, the appropriate international gross tonnage shall apply.

**Transportation to Vessels on Puget Sound:**

March Point or Anacortes	\$157.00
Bangor	153.00
Bellingham	181.00
Bremerton	135.00
Cherry Point	209.00
Dupont	97.00
Edmonds	35.00
Everett	59.00
Ferndale	199.00
Manchester	131.00
Mukilteo	53.00
Olympia	125.00
Point Wells	35.00

Port Gamble	185.00
Port Townsend (Indian Island)	223.00
Seattle	15.00
Tacoma	71.00

(a) Intraharbor transportation for the Port Angeles port area: Transportation between Port Angeles pilot station and Port Angeles harbor docks - \$15.00.

(b) Interport shifts: Transportation paid to and from both points.

(c) Intraharbor shifts: Transportation to be paid both ways. If intraharbor shift is canceled on or before scheduled reporting time, transportation paid one way only.

(d) Cancellation: Transportation both ways unless notice of cancellation is received prior to scheduled reporting time in which case transportation need only be paid one way.

(e) Any new facilities or other seldom used terminals, not covered above, shall be based on mileage x \$2.00 per mile.

**Delinquent Payment Charge:**

1 1/2% per month after 45 days from first billing.

**Nonuse of Pilots:**

Ships taking and discharging pilots without using their services through all Puget Sound and adjacent inland waters shall pay full pilotage fees on the LOA zone mileage basis from Port Angeles to destination, from place of departure to Port Angeles, or for entire distance between two ports on Puget Sound and adjacent inland waters.

**Training Surcharge:**

Effective ~~((October 1, 2005))~~ January 20, 2007, a surcharge of ~~(((\$10.00 shall be added to each vessel assignment for establishing a fund for payment of pilot trainee stipends. Thereafter, an additional \$10.00))~~ \$5.00 for each pilot trainee then receiving a stipend pursuant to the training program provided in WAC 363-116-078 shall be added to each vessel assignment. ~~((The need for the initial \$10.00 surcharge will be reviewed at each regular tariff hearing, or at such other times as may be determined by the board, where need is determined by considering the funds then available for trainee stipends and the number of trainees projected to be in the training program receiving a stipend during the tariff year.))~~

**LOA Rate Schedule:**

The following rate schedule is based upon distances furnished by National Oceanic and Atmospheric Administration, computed to the nearest half-mile and includes retirement fund contributions.

LOA	ZONE	ZONE	ZONE	ZONE	ZONE	ZONE
	I Intra Harbor	II 0-30 Miles	III 31-50 Miles	IV 51-75 Miles	V 76-100 Miles	VI 101 Miles & Over
Up to 449	227	351	600	894	1,204	1,562
450 - 459	236	358	604	908	1,224	1,570

LOA	ZONE					
	I	II	III	IV	V	VI
	Intra Harbor	0-30 Miles	31-50 Miles	51-75 Miles	76-100 Miles	101 Miles & Over
460 - 469	238	362	613	923	1,240	1,577
470 - 479	247	372	621	941	1,244	1,580
480 - 489	253	379	624	959	1,251	1,587
490 - 499	257	384	632	976	1,267	1,595
500 - 509	270	391	642	988	1,276	1,605
510 - 519	272	398	649	1,002	1,290	1,610
520 - 529	275	412	657	1,007	1,301	1,624
530 - 539	284	417	666	1,018	1,322	1,642
540 - 549	289	423	681	1,029	1,343	1,657
550 - 559	294	438	686	1,044	1,353	1,673
560 - 569	305	455	699	1,053	1,366	1,689
570 - 579	311	459	702	1,058	1,380	1,700
580 - 589	324	466	718	1,066	1,389	1,717
590 - 599	340	476	723	1,071	1,409	1,737
600 - 609	351	490	732	1,075	1,426	1,746
610 - 619	371	495	746	1,080	1,440	1,761
620 - 629	386	502	751	1,092	1,456	1,782
630 - 639	404	510	760	1,095	1,469	1,797
640 - 649	419	522	769	1,097	1,481	1,810
650 - 659	449	531	782	1,107	1,499	1,829
660 - 669	458	537	789	1,112	1,515	1,844
670 - 679	474	551	797	1,132	1,533	1,854
680 - 689	481	560	808	1,142	1,546	1,872
690 - 699	495	569	820	1,162	1,562	1,911
700 - 719	517	588	835	1,177	1,592	1,933
720 - 739	548	604	856	1,193	1,624	1,965
740 - 759	569	632	872	1,204	1,657	2,000
760 - 779	591	653	894	1,224	1,689	2,027
780 - 799	621	682	908	1,240	1,717	2,062
800 - 819	646	702	926	1,247	1,746	2,093
820 - 839	666	727	947	1,267	1,782	2,118
840 - 859	694	756	965	1,281	1,809	2,154
860 - 879	720	782	983	1,314	1,844	2,185
880 - 899	746	805	1,002	1,345	1,872	2,217
900 - 919	768	831	1,019	1,379	1,911	2,248
920 - 939	791	856	1,044	1,409	1,931	2,278
940 - 959	820	878	1,059	1,440	1,965	2,306
960 - 979	839	904	1,078	1,469	2,000	2,341
980 - 999	867	926	1,096	1,499	2,027	2,370
1000 - 1019	919	986	1,145	1,579	2,122	2,473
1020 - 1039	944	1,014	1,180	1,624	2,186	2,546
1040 - 1059	972	1,039	1,215	1,673	2,249	2,621
1060 - 1079	1,002	1,076	1,250	1,724	2,319	2,699
1080 - 1099	1,032	1,107	1,288	1,773	2,387	2,780
1100 - 1119	1,061	1,140	1,327	1,828	2,458	2,864

LOA	ZONE					
	I	II	III	IV	V	VI
	Intra Harbor	0-30 Miles	31-50 Miles	51-75 Miles	76-100 Miles	101 Miles & Over
1120 - 1139	1,094	1,176	1,368	1,881	2,532	2,949
1140 - 1159	1,126	1,209	1,407	1,938	2,609	3,038
1160 - 1179	1,159	1,244	1,450	1,996	2,686	3,129
1180 - 1199	1,195	1,282	1,492	2,056	2,768	3,223
1200 - 1219	1,231	1,321	1,536	2,118	2,850	3,318
1220 - 1239	1,267	1,360	1,582	2,181	2,934	3,417
1240 - 1259	1,304	1,400	1,629	2,246	3,023	3,519
1260 - 1279	1,343	1,441	1,678	2,313	3,114	3,625
1280 - 1299	1,383	1,486	1,729	2,383	3,205	3,734
1300 - 1319	1,425	1,528	1,779	2,453	3,302	3,845
1320 - 1339	1,468	1,574	1,834	2,527	3,400	3,961
1340 - 1359	1,510	1,622	1,889	2,602	3,502	4,080
1360 - 1379	1,556	1,669	1,944	2,681	3,606	4,200
1380 - 1399	1,602	1,719	2,004	2,760	3,714	4,328
1400 - 1419	1,650	1,771	2,061	2,842	3,825	4,457
1420 - 1439	1,699	1,824	2,124	2,928	3,941	4,590
1440 - 1459	1,751	1,879	2,189	3,014	4,059	4,727
1460 - 1479	1,800	1,934	2,252	3,105	4,180	4,868
1480 - 1499	1,855	1,991	2,320	3,197	4,304	5,013
1500 & Over	1,911	2,052	2,389	3,295	4,432	5,163

**WSR 07-01-089  
PERMANENT RULES  
BUILDING CODE COUNCIL**

[Filed December 19, 2006, 10:14 a.m., effective July 1, 2007]

Effective Date of Rule: July 1, 2007.

Purpose: To update chapter 51-11 WAC, Washington State Energy Code.

Citation of Existing Rules Affected by this Order: Repealing 6; and amending 37.

Statutory Authority for Adoption: RCW 19.27A.022, 19.27A.025, and 19.27A.045.

Other Authority: Chapters 19.27 and 34.05 RCW.

Adopted under notice filed as WSR 06-16-108 on August 1, 2006.

Changes Other than Editing from Proposed to Adopted Version: Equation 1 and Table 5-1 were both revised to retain existing language on glazing area percentage to be used as target values.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 3, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 1, Amended 37, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 38, Repealed 0.

Date Adopted: November 17, 2006.

John Neff  
Council Chair

AMENDATORY SECTION (Amending WSR 04-01-106, filed 12/17/03, effective 7/1/04)

**WAC 51-11-0101 Section 101—Scope and general requirements.**

101.1 Title: Chapters 1 through 10 of this Code shall be known as the "Washington State Residential Energy Code" and may be cited as such; and will be referred to herein as "this Code."

101.2 Purpose and Intent: The purpose of this Code is to provide minimum standards for new or altered buildings and structures or portions thereof to achieve efficient use and conservation of energy.

The purpose of this Code is not to create or otherwise establish or designate any particular class or group of persons

who will or should be especially protected or benefitted by the terms of this Code.

It is intended that these provisions provide flexibility to permit the use of innovative approaches and techniques to achieve efficient use and conservation of energy. These provisions are structured to permit compliance with the intent of this Code by any one of the following three paths of design:

1. A systems analysis approach for the entire building and its energy-using sub-systems which may utilize renewable energy sources, Chapter 4.

2. A component performance approach for various building elements and mechanical systems and components, Chapter 5.

3. A prescriptive requirements approach, Chapter 6.

Compliance with any one of these approaches meets the intent of this Code. This Code is not intended to abridge any safety or health requirements required under any other applicable codes or ordinances.

The provisions of this Code do not consider the efficiency of various energy forms as they are delivered to the building envelope. A determination of delivered energy efficiencies in conjunction with this Code will provide the most efficient use of available energy in new building construction.

101.3 Scope: This Code sets forth minimum requirements for the design of new buildings and structures that provide facilities or shelter for residential occupancies by regulating their exterior envelopes and the selection of their HVAC, service water heating systems and equipment for efficient use and conservation of energy.

Buildings shall be designed to comply with the requirements of either Chapter 4, 5, or 6 of this Code.

For the purposes of this Code:

Detached one- and two-family dwellings built under the International Residential Code shall be considered R-3 Occupancies.

Attached multiple single-family dwellings (townhouses) built under the International Residential Code shall be considered R-2 Occupancies.

101.3.1 Exempt Buildings: Buildings and structures or portions thereof meeting any of the following criteria shall be exempt from the building envelope requirements of sections 502 and 602, but shall comply with all other requirements for building mechanical systems, and service water heating.

101.3.1.1: Buildings and structures or portions thereof whose peak design rate of energy usage is less than three and four tenths (3.4) Btu/h per square foot or one point zero (1.0) watt per square foot of floor area for space conditioning requirements.

101.3.1.2: Buildings and structures or portions thereof which are neither heated according to the definition of heated space in Chapter 2, nor cooled by a nonrenewable energy source, provided that the nonrenewable energy use for space

conditioning complies with requirements of section 101.3.1.1.

101.3.1.3: Greenhouses isolated from any conditioned space and not intended for occupancy.

101.3.1.4: The provisions of this code do not apply to the construction, alteration, or repair of temporary worker housing except as provided by rule adopted under chapter 70.114A RCW or chapter 37, Laws of 1998 (SB 6168). "Temporary worker housing" means a place, area, or piece of land where sleeping places or housing sites are provided by an employer for his or her employees or by another person, including a temporary worker housing operator, who is providing such accommodations for employees, for temporary, seasonal occupancy, and includes "labor camps" under RCW 70.54.110.

101.3.2 Application to Existing Buildings: Additions, historic buildings, changes of occupancy or use, and alterations or repairs shall comply with the requirements in the subsections below.

EXCEPTION: The building official may approve designs of alterations or repairs which do not fully conform with all of the requirements of this Code where in the opinion of the building official full compliance is physically impossible and/or economically impractical and:

1. The alteration or repair improves the energy efficiency of the building; or
2. The alteration or repair is energy efficient and is necessary for the health, safety, and welfare of the general public.

In no case, shall building envelope requirements or mechanical system requirements be less than those requirements in effect at the time of the initial construction of the building.

101.3.2.1 Additions to Existing Buildings: Additions to existing buildings or structures may be made to such buildings or structures without making the entire building or structure comply, provided that the new additions shall conform to the provisions of this Code.

EXCEPTION: New additions which do not fully comply with the requirements of this Code and which have a floor area which is less than seven hundred fifty square feet shall be approved provided that improvements are made to the existing occupancy to compensate for any deficiencies in the new addition. Compliance shall be demonstrated by either systems analysis or component performance calculations. The nonconforming addition and upgraded, existing occupancy shall have an energy budget or Target UA which is less than or equal to the unimproved existing building (minus any elements which are no longer part of the building envelope once the addition is added), with the addition designed to comply with this Code.

101.3.2.2 Historic Buildings: The building official may modify the specific requirements of this Code for historic buildings and require in lieu thereof alternate requirements which will result in a reasonable degree of energy efficiency. This modification may be allowed for those buildings which have been specifically designated as historically significant by the state or local governing body, or listed in The National Register of Historic Places or which have been determined to be eligible for listing.

## 101.3.2.3 Change of Occupancy or Use:

Any Other than Group R Occupancy which is converted to Group R Occupancy shall be brought into full compliance with this Code.

**101.3.2.4 Alterations and Repairs:** All alterations and repairs to buildings or portions thereof originally constructed subject to the requirements of this Code shall conform to the provisions of this Code without exception. For all other existing buildings, initial tenant alterations shall comply with the new construction requirements of this Code. Other alterations and repairs may be made to existing buildings and moved buildings without making the entire building comply with all of the requirements of this Code for new buildings, provided the following requirements are met:

**101.3.2.5 Building Envelope:** The result of the alterations or repairs both:

1. Improves the energy efficiency of the building, and
2. Complies with the overall average thermal transmittance values of the elements of the exterior building envelope in Table 5-1 of Chapter 5 or the nominal R-values and glazing requirements of the reference case in Tables 6-1 and 6-2.

## EXCEPTIONS:

1. Untested storm windows may be installed over existing glazing for an assumed U-factor of 0.90, however, where glass and sash are being replaced in Group R Occupancy, glazing shall comply with the appropriate reference case in Table 6-1 and 6-2.
2. Where the structural elements of the altered portions of roof/ceiling, wall or floor are not being replaced, these elements shall be deemed to comply with this Code if all existing framing cavities which are exposed during construction are filled to the full depth with batt insulation or insulation having an equivalent nominal R-value while, for roof/ceilings, maintaining the required space for ventilation. Existing walls and floors without framing cavities need not be insulated. Existing roofs shall be insulated to the requirements of this Code if
  - a. The roof is uninsulated or insulation is removed to the level of the sheathing, or
  - b. All insulation in the roof/ceiling was previously installed exterior to the sheathing or nonexistent.

**101.3.2.6 Building Mechanical Systems:** Those parts of systems which are altered or replaced shall comply with section 503 of this Code.

**101.3.2.7 Service Water Heating:** Those parts of systems which are altered or replaced shall comply with section 504.

**101.3.2.8 Lighting:** Alterations shall comply with section 1132.3.

EXCEPTION: Group R-3 and R-4 Occupancy and the dwelling unit portions of Group R-1 and R-2 Occupancy.

**101.3.3 Mixed Occupancy:** When a building houses more than one occupancy, each portion of the building shall conform to the requirements for the occupancy housed therein. Where approved by the building official, where minor accessory uses do not occupy more than ten percent of the area of any floor of a building, the major use may be considered the building occupancy.

**101.4 Amendments by Local Government:** Except as provided in RCW 19.27A.020(7), this Code shall be the maximum and minimum energy code for Group R Occupancy in each town, city and county, no later than July 1, 1991.

**AMENDATORY SECTION** (Amending WSR 04-01-106, filed 12/17/03, effective 7/1/04)

**WAC 51-11-0201 Scope.** The following definitions shall apply to chapters 1 through 20.

**201.1 Application of Terms:** For the purposes of this Code, certain abbreviations, terms, phrases, words and their derivatives, shall be as set forth in this chapter. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. In the event there is a question about the definition of a term, the definitions for terms in the codes enumerated in RCW 19.27.031 and the edition of Webster's dictionary referenced therein shall be considered as the sources for providing ordinarily accepted meanings.

**Addition:** See the Washington State Building Code.

**Advanced framed ceiling:** Advanced framing assumes full and even depth of insulation extending to the outside edge of exterior walls. (See Standard Framing and Section 1007.2 of this Code.)

**Advanced framed walls:** Studs framed on twenty-four inch centers with double top plate and single bottom plate. Corners use two studs or other means of fully insulating corners, and one stud is used to support each header. Headers consist of double 2X material with R-10 insulation between the header and exterior sheathing. Interior partition wall/exterior wall intersections are fully insulated in the exterior wall. (See Standard Framing and Section 1005.2 of this Code.)

**AFUE. Annual fuel utilization efficiency:** Unlike steady state conditions, this rating is based on average usage including on and off cycling as set out in the standardized Department of Energy Test Procedures.

**Air conditioning, comfort:** The process of treating air to control simultaneously its temperature, humidity, cleanliness and distribution to meet requirements of the conditioned space.

**ARI:** Air-Conditioning and Refrigeration Institute.

**ASHRAE:** American Society of Heating, Refrigerating and Air Conditioning Engineers, Inc.

**ASTM:** American Society for Testing and Materials

**Automatic:** Self-acting, operating by its own mechanism when actuated by some impersonal influence, as for example, a change in current strength, pressure, temperature or mechanical configuration. (See **Manual**.)

**Below grade walls:** Walls or the portion of walls which are entirely below the finish grade or which extend two feet or less above the finish grade.

**Boiler capacity:** The rate of heat output in Btu/h measured at the boiler outlet, at the design inlet and outlet conditions and rated fuel/energy input.

**Building envelope:** For Group R Occupancy, the elements of a building which enclose conditioned spaces through which thermal energy may be transferred to or from the exterior or to or from spaces exempted by the provisions

of Section 101.3.1. For other than Group R Occupancy, the elements of a building which enclose conditioned spaces through which thermal energy may be transferred to or from the exterior, or to or from unconditioned spaces, or to or from semi-heated spaces, or to or from spaces exempted by the provisions of Section 1301.

**Building, existing:** See the Washington State Building Code.

**Building official:** The official authorized to act in behalf of a jurisdiction code enforcement agency or its authorized representative.

**Building project:** A building or group of buildings, including on-site energy conversion or electric-generating facilities, which utilize a single submittal for a construction permit or are within the boundary of a contiguous area under one ownership.

**Conditioned floor area:** (See Gross conditioned floor area.)

**Conditioned space:** A cooled space, heated space (fully heated), heated space (semi-heated) or indirectly conditioned space.

**Cooled space:** An enclosed space within a building that is cooled by a cooling system whose sensible capacity

a. Exceeds 5 Btu/(h·ft<sup>2</sup>), or

b. Is capable of maintaining space dry bulb temperature of 90°F or less at design cooling conditions.

**COP - Coefficient of performance:** The ratio of the rate of net heat output (heating mode) or heat removal (cooling mode) to the rate of total on-site energy input to the heat pump, expressed in consistent units and under designated rating conditions. (See Net Heat Output, Net Heat Removal, Total On-Site Energy Input.)

**Daylighted zone:**

a. Under overhead glazing: The area under overhead glazing whose horizontal dimension, in each direction, is equal to the overhead glazing dimension in that direction plus either the floor to ceiling height or the dimension to a ceiling height opaque partition, or one-half the distance to adjacent overhead or vertical glazing, whichever is least.

b. At vertical glazing: The area adjacent to vertical glazing which receives daylighting from the glazing. For purposes of this definition and unless more detailed daylighting analysis is provided, the daylighting zone depth is assumed to extend into the space a distance of 15 feet or to the nearest ceiling height opaque partition, whichever is less. The daylighting zone width is assumed to be the width of the window plus either two feet on each side (the distance to an opaque partition) or one-half the distance to adjacent overhead or vertical glazing, whichever is least.

**Daylight sensing control (DS):** A device that automatically regulates the power input to electric lighting near the glazing to maintain the desired workplace illumination, thus taking advantage of direct or indirect sunlight.

**Deadband:** The temperature range in which no heating or cooling is used.

**Demand control ventilation (DCV):** A ventilation system capability that provides for the automatic reduction of outdoor air intake below design rates when the actual occupancy of spaces served by the system is less than design occupancy.

**Design cooling conditions:** The cooling outdoor design temperature from the 0.5% column for summer from the Puget Sound Chapter of ASHRAE publication "Recommended Outdoor Design Temperatures, Washington State, ASHRAE."

**Design heating conditions:** The heating outdoor design temperature from the 0.6% column for winter from the Puget Sound Chapter of ASHRAE publication "Recommended Outdoor Design Temperatures, Washington State, ASHRAE."

**Door:** All operable opening areas, which are not glazing, in the building envelope including swinging and roll-up doors, fire doors, smoke vents and access hatches.

**Door area:** Total area of door measured using the rough opening and including the door and frame.

**Dwelling unit:** See the Washington State Building Code.

~~(**EER - Energy efficiency ratio:** The ratio of net equipment cooling capacity in Btu/h to total rate of electric input in watts under designated operating conditions.)~~

**Economizer, air:** A ducting arrangement and automatic control system that allows a cooling supply fan system to supply outside air to reduce or eliminate the need for mechanical refrigeration during mild or cold weather.

**Economizer, water:** A system by which the supply air of a cooling system is cooled directly, indirectly or both, by evaporation of water or by other appropriate fluid in order to reduce or eliminate the need for mechanical refrigeration.

**EER. Energy efficiency ratio:** The ratio of net equipment cooling capacity in Btu/h to total rate of electric input in watts under designated operating conditions.

**Efficiency, HVAC system:** The ratio of useful energy (at the point of use) to the energy input for a designated time period, expressed in percent.

**Emissivity:** The ability to absorb infrared radiation. A low emissivity implies a higher reflectance of infrared radiation.

**Energy:** The capacity for doing work; taking a number of forms which may be transformed from one into another, such as thermal (heat), mechanical (work), electrical and chemical; in customary units, measured in kilowatt-hours (kWh) or British thermal units (Btu). (See **New energy**.)

**Energy, recovered:** (See **Recovered energy**.)

**Exterior envelope:** (See **Building envelope**.)

**F-Factor:** The perimeter heat loss factor expressed in Btu/hr·ft·°F.

**F-Value:** (See **F-Factor**.)

**Facade area:** Vertical projected area including nonhorizontal roof area, overhangs, cornices, etc. measured in elevation in a vertical plane parallel to the plane of the building face.

**Floor over unconditioned space:** A floor which separates a conditioned space from an unconditioned space which is buffered from exterior ambient conditions including vented crawl spaces and unconditioned basements or other similar spaces, or exposed to exterior ambient conditions including open parking garages and enclosed garages which are mechanically ventilated.

~~(**F-Factor:** The perimeter heat loss factor expressed in Btu/hr·ft·°F.)~~

**F Value:** (See F-Factor.))

**Garden window:** A multisided glazing product that projects beyond the plane of the wall.

**Glazed wall system:** A category of site assembled fenestration products used in the NFRC 100 and NFRC 200 rating procedures that include curtainwalls.

**Glazing:** All areas, including the frames, in the shell of a conditioned space that let in natural light including windows, clerestories, skylights, sliding or swinging glass doors and glass block walls.

**Glazing area:** Total area of the glazing measured using the rough opening, and including the glazing, sash, and frame. For doors where the daylight opening area is less than 50% of the door area, the glazing area is the daylight opening area. For all other doors, the glazing area is the door area.

**Gross conditioned floor area:** The horizontal projection of that portion of interior space which is contained within exterior walls and which is conditioned directly or indirectly by an energy-using system, and which has an average height of five feet or greater, measured from the exterior faces.

**Gross exterior wall area:** The normal projection of the building envelope wall area bounding interior space which is conditioned by an energy-using system and which separates conditioned space from: Unconditioned space, or semi-heated space, or exterior ambient conditions or earth; includes opaque wall, vertical glazing and door areas. The gross area of walls consists of all opaque wall areas, including foundation walls, between floor spandrels, peripheral edges of floors, vertical glazing areas and door areas, where such surfaces are exposed to exterior ambient conditions and enclose a conditioned space including interstitial areas between two such spaces. The area of the wall is measured from the top of the floor insulation to the bottom of the roof insulation. (See Below grade wall.)

**Gross floor area:** The sum of the areas of the several floors of the building, including basements, cellars, mezzanine and intermediate floored tiers and penthouses of head-room height, measured from the exterior faces of exterior walls or from the center line of walls separating buildings, but excluding: Covered walkways, open roofed-over areas, porches and similar spaces. Pipe trenches, exterior terraces or steps, chimneys, roof overhangs and similar features.

**Gross roof/ceiling area:** A roof/ceiling assembly shall be considered as all components of the roof/ceiling envelope through which heat flows, thus creating a building transmission heat loss or gain, where such assembly is exposed to exterior ambient conditions and encloses a conditioned space. The assembly does not include those components that are separated from a heated and/or cooled space by a vented airspace. The gross area of a roof/ceiling assembly consists of the total interior surface of such assembly, including overhead glazing.

**Guest room:** See the Washington State Building Code.

**Heat:** The form of energy that is transferred by virtue of a temperature difference.

**Heat storage capacity:** The physical property of materials (mass) located inside the building envelope to absorb, store, and release heat.

**Heated space (Fully heated):** An enclosed space within a building, including adjacent connected spaces separated by

an uninsulated component (e.g., basements, utility rooms, garages, corridors), which is heated by a heating system whose output capacity is

a. Capable of maintaining a space dry-bulb temperature of 45°F or greater at design heating conditions; or

b. 8 Btu/(h·ft<sup>2</sup>) or greater in Climate Zone 1 and 12 Btu/(h·ft<sup>2</sup>) or greater in Climate Zone 2.

**Heated space (Semi-heated):** An enclosed space within a building, including adjacent connected spaces separated by an uninsulated component (e.g., basements, utility rooms, garages, corridors), which is heated by a heating system

a. Whose output capacity is 3 Btu/(h·ft<sup>2</sup>) or greater in Climate Zone 1 and 5 Btu/(h·ft<sup>2</sup>) or greater in Climate Zone 2; and

b. Is not a Heated Space (Fully Heated).

**High efficacy luminaire:** A lighting fixture that does not contain a medium screw base socket (E24/E26) and whose lamps have a minimum efficiency of:

a. 60 lumens per watt for lamps over 40 watts;

b. 50 lumens per watt for lamps over 15 watts to 40 watts;

c. 40 lumens per watt for lamps 15 watts or less.

**HSPF. Heating season performance factor:** The total heating output (in Btu) of a heat pump during its normal annual usage period for heating divided by the total (watt hour) electric power input during the same period, as determined by test procedures consistent with the U.S. Department of Energy "Test Procedure for Central Air Conditioners, Including Heat Pumps" published in Standard RS-30. When specified in Btu per watt hour an HSPF of 6.826 is equivalent to a COP of 2.0.

**Humidistat:** A regulatory device, actuated by changes in humidity, used for automatic control of relative humidity.

**HVAC:** Heating, ventilating and air conditioning.

**HVAC system components:** HVAC system components provide, in one or more factory-assembled packages, means for chilling and/or heating water with controlled temperature for delivery to terminal units serving the conditioned spaces of the buildings. Types of HVAC system components include, but are not limited to, water chiller packages, reciprocating condensing units and water source (hydronic) heat pumps. (See **HVAC system equipment.**)

**HVAC system efficiency:** (See **Efficiency, HVAC system.**)

**HVAC system equipment:** HVAC system equipment provides, in one (single package) or more (split system) factory-assembled packages, means for air circulation, air cleaning, air cooling with controlled temperature and dehumidification; and optionally, either alone or in combination with a heating plant, the functions of heating and humidifying. The cooling function may be either electrically or heat operated and the refrigerant condenser may be air, water or evaporatively cooled. Where the equipment is provided in more than one package, the separate packages shall be designed by the manufacturer to be used together. The equipment may provide the heating function as a heat pump or by the use of electric elements. (The word "equipment" used without modifying adjective may, in accordance with common industry



usage, apply either to HVAC system equipment or HVAC system components.)

**Indirectly conditioned space:** An enclosed space within a building that is not a heated or cooled space, whose area weighted heat transfer coefficient to heated or cooled spaces exceeds that to the outdoors or to unconditioned spaces; or through which air from heated or cooled spaces is transferred at a rate exceeding three air changes per hour. Enclosed corridors between conditioned spaces shall be considered as indirectly conditioned space. (See **Heated Space**, **Cooled Space** and **Unconditioned Space**.)

**Infiltration:** The uncontrolled inward air leakage through cracks and interstices in any building element and around windows and doors of a building caused by the pressure effects of wind and/or the effect of differences in the indoor and outdoor air density.

**Insulation baffle:** A rigid material, resistant to wind driven moisture, the purpose of which is to allow air to flow freely into the attic or crawl space and to prevent insulation from blocking the ventilation of these spaces, or the loss of insulation. Example materials for this purpose are sheet metal, or wax impregnated cardboard.

**Insulation position:**

a. **Exterior Insulation Position:** A wall having all or nearly all of its mass exposed to the room air with the insulation on the exterior of the mass.

b. **Integral Insulation Position:** A wall having mass exposed to both room and outside air, with substantially equal amounts of mass on the inside and outside of the insulation layer.

c. **Interior Insulation Position:** A wall not meeting either of the above definitions; particularly a wall having most of its mass external to the insulation layer.

**International Building Code (IBC):** (See Washington State Building Code.)

**International Mechanical Code (IMC):** (See Washington State Building Code.)

**IPLV—Integrated part-load value:** A single number figure of merit based on part-load EER or COP expressing part-load efficiency for air conditioning and heat pump equipment on the basis of weighted operation at various load capacities for the equipment as specified in the Air-Conditioning and Refrigeration Institute (ARI) and Cooling Tower Institute (CTI) procedures.

**Luminaire:** A complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the electric power supply.

**Manual:** Capable of being operated by personal intervention. (See **Automatic**.)

**Microcell:** A wireless communication facility consisting of an antenna that is either: (a) Four (4) feet in height and with an area of not more than 580 square inches; or (b) if a tubular antenna, no more than four (4) inches in diameter and no more than six (6) feet in length; and the associated equipment cabinet that is six (6) feet or less in height and no more than 48 square feet in floor area.

**NFPA:** National Fire Protection Association.

**NFRC:** National Fenestration Rating Council.

**Net heat output:** The change in the total heat content of the air entering and leaving the equipment (not including supplementary heat and heat from boilers).

**Net heat removal:** The total difference in heat content of the air entering and leaving the equipment (without heat) or the difference in total heat content of the water or refrigerant entering and leaving the component.

**New energy:** Energy, other than recovered energy, utilized for the purpose of heating or cooling. (See **energy**.)

**Nominal R-value:** The thermal resistance of insulation ((as specified by the manufacturer according to recognized trade and engineering standards)) alone as determined in accordance with the U.S. Federal Trade Commission R-value rule (CFR Title 16, Part 460) in units of  $h \cdot ft^2 \cdot ^\circ F/Btu$  at a mean temperature of 75°F. Nominal R-value refers to the thermal resistance of the added insulation in framing cavities or insulated sheathing only and does not include the thermal resistance of other building materials or air films.

**Nonrenewable energy sources:** All energy sources that are not renewable energy sources including natural gas, oil, coal, wood, liquified petroleum gas, steam, and any utility-supplied electricity.

**Nonresidential:** All buildings and spaces in the International Building Code (IBC) occupancies other than Group R.

**Occupancy:** See the Washington State Building Code.

**Occupancy sensor:** A device that detects occupants within an area, causing any combination of lighting, equipment or appliances to be turned on or shut off.

**Opaque envelope areas:** All exposed areas of a building envelope which enclose conditioned space, except openings for doors, glazing and building service systems.

**Open blown:** Loose fill insulation pneumatically installed in an unconfined attic space.

**Outdoor air (outside air):** Air taken from the outdoors and, therefore, not previously circulated through a building.

**Overhead glazing:** A glazing surface that has a slope of less than 60° from the horizontal plane.

**Packaged terminal air conditioner:** A factory-selected combination of heating and cooling components, assemblies or sections intended to serve a room or zone. (For the complete technical definition, see Standard RS-5.)

**Permeance (perm):** The ability of a material of specified thickness to transmit moisture in terms of amount of moisture transmitted per unit time for a specified area and differential pressure (grains per hour  $\cdot ft^2 \cdot inches$  of HG). Permeance may be measured using ASTM E-96-00 or other approved dry cup method as specified in RS-1.

**Personal wireless service facility:** A Wireless Communication Facility (WCF), including a microcell, which is a facility for the transmission and/or reception of radio frequency signals and which may include antennas, equipment shelter or cabinet, transmission cables, a support structure to achieve the necessary elevation, and reception and/or transmission devices or antennas.

**Pool cover:** A vapor-retardant cover which lies on or at the surface of the pool.

**Power:** In connection with machines, the time rate of doing work. In connection with the transmission of energy of all types, the rate at which energy is transmitted; in custom-

ary units, it is measured in watts (W) or British Thermal Units per hour (Btu/h).

**Process energy:** Energy consumed in support of a manufacturing, industrial, or commercial process other than the maintenance of building comfort or amenities for building occupants.

**Radiant slab floor:** A slab floor assembly on grade or below, containing heated pipes, ducts, or electric heating cables that constitute a floor or portion thereof for complete or partial heating of the structure.

**Readily accessible:** See the Washington State Mechanical Code.

**Recooling:** The removal of heat by sensible cooling of the supply air (directly or indirectly) that has been previously heated above the temperature to which the air is to be supplied to the conditioned space for proper control of the temperature of that space.

**Recovered energy:** Energy utilized which would otherwise be wasted (i.e. not contribute to a desired end use) from an energy utilization system.

**Reheat:** The application of sensible heat to supply air that has been previously cooled below the temperature of the conditioned space by either mechanical refrigeration or the introduction of outdoor air to provide cooling.

**Renewable energy sources:** Renewable energy sources of energy (excluding minerals) are derived from: (1) Incoming solar radiation, including but not limited to, natural daylighting and photosynthetic processes; (2) energy sources resulting from wind, waves and tides, lake or pond thermal differences; and (3) energy derived from the internal heat of the earth, including nocturnal thermal exchanges.

**Reset:** Adjustment of the set point of a control instrument to a higher or lower value automatically or manually to conserve energy.

**Roof/ceiling assembly:** (See Gross roof/ceiling area.)

**SEER - Seasonal Energy Efficiency Ratio:** The total cooling output of an air conditioner during its normal annual usage period, in Btu's, divided by the total electric energy input in watt-hours, during the same period, as determined by 10 CFR, Part 430.

**Semi-heated space:** Sub-category of **Heated Space**. (See **Heated Space**.)

**Sequence:** A consecutive series of operations.

**Service systems:** All energy-using systems in a building that are operated to provide services for the occupants or processes housed therein, including HVAC, service water heating, illumination, transportation, cooking or food preparation, laundering or similar functions.

**Service water heating:** Supply of hot water for domestic or commercial purposes other than comfort heating.

**Shaded:** Glazed area which is externally protected from direct solar radiation by use of devices permanently affixed to the structure or by an adjacent building, topographical feature, or vegetation.

**Shading coefficient:** The ratio of solar heat gain occurring through nonopaque portions of the glazing, with or without integral shading devices, to the solar heat gain occurring through an equivalent area of unshaded, 1/8 inch thick, clear, double-strength glass.

Note: Heat gains to be compared under the same conditions. See Chapter 30 of Standard RS-1, listed in Chapter 7 of this Code.

**Shall:** Denotes a mandatory code requirement.

**Single family:** One and two family residential dwelling units with no more than two units in a single building.

**Skylight:** (See Overhead glazing.)

**Slab-below-grade:** Any portion of a slab floor in contact with the ground which is more than 24 inches below the final elevation of the nearest exterior grade.

**Slab-on-grade, exterior:** Any portion of a slab floor in contact with the ground which is less than or equal to twenty-four inches below the final elevation of the nearest exterior grade.

**Small business:** Any business entity (including a sole proprietorship, corporation, partnership, or other legal entity) which is owned and operated independently from all other businesses, which has the purpose of making a profit, and which has fifty or fewer employees, or which has a million dollars or less per year in gross sales, of window products.

**Solar energy source:** Source of natural daylighting and of thermal, chemical or electrical energy derived directly from conversion of incident solar radiation.

**Solar heat gain coefficient (SHGC):** The ratio of the solar heat gain entering the space through the glazing product to the incident solar radiation. Solar heat gain includes directly transmitted solar heat and absorbed solar radiation which is then reradiated, conducted or convected into the space.

**Split system:** Any heat pump or air conditioning unit which is provided in more than one assembly requiring refrigeration piping installed in the field.

**Standard framing:** All framing practices not defined as "intermediate" or "advanced" shall be considered standard. (See Advanced framed ceiling, Advanced framed walls, Intermediate framed wall and Section 1005.2 of this Code.)

**Substantial contact:** A condition where adjacent building materials are placed in a manner that proximal surfaces are contiguous, being installed and supported as to eliminate voids between materials, without compressing or degrading the thermal performance of either product.

**System:** A combination of central or terminal equipment or components and/or controls, accessories, interconnecting means, and terminal devices by which energy is transformed so as to perform a specific function, such as HVAC, service water heating or illumination.

**Tapering:** Installation of a reduced level of ceiling insulation at the eaves, due to reduced clearance.

**Thermal by-pass:** An area where the envelope surrounding the conditioned space is breached, or where an ineffective application compromises the performance of a thermal or infiltration barrier, increasing the structure's energy consumption by exposing finished surfaces to ambient conditions and additional heat transfer.

**Thermal conductance (C):** Time rate of heat flow through a body (frequently per unit area) from one of its bounding surfaces to the other for a unit temperature difference between the two surfaces, under steady conditions (Btu/hr·ft<sup>2</sup>·°F).

**Thermal resistance (R):** The reciprocal of thermal conductance ( $\text{hr} \cdot \text{ft}^2 \cdot ^\circ\text{F}/\text{Btu}$ ).

**Thermal transmittance (U):** The coefficient of heat transmission (air to air). It is the time rate of heat flow per unit area and unit temperature difference between the warm side and cold side air films ( $\text{Btu}/\text{hr} \cdot \text{ft}^2 \cdot ^\circ\text{F}$ ).

**Thermal transmittance, overall ( $U_o$ ):** The overall (average) heat transmission of a gross area of the exterior building envelope ( $\text{Btu}/\text{hr} \cdot \text{ft}^2 \cdot ^\circ\text{F}$ ). The  $U_o$ -factor applies to the combined effect of the time rate of heat flows through the various parallel paths, such as glazing, doors and opaque construction areas, comprising the gross area of one or more exterior building components, such as walls, floors or roof/ceiling.

**Thermostat:** An automatic control device actuated by temperature and designed to be responsive to temperature.

**Total on-site energy input:** The combination of all the energy inputs to all elements and accessories as included in the equipment components, including but not limited to, compressor(s), compressor sump heater(s), circulating pump(s), purge devices, fan(s), and the HVAC system component control circuit.

**Transmission coefficient:** The ratio of the solar heat gain through a glazing system to that of an unshaded single pane of double strength window glass under the same set of conditions.

**Transverse joint:** The primary connection between air distribution system fittings.

**U-factor: (See thermal transmittance.)**

**U-Value: (See U-factor.)**

**Uniform Plumbing Code (UPC):** (See Washington State Plumbing Code.)

**Unitary cooling and heating equipment:** One or more factory-made assemblies which include an evaporator or cooling coil, a compressor and condenser combination, and may include a heating function as well. Where such equipment is provided in more than one assembly, the separate assemblies shall be designed to be used together.

**Unitary heat pump:** One or more factory-made assemblies which include an indoor conditioning coil, compressor(s) and outdoor coil or refrigerant-to-water heat exchanger, including means to provide both heating and cooling functions. When such equipment is provided in more than one assembly, the separate assemblies shall be designed to be used together.

**Vapor retarder:** A layer of low moisture transmissivity material (not more than 1.0 perm dry cup) placed over the warm side (in winter) of insulation, over the exterior of below grade walls, and under floors as ground cover to limit the transport of water and water vapor through exterior walls, ceilings, and floors. Vapor retarding paint, listed for this application, also meets this definition.

**Vaulted ceilings:** All ceilings where enclosed joist or rafter space is formed by ceilings applied directly to the underside of roof joists or rafters.

**Ventilation:** The process of supplying or removing air by natural or mechanical means to or from any space. Such air may or may not have been conditioned.

**Ventilation air:** That portion of supply air which comes from outside (outdoors) plus any recirculated air that has

been treated to maintain the desired quality of air within a designated space.

**Vertical glazing:** A glazing surface that has a slope of  $60^\circ$  or greater from the horizontal plane.

**Walls (exterior):** Any member or group of members which defines the exterior boundaries or courts of a building and which have a slope of sixty degrees or greater with the horizontal plane, and separates conditioned from unconditioned space. Band joists between floors are to be considered a part of exterior walls.

**Washington State Building Code:** The Washington State Building Code is comprised of the International Building Code; the International Residential Code; the International Mechanical Code; the International Fire Code; the Uniform Plumbing Code; the state regulations for barrier-free facilities, as designated in RCW 19.27.031; the State Energy Code; and any other codes so designated by the Washington state legislature as adopted and amended by the State Building Code Council.

**Zone:** A space or group of spaces within a building with heating and/or cooling requirements sufficiently similar so that comfort conditions can be maintained throughout by a single controlling device. Each dwelling unit in residential buildings shall be considered a single zone.

**AMENDATORY SECTION** (Amending WSR 04-01-106, filed 12/17/03, effective 7/1/04)

#### **WAC 51-11-0402 Systems analysis.**

402.1 Special Requirements for All Group R Occupancy:

402.1.1 Energy Budgets: Proposed buildings designed in accordance with this section shall be designed to use no more energy from nonrenewable sources for space heating, and domestic hot water heating than a standard building whose enclosure elements and energy consuming systems are designed in accordance with section 502.2 of this Code for the appropriate climate zone, and heating system type and whose mechanical system type is the same as the proposed building and which complies with Section 503 of this Code. Energy derived from renewable sources may be excluded from the total annual energy consumption attributed to the alternative building.

402.1.2 Calculation of Energy Consumption: The application for a building permit shall include documentation which demonstrates, using a calculation procedure as listed in Chapter 8, or an approved alternate, that the proposed building's annual space heating energy use does not exceed the annual space heating and water heating energy use of a standard building conforming to Chapter 5 of this Code for the appropriate climate zone. The total calculated annual energy consumption shall be shown in units of kWh/ft<sup>2</sup>-yr or Btu/ft<sup>2</sup>-yr of conditioned area.

402.1.3 Input Values: The following standardized input values shall be used in calculating annual space heating budgets:

PARAMETER	VALUE
Thermostat set point, heating	65° F
Thermostat set point, cooling	78° F
Thermostat night set back	65° F
Thermostat night set back period	0 hours
Internal gain	
R-3 and R-4 units	3000 Btu/hr
R-1 and R-2 units	1500 Btu/hr
Domestic Hot Water Heater Setpoint	120° F
Domestic Hot Water Consumption	20 gallons/person/day.
Minimum heat storage	Calculated using standard engineering practice for the actual building or as approved.
Site weather data	Typical meteorological year (TMY) or ersatz TMY data for the closest appropriate TMY site or other sites as approved.
Heating <u>and cooling</u> equipment efficiency	
<del>((Electric resistance heat Heat Pumps Other Fuels))</del>	<del>((1.00 6.80 HSPF 0.78 AFUE))</del> <u>Equipment shall comply with Section 1411.</u>

The standard building shall be modeled with glazing area distributed equally among the four cardinal directions. Parameter values that may be varied by the building designer to model energy saving options include, but are not limited to, the following:

1. Overall thermal transmittance,  $U_o$ , of building envelope or individual building components;
2. Heat storage capacity of building;
3. Glazing orientation; area; and solar heat coefficients; (where Chapter 5 does not contain SHGC requirements, the standard design shall be modeled with glazing SHGC as determined by Tables 13-1 and 13-2. SHGC values shall be determined in accordance with Section 1312.2.)
4. Heating system efficiency.

402.1.4 Solar Shading and Access: Building designs using passive solar features with eight percent or more south facing equivalent glazing to qualify shall provide to the building official a sun chart or other approved documentation depicting actual site shading for use in calculating compliance under this section. The building shall contain at least forty-five Btu/°F for each square foot of south facing glass.

402.1.5 Infiltration: Infiltration levels used shall be set at 0.35 air changes per hour for thermal calculation purposes only.

402.1.6 Heat Pumps: The heating season performance factor (HSPF) for heat pumps shall be calculated using procedures consistent with section 5.2 of the U.S. Department of Energy Test Procedure for Central Air Conditioners, including heat pumps published in the December 27, 1979 Federal Register Vol. 44, No. 24.10 CFR 430. Climate data as specified above, the proposed buildings overall thermal performance value (Btu/°F) and the standardized input assumptions specified above shall be used to model the heat pumps HSPF.

402.2 Energy Analysis: Compliance with this chapter will require an analysis of the annual energy usage, hereinafter called an annual energy analysis.

EXCEPTIONS: Chapters 5, and 6 of this Code establish criteria for different energy-consuming and enclosure elements of the building which, will eliminate the requirement for an annual systems energy analysis while meeting the intent of this Code.

A building designed in accordance with this chapter will be deemed as complying with this Code if the calculated annual energy consumption is not greater than a similar building (defined as a "standard design") whose enclosure elements and energy-consuming systems are designed in accordance with Chapter 5.

For an alternate building design to be considered similar to a "standard design," it shall utilize the same energy source(s) for the same functions and have equal floor area and the same ratio of envelope area to floor area, environmental requirements, occupancy, climate data and usage operational schedule.

402.3 Design: The standard design, conforming to the criteria of Chapter 5 and the proposed alternative design shall be designed on a common basis as specified herein:

The comparison shall be expressed as kBtu or kWh input per square foot of conditioned floor area per year at the building site.

402.4 Analysis Procedure: The analysis of the annual energy usage of the standard and the proposed alternative building and system design shall meet the following criteria:

a. The building heating/cooling load calculation procedure used for annual energy consumption analysis shall be detailed to permit the evaluation of effect of factors specified in section 402.5.

b. The calculation procedure used to simulate the operation of the building and its service systems through a full-year operating period shall be detailed to permit the evaluation of the effect of system design, climatic factors, operational characteristics, and mechanical equipment on annual energy usage. Manufacturer's data or comparable field test data shall be used when available in the simulation of systems and equipment. The calculation procedure shall be based upon eight thousand seven hundred sixty hours of operation of the building and its service systems.

402.5 Calculation Procedure: The calculation procedure shall cover the following items:

a. Design requirements—Environmental requirements as required in Chapter 3.

b. Climatic data—Coincident hourly data for temperatures, solar radiation, wind and humidity of typical days in the year representing seasonal variation.

c. Building data—Orientation, size, shape, mass, air, moisture and heat transfer characteristics.

d. Operational characteristics—Temperature, humidity, ventilation, illumination, control mode for occupied and unoccupied hours.

e. Mechanical equipment—Design capacity, part load profile.

f. Building loads—Internal heat generation, lighting, equipment, number of people during occupied and unoccupied periods.

EXCEPTION: Group R Occupancy shall comply with calculation procedures in Chapter 8, or an approved alternate.

402.6 Documentation: Proposed alternative designs, submitted as requests for exception to the standard design criteria, shall be accompanied by an energy analysis comparison report. The report shall provide technical detail on the two building and system designs and on the data used in and resulting from the comparative analysis to verify that both the analysis and the designs meet the criteria of Chapter 4 of this Code.

**AMENDATORY SECTION** (Amending WSR 05-01-013, filed 12/2/04, effective 7/1/05)

**WAC 51-11-0502 Building envelope requirements.**

502.1 General:

502.1.1: The stated U- or F-factor of any component assembly, listed in Table 5-1 or 5-2, such as roof/ceiling, opaque wall or opaque floor may be increased and the U-factor for other components decreased, provided that the total heat gain or loss for the entire building envelope does not exceed the total resulting from compliance to the U-factors specified in this section.

The U-factors for typical construction assemblies are included in Chapter 10. These values shall be used for all calculations. Where proposed construction assemblies are not represented in Chapter 10, values shall be calculated in accordance with Chapters 23-30 in Standard RS-1 listed in Chapter 7, using the framing factors listed in Chapter 10 where applicable.

For envelope assemblies containing metal framing, the U-factor shall be determined by one of the following methods:

1. Results of laboratory or field measurements.

2. Standard RS-1, listed in Chapter 7, where the metal framing is bonded on one or both sides to a metal skin or covering.

3. The zone method as provided in Chapter 25 of Standard RS-1, listed in Chapter 7.

4. Results of parallel path correction factors effective framing/cavity R-values as provided in Table 10-5A - EFFECTIVE R-VALUES FOR METAL FRAMING AND CAVITY ONLY for metal stud walls and roof/ceilings.

502.1.2: For consideration of thermal mass effects, see section 402.4.

502.1.3: When return air ceiling plenums are employed, the roof/ceiling assembly shall:

a. For thermal transmittance purposes, not include the ceiling proper nor the plenum space as part of the assembly; and

b. For gross area purposes, be based upon the interior face of the upper plenum surface.

502.1.4 Insulation:

502.1.4.1 General: All insulating materials shall comply with sections 2603 and/or 719 of the International Building Code. Substantial contact of the insulation with the surface being insulated is required. All insulation materials shall be installed according to the manufacturer's instructions to achieve proper densities and maintain uniform R-values and shall be installed in a manner which will permit inspection of the manufacturer's R-value identification mark. To the maximum extent possible, insulation shall extend over the full component area to the intended R-value.

Alternatively, the thickness of roof/ceiling and wall insulation that is either blown in or spray-applied shall be identified by inches of thickness, density and R-value markers installed at least one for every 300 square feet (28 m<sup>2</sup>) through the attic, ceiling and/or wall space. In attics, the markers shall be affixed to the trusses or joists and marked with the minimum initial installed thickness and minimum settled thickness with numbers a minimum 1.0 inch (25 mm) in height. Each marker shall face the attic access. The thickness of installed attic insulation shall meet or exceed the minimum initial installed thickness shown by the marker. In cathedral ceilings and walls, the markers shall be affixed to the rafter and wall frame at alternating high and low intervals and marked with the minimum installed density and R-value with numbers a minimum 1.0 inch (25 mm) in height. Each marker shall face the conditioned room area.

502.1.4.2 Insulation Materials: All insulation materials including facings such as vapor barriers or breather papers installed within floor/ceiling assemblies, roof/ceiling assemblies, walls, crawl spaces, or attics shall have a flame spread rating of less than 25 and a smoke density not to exceed 450 when tested in accordance with ASTM E84-01.

EXCEPTIONS:

1. Foam plastic insulation shall comply with section 2603 of the International Building Code.
2. When such materials are installed in concealed spaces of Types III, IV and V construction, the flame spread and smoke developed limitations do not apply to facing, provided that the facing is installed in substantial contact with the unexposed surface of the ceiling, floor or wall finish.

3. Cellulose insulation shall comply with section 719 of the International Building Code.

502.1.4.3 Clearances: Where required, insulation shall be installed with clearances according to manufacturer's specifications. Insulation shall be installed so that required ventilation is unobstructed. For blown or poured loose fill insulation, clearances shall be maintained through installation of a permanent retainer.

502.1.4.4 Access Hatches and Doors: Access doors from conditioned spaces to unconditioned spaces (e.g., attics and crawl spaces) shall be weatherstripped and insulated to a level equivalent to the insulation on the surrounding surfaces. Access shall be provided to all equipment which prevents damaging or compressing the insulation. A wood framed or equivalent baffle or retainer must be provided when loose fill insulation is installed, the purpose of which is to prevent the loose fill insulation from spilling into the living space when the attic access is opened, and to provide a permanent means of maintaining the installed R-value of the loose fill insulation.

502.1.4.5 Roof/Ceiling Insulation: Open-blown or poured loose fill insulation may be used in attic spaces where the slope of the ceiling is not more than 3 feet in 12 and there is at least 30 inches of clear distance from the top of the bottom chord of the truss or ceiling joist to the underside of the sheathing at the roof ridge. When eave vents are installed, baffling of the vent openings shall be provided so as to deflect the incoming air above the surface of the insulation. Baffles shall be, rigid material, resistant to wind driven moisture. Requirements for baffles for ceiling insulation shall meet the International Building Code section 1203.2 for minimum ventilation requirements. When feasible, the baffles shall be installed from the top of the outside of the exterior wall, extending inward, to a point 6 inches vertically above the height of noncompressed insulation, and 12 inches vertically above loose fill insulation.

502.1.4.6 Wall Insulation: Insulation installed in exterior walls shall comply with the provisions of this section. All wall insulation shall fill the entire framed cavity. Exterior wall cavities isolated during framing shall be fully insulated to the levels of the surrounding walls. All faced insulation shall be face stapled to avoid compression.

EXCEPTION: Framed cavity can be empty or partially filled provided:

1. The wall assembly calculations are performed along with a completed performance calculation for the whole building; and
2. Insulation installed in partially filled cavities is not included in the performance calculation.

502.1.4.7 Floor Insulation: Floor insulation shall be installed in a permanent manner in substantial contact with the surface being insulated. Insulation supports shall be installed so spacing is no more than 24 inches on center. Foundation vents shall be placed so that the top of the vent is below the lower surface of the floor insulation.

EXCEPTION: Insulation may be omitted from floor areas over heated basements, heated garages or underfloor areas used as HVAC supply plenums. When foundation walls are insulated, the insulation shall be attached in

a permanent manner. The insulation shall not block the airflow through foundation vents when installed. When foundation vents are not placed so that the top of the vent is below the lower surface of the floor insulation, a permanently attached baffle shall be installed at an angle of 30° from horizontal, to divert air flow below the lower surface of the floor insulation.

502.1.4.8 Slab-On-Grade: Slab-on-grade insulation, installed inside the foundation wall, shall extend downward from the top of the slab for a minimum distance of 24 inches or downward and then horizontally beneath the slab for a minimum combined distance of 24 inches. Insulation installed outside the foundation shall extend downward to a minimum of 24 inches or to the frostline. Above grade insulation shall be protected.

EXCEPTION: For monolithic slabs, the insulation shall extend downward from the top of the slab to the bottom of the footing.

502.1.4.9 Radiant Slabs: The entire area of a radiant slab shall be thermally isolated from the soil, with a minimum of R-10 insulation. The insulation shall be an approved product for its intended use. If a soil gas control system is present below the radiant slab, which results in increased convective flow below the radiant slab, the radiant slab shall be thermally isolated from the sub-slab gravel layer.

502.1.4.10 Below Grade Walls: Below grade exterior wall insulation used on the exterior (cold) side of the wall shall extend from the top of the below grade wall to the top of the footing and shall be approved for below grade use. Above grade insulation shall be protected.

Insulation used on the interior (warm) side of the wall shall extend from the top of the below grade wall to the below grade floor level.

502.1.5 Glazing and Door U-factors: Glazing and door U-factors shall be determined in accordance with sections 502.1.5.1 and 502.1.5.2. All products shall be labeled with the NFRC certified or default U-factor. The labeled U-factor shall be used in all calculations to determine compliance with this Code. Sealed insulating glass shall conform to, or be in test for, ASTM E-774-81 class A.

EXCEPTIONS:

1. For glazed wall systems, assemblies with all of the following features are deemed to satisfy the vertical glazing U-factor requirement in Table 6-1 or 6-2 options with vertical glazing U-0.40 and greater:
  - a. Double glazing with a minimum 1/2 inch gap width, having a low-emissivity coating with  $e = 0.10$  maximum, with 90% minimum argon gas fill, and a non-aluminum spacer (as defined in footnote 1 to Table 10-6B), and
  - b. Frame that is thermal break aluminum (as defined in footnote 9 to Table 10-6B), wood, aluminum clad wood, vinyl, aluminum clad vinyl, or reinforced vinyl. The only labeling requirement for products using this exception shall be a description of the product and a label stating: "This product is deemed to satisfy the Table 6-1 or 6-2 vertical glazing U-factor requirement using the exception to Section 502.1.5 in the Washington State Energy Code."
2. For overhead glazing, assemblies with all of the following features are deemed to satisfy the overhead glazing U-factor requirement in Table 6-1 or 6-2 options **except** the unlimited glazing area options

(Options IV and V in Table 6-1 and Options V, VI and (XIV) VII in Table 6-2):

a. Either, double glazing with a minimum 1/2 inch gap width, having a low-emissivity coating with  $e = 0.20$  maximum, with 90% minimum argon gas fill, or, triple glazed plastic domes, and

b. Frame that is thermal break aluminum (as defined in footnote 9 to Table 10-6B), wood, aluminum clad wood, vinyl, aluminum clad vinyl, or reinforced vinyl. The only labeling requirement for products using this exception shall be a description of the product and a label stating: "This product is deemed to satisfy the Table 6-1 or 6-2 overhead glazing U-factor requirement using the exception to Section 502.1.5 in the Washington State Energy Code."

3. For solariums with a floor area which does not exceed 300 square feet, assemblies which comply with the features listed in exception 2 are deemed to satisfy the vertical glazing and overhead glazing U-factor requirement in Table 6-1 or 6-2 options with vertical glazing U-0.40 and greater.

The only labeling requirement for products using this exception shall be a description of the product and a label stating: "This product is deemed to satisfy the Table 6-1 or 6-2 vertical glazing and overhead glazing U-factor requirements using the exception to Section 502.1.5 in the Washington State Energy Code."

**502.1.5.1 Standard Procedure for Determination of Glazing U-factors:** U-factors for glazing shall be determined, certified and labeled in accordance with the National Fenestration Rating Council (NFRC) Product Certification Program (PCP), as authorized by an independent certification and inspection agency licensed by the NFRC. Compliance shall be based on the Residential Model Size. Product samples used for U-factor determinations shall be production line units or representative of units as purchased by the consumer or contractor. Products that are listed in the NFRC Certified Products Directory or certified to the NFRC standard shall not use default values.

**EXCEPTIONS:**

1. Glazing products without NFRC ratings may be assigned default U-factors from Table 10-6A for vertical glazing and from Table 10-6E for overhead glazing.
2. Units without NFRC ratings produced by a small business may be assigned default U-factors from Table 10-6A for garden windows, from Table 10-6B for other vertical glazing, and from Table 10-6E for overhead glazing.

**502.1.5.2 Standard Procedure for Determination of Door U-factors:** All doors, including fire doors, shall be assigned default U-factors from Table 10-6C.

**EXCEPTIONS:**

1. U-factors determined, certified and labeled in accordance with the National Fenestration Rating Council (NFRC) Product Certification Program (PCP), as authorized by an independent certification and inspection agency licensed by the NFRC.
2. The default values for the opaque portions of doors shall be those listed in Table 10-6C, provided that the U-factor listed for a door with a thermal break shall only be allowed if both the door and the frame have a thermal break.
3. One unlabeled or untested exterior swinging door with the maximum area of 24 square feet may be installed for ornamental, security or architectural purposes. Products using this exception shall not be included in the U-factor calculation requirements, however glazing area shall be included in glazing area calculations.

**502.1.6 Moisture Control:**

**502.1.6.1 Vapor Retarders:** Vapor retarders shall be installed on the warm side (in winter) of insulation as specified in the following cases.

**EXCEPTION:** Vapor retarder installed with not more than 1/3 of the nominal R-value between it and the conditioned space.

**502.1.6.2 Floors:** Floors separating conditioned space from unconditioned space shall have a vapor retarder installed. The vapor retarder shall have a one perm dry cup rating or less (i.e., four mil [0.004 inch thick] polyethylene or kraft faced material).

**502.1.6.3 Roof/Ceilings:** Roof/ceiling assemblies where the ventilation space above the insulation is less than an average of 12 inches shall be provided with a vapor retarder. Faced batt insulation where used as a vapor retarder shall be face stapled. Single rafter joist vaulted ceiling cavities shall be of sufficient depth to allow a minimum one inch vented air space above the insulation.

**502.1.6.4:** Vapor retarders shall not be required in roof/ceiling assemblies where the ventilation space above the insulation averages 12 inches or greater.

**502.1.6.5:** Vapor retarders shall not be required where all of the insulation is installed between the roof membrane and the structural roof deck.

**502.1.6.6 Walls:** Walls separating conditioned space from unconditioned space shall have a vapor retarder installed. Faced batt insulation shall be face stapled.

**EXCEPTION:** For climate zone 1, wood framed walls with a minimum of nominal R-5 continuous insulated sheathing installed outside of the framing and structural sheathing. For climate zone 2, wood framed walls with a minimum of nominal R-7.5 continuous insulated sheathing installed outside of the framing and structural sheathing. The interior cavity insulation for this exception shall be a maximum of nominal R-21.

**502.1.6.7 Ground Cover:** A ground cover of six mil (0.006 inch thick) black polyethylene or approved equal shall be laid over the ground within crawl spaces. The ground cover shall be overlapped 12 inches minimum at the joints and shall extend to the foundation wall.

**EXCEPTION:** The ground cover may be omitted in crawl spaces if the crawl space has a concrete slab floor with a minimum thickness of 3-1/2 inches.

**502.2 Thermal Criteria for Group R Occupancy:**

**502.2.1 UA Calculations:** The proposed UA as calculated using Equations 2 and 3 shall not exceed the target UA as calculated using Equation 1. For the purpose of determining equivalent thermal performance, the glazing area for the target UA shall be calculated using values in Table 5-1. The opaque door area shall be the same in the target UA and the proposed UA.

**EXCEPTION:** Log and solid timber walls that have a minimum average thickness of 3.5" and with space heat type other than electric resistance, are exempt from wall target UA and proposed UA calculations.

502.2.2 Space Heat Type: The following two categories comprise all space heating types:

1. Electric Resistance: Space heating systems which include baseboard units, radiant units and forced air units as either the primary or secondary heating system.

EXCEPTION: Electric resistance systems for which the total electric heat capacity in each individual dwelling unit does not exceed the greater of: 1) One thousand watts (1000 w) per dwelling unit, or; 2) One watt per square foot (1 w/ft<sup>2</sup>) of the gross floor area.

2. Other: All gas, wood, oil and propane space heating systems, unless electric resistance is used as a secondary heating system, and all heat pump space heating systems. (See EXCEPTIONS, Electric Resistance, section 502.2.2 above.)

502.3 Reserved.

502.4 Air Leakage:

502.4.1 General: The requirements of this section shall apply to all buildings and structures, or portions thereof, and only to those locations separating outdoor ambient conditions from interior spaces that are heated or mechanically cooled.

502.4.2 Doors and Windows, General: Exterior doors and windows shall be designed to limit air leakage into or from the building envelope. Site-constructed doors and windows shall be sealed in accordance with Section 502.4.3.

502.4.3 Seals and Weatherstripping:

a. Exterior joints around windows and door frames, openings between walls and foundation, between walls and roof and wall panels; openings at penetrations of utility services through walls, floors and roofs; and all other openings in the building envelope for all occupancies and all other openings in between units in R-1 and R-2 Occupancy shall be sealed, caulked, gasketed or weatherstripped to limit air leakage. Other exterior joints and seams shall be similarly treated, or taped, or covered with moisture vapor permeable housewrap.

b. All exterior doors or doors serving as access to an enclosed unheated area shall be weatherstripped to limit leakage around their perimeter when in a closed position.

c. Site built windows are exempt from testing but shall be made tight fitting. Fixed lights shall have glass retained by stops with sealant or caulking all around. Operating sash shall have weatherstripping working against overlapping trim and a closer/latch which will hold the sash closed. The window frame to framing crack shall be made tight with caulking, overlapping membrane or other approved technique.

d. Openings that are required to be fire resistive are exempt from this section.

502.4.4 Recessed Lighting Fixtures: When installed in the building envelope, recessed lighting fixtures shall ~~((meet one of the following requirements:~~

~~1. Type IC rated, manufactured with no penetrations between the inside of the recessed fixture and ceiling cavity~~

~~and sealed or gasketed to prevent air leakage into the unconditioned space.~~

~~2. Type IC rated, installed inside a sealed box constructed from a minimum 1/2 inch thick gypsum wall board, or constructed from a preformed polymeric vapor barrier, or other air tight assembly manufactured for this purpose.~~

~~3.)) be~~ Type IC rated ~~((;))~~ and certified under ASTM E283 to have no more than 2.0 cfm air movement from the conditioned space to the ceiling cavity. The lighting fixture shall be tested at 75 Pascals or 1.57 lbs/ft<sup>2</sup> pressure difference and have a label attached, showing compliance with this test method. Recessed lighting fixtures shall be installed with a gasket or caulk between the fixture and ceiling to prevent air leakage.

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

AMENDATORY SECTION (Amending WSR 04-01-106, filed 12/17/03, effective 7/1/04)

**WAC 51-11-0503 Building mechanical systems.**

503.1 General: This section covers the determination of design requirements, system and component performance, control requirements, insulating systems and duct sealing. For all other duct construction requirements, refer to the State Mechanical Code (chapter 51-42 WAC).

503.2 Calculations of Heating and Cooling Loads, and System Sizing Limits: The design parameters specified in Chapter 3 shall apply for all computations.

503.2.1 Calculation Procedures: Heating and cooling design loads for the purpose of sizing HVAC systems are required and shall be calculated in accordance with accepted engineering practice, including infiltration and ventilation.

503.2.2 Space Heating and Space Cooling System Sizing Limits: Building mechanical systems for all buildings which provide space heating and/or space cooling shall be sized no greater than ~~((two hundred))~~ one hundred fifty percent ~~((200))~~ 150% of the heating and cooling design loads as calculated above.

EXCEPTIONS: The following limited exemptions from the sizing limit shall be allowed; however, in all cases heating and/or cooling design load calculations shall be submitted.

1. For equipment which provides both heating and cooling in one package unit, including heat pumps with electric heating and cooling and gas-pack units with gas heating and electric cooling, compliance need only be demonstrated for either the space heating or space cooling system size.

2. Natural gas- or oil-fired space heating equipment whose total rated space heating output in any one dwelling unit is

a. 40,000 Btu/h or less is exempt from the sizing limit,  
b. Larger than 40,000 Btu/h may exceed the ~~((two hundred))~~ one hundred fifty ~~((200))~~ 150% percent sizing limit but not exceed 250 percent provided that the installed equipment has an annual fuel utilization efficiency (AFUE) of ~~((not less than))~~ ninety (90%) percent or greater.



3. Stand-by equipment may be installed if controls and other devices are provided which allow redundant equipment to operate only when the primary equipment is not operating.

503.3 Simultaneous Heating and Cooling: Systems and equipment that provide simultaneous heating and cooling shall comply with the requirements in, as appropriate, Section 1422 or Section 1435.

503.4 HVAC Equipment Performance Requirements: All heating equipment shall meet the requirements of the ((1987)) National Appliance Energy Conservation Act (NAECA) and be so labeled. Equipment shall also comply with Section 1411.

503.5 Reserved.

503.6 Balancing: The HVAC system design shall provide a means for balancing air and water systems. Balancing the system shall include, but not be limited to, dampers, temperature and pressure test connections and balancing valves.

503.7 Cooling with Outdoor Air (Economizer Cycle): Systems and equipment that provide mechanical cooling shall comply with Section 1413 and, as appropriate, Section 1423 or 1433.

503.8 Controls:

503.8.1 Temperature Control: Each system shall be provided with at least one adjustable thermostat for the regulation of temperature. Each thermostat shall be capable of being set by adjustment or selection of sensors as follows:

503.8.1.1: When used to control heating only: Fifty-five degrees to seventy-five degrees F.

503.8.1.2: When used to control cooling only: Seventy degrees to eighty-five degrees F.

503.8.1.3: When used to control both heating and cooling, it shall be capable of being set from fifty-five degrees to eighty-five degrees F and shall be capable of operating the system heating and cooling in sequence. The thermostat and/or control system shall have an adjustable deadband of not less than ten degrees F.

503.8.2 Humidity Control: If a system is equipped with a means for adding moisture to maintain specific selected relative humidities in space or zones, a humidistat shall be provided. Humidistats shall be capable of being set to prevent new energy from being used to produce space-relative humidity above thirty percent.

EXCEPTION: Special uses requiring different relative humidities may be permitted when approved by the building official.

503.8.3 Zoning for Temperature Control:

503.8.3.1 One- and Two-Family Dwellings: At least one thermostat for regulation of space temperature shall be provided for each separate system. In addition, a readily accessible manual or automatic means shall be provided to partially restrict or shut off the heating and/or cooling input to each zone or floor.

503.8.3.2 Multifamily Dwellings: For multifamily dwellings, each individual dwelling unit shall have at least one thermostat for regulation of space temperature. A readily accessible manual or automatic means shall be provided to partially restrict or shut off the heating and/or cooling input to each room. Spaces other than living units shall meet the requirements of 503.8.3.3.

503.8.3.3 ((Reserved:

~~503.8.3.4)) Control Setback and Shutoff:~~

((Residential Occupancy Groups)) One- and Two-Family and Individual Multifamily dwelling((s)) units—The thermostat required in section 503.8.3.1 or section 503.8.3.2, or an alternate means such as a switch or clock, shall provide a readily accessible, manual or automatic means for reducing the energy required for heating and cooling during the periods of nonuse or reduced need, such as, but not limited to unoccupied periods and sleeping hours. Lowering thermostat set points to reduce energy consumption of heating systems shall not cause energy to be expended to reach the reduced setting.

503.8.3.4 Systems Serving Multiple Dwelling Units, Guest Rooms, and Common Areas: Systems that serve more than two dwelling units, guest rooms, and common areas shall comply with the control requirements in Sections 1412 and 1432, with the exceptions of Sections 1412.4.2 and 1432.1.

503.8.3.5 Heat Pump Controls: Programmable thermostats are required for all heat pump systems. The cut-on temperature for the compression heating shall be higher than the cut-on temperature for the supplementary heat, and the cut-off temperature for the compression heating shall be higher than the cut-off temperature for the supplementary heat. Heat pump thermostats will be capable of providing at least two programmable setback periods per day. The automatic setback thermostat shall have the capability of limiting the use of supplemental heat during the warm-up period.

503.9 Air Handling Duct System Insulation: Ducts, plenums and enclosures installed in or on buildings shall be thermally insulated per Table 5-11.

EXCEPTIONS: Duct insulation (except where required to prevent condensation) is not required in any of the following cases:

1. When the heat gain or loss of the ducts, without insulation, will not increase the energy requirements of the building.
2. Within the HVAC equipment.
3. Exhaust air ducts.
4. Supply or return air ducts installed in unvented crawl spaces with insulated walls, basements, or cellars in one- and two-family dwellings.

503.10 Ducts.

503.10.1 Leakage Testing: High-pressure and medium-pressure ducts shall be leak tested in accordance with the 1985 Edition of the SMACNA HVAC Air Duct Leakage Test Manual with the rate of air leakage not to exceed the maximum rate specified in that standard.

503.10.2 Seams and Joints: All low-pressure supply and return duct transverse joints, and enclosed stud bays or joist cavities/space used to transport air, shall be securely fastened and sealed with welds, gaskets, mastics (adhesives), or mastic-plus-embedded-fabric systems installed in accordance with the manufacturer's installation instructions.

- EXCEPTIONS:
1. Ducts or building cavities used for air distribution that are located entirely within the conditioned space of the building are exempt from this section.
  2. UL 181A listed tapes used with listed rigid fibrous glass ducts may be used as the primary sealant, when installed in accordance with the listing.
  3. UL 181B listed tapes used with listed flexible air ducts may be used as the primary sealant, when installed in accordance with the listing.
  4. Where enclosed stud bays or joist cavities/spaces are used to transport air sealing may be accomplished using drywall, drywall tape plus joint compound.
  5. Tapes installed in accordance with the manufacturer's installation instructions, providing detailed information specific to application on ducts, including approved duct materials and required duct surface cleaning.

503.10.3 Dampers: Requirements for Automatic or manual dampers are found in the Washington State Ventilation and Indoor Air Quality Code.

503.11 Pipe Insulation: All piping shall be thermally insulated in accordance with Table 5-12.

EXCEPTION: Piping installed within unitary HVAC equipment.

Cold water pipes outside the conditioned space shall be insulated in accordance with the Washington State Plumbing Code (chapter 51-56 WAC).

**AMENDATORY SECTION** (Amending WSR 04-01-106, filed 12/17/03, effective 7/1/04)

**WAC 51-11-0504 Service water heating.**

- EXCEPTIONS:
1. Systems with service/space heating boilers having a standby loss Btu/h less than:
 
$$(13.3 \text{ pmd} + 400)/n$$
 determined by the fixture count method where:
 
$$\text{pmd} = \text{probably maximum demand in gallons/hour as determined in accordance with Chapter ((48)) 49 of Standard RS-11.}$$

$$n = \text{fraction of year when outdoor daily mean temperature exceeds } 64.9^\circ \text{ F.}$$
 The standby loss is to be determined for a test period of twenty-four-hour duration while maintaining a boiler water temperature of ninety degrees F above an ambient of sixty degrees F and a five foot stack on appliance.
  2. For systems where the use of a single heating unit will lead to energy savings, such unit shall be utilized.

504.3 Automatic Controls: Service water heating systems shall be equipped with automatic temperature controls capable of adjustment from the lowest to the highest acceptable temperature settings for the intended use. Temperature setting range shall be set to one hundred twenty degrees F or forty-nine degrees C.

504.4 Shutdown: A separate switch shall be provided to permit turning off the energy supplied to electric service water heating systems. A separate valve shall be provided to permit turning off the energy supplied to the main burner(s) of all other types of service water heater systems.

504.5 Swimming Pools:

504.1 Scope: The purpose of this section is to provide criteria for design and equipment selection that will produce energy savings when applied to service water heating.

504.2 Water Heaters, Storage Tanks and Boilers:

504.2.1 Performance Efficiency: All Storage water heaters shall meet the requirements of the ((1987)) National Appliance Energy Conservation Act and be so labeled. All electric water heaters in unheated spaces or on concrete floors shall be placed on an incompressible, insulated surface with a minimum thermal resistance of R-10.

For combination space and service water heaters with a principal function of providing space heat, the Combined Annual Efficiency (CAE) may be calculated by using ASHRAE Standard 124-1991. Storage water heaters used in combination space heat and water heat applications shall have either an Energy Factor (EF) or a Combined Annual Efficiency (CAE) of not less than the following:

	Energy Factor (EF)	Combined Annual Efficiency (CAE)
<50 gallon storage	0.58	0.71
50 to 70 gallon storage	0.57	0.71
>70 gallon storage	0.55	0.70

504.2.2 Insulation: Heat loss from unfired hot-water storage tanks shall be limited to a maximum of 9.6 Btu/hr/ft<sup>2</sup> of external tank surface area. The design ambient temperature shall be no higher than sixty-five degrees F.

504.2.3 Combination Service Water Heating/Space Heating Boilers: Service water heating equipment shall not be dependent on year round operation of space heating boilers.

504.5.1: All pool heaters shall be equipped with readily accessible ON/OFF switch to allow shutting off the operation of the heater without adjusting the thermostat setting. Controls shall be provided to allow the water temperature to be regulated from the maximum design temperature down to sixty-five degrees F.

504.5.2 Pool Covers: Heated swimming pools shall be equipped with a pool cover, approved by the building official.

504.6 Pump Operation: Circulating hot water systems shall be controlled so that the circulation pump(s) can be conveniently turned off, automatically or manually, when the hot water system is not in operation.

504.7 Pipe Insulation: Piping shall be thermally insulated in accordance with section 503.11.

504.8 Conservation of Hot Water:

504.8.1 Showers and Lavatories: Showers and lavatories used for other than safety reasons shall be equipped with flow control devices or specially manufactured showerheads or aerators to limit the total water flow rate as set forth in chapter 51-56 WAC, as measured with both hot and cold faucets turned on to their maximum flow.

**AMENDATORY SECTION** (Amending WSR 04-01-106, filed 12/17/03, effective 7/1/04)

**WAC 51-11-0505 Lighting.**

505.1 **Lighting Controls:** Hotel and motel guest rooms and guest suites shall have a master control device at the main room entry that controls all permanently installed luminaires and switched receptacles.

**AMENDATORY SECTION** (Amending WSR 98-03-003, filed 1/8/98, effective 7/1/98)

**WAC 51-11-0525 Equation 1—Group R Occupancy.**

**EQUATION 1—GROUP R OCCUPANCY  
TARGET UA**

$$UA_T = U_W A_W + U_{BGW} A_{BGW} + U_{VG} A_{VG} + U_{OG} A_{OG} + U_F A_F + U_{RC} A_{RC} + U_{CC} A_{CC} + U_D A_D + F_S P_S$$

**Where:**

- $UA_T$  = the target combined thermal transmittance of the gross exterior wall, floor and roof/ceiling assembly area.
- $U_W$  = the thermal transmittance value of the opaque above grade wall area found in Table 5-1.
- $A_W$  = opaque above grade wall area.
- $U_{BGW}$  = the thermal transmittance value of the below grade opaque wall area found in Table 5-1.
- $A_{BGW}$  = opaque below grade wall area.
- $U_{VG}$  = the thermal transmittance value of the vertical glazing area found in Table 5-1.
- $A_{VG}$  = 15% of the total floor area of the conditioned space minus  $A_{OG}$ .
- $U_{OG}$  = the thermal transmittance value of the overhead glazing area found in Table 5-1 (see Table 5-1 footnote 2).
- $A_{OG}$  = overhead glazing area (if the proposed  $A_{OG}$  exceeds 15 percent, the target  $A_{OG}$  shall be 15 percent of the total floor area of the conditioned space).
- $U_F$  = the thermal transmittance value of the floor area found in Table 5-1.
- $A_F$  = floor area over unconditioned space.
- $U_{RC}$  = the thermal transmittance value of the roof/ceiling area found in Table 5-1.
- $A_{RC}$  = roof/ceiling area.
- $U_{CC}$  = the thermal transmittance value of the cathedral ceiling area found in Table 5-1.
- $A_{CC}$  = cathedral ceiling area.
- $U_D$  = the thermal transmittance value of the opaque door area found in Table 5-1.
- $A_D$  = opaque door area.
- $F_S$  = concrete slab component F-factor found in Table 5-1.
- $P_S$  = lineal ft. of concrete slab perimeter.

505.2 **Lighting Power:** Lighting shall comply with the Prescriptive Lighting Option in Section 1520 or the Lighting Power Allowance Option in Section 1530.

EXCEPTIONS: 1. Group R-3 and R-4 Occupancy and the dwelling unit portions of Group R-1 and R-2 Occupancy.  
2. Lighting exempted by Section 1512.

**505.3 Outdoor Lighting:** Luminaires providing outdoor lighting and permanently mounted to a residential building or to other buildings on the same lot shall be high efficacy luminaires.

EXCEPTIONS: 1. Permanently installed outdoor luminaires that are not high efficacy shall be allowed provided they are controlled by a motion sensor(s) with integral photo-control photosensor.  
2. Permanently installed luminaires in or around swimming pools, water features.

**505.4 Linear Fluorescent Fixtures:** Linear fluorescent fixtures must be fitted with T-8 or smaller lamps (but not T-10 or T-12 lamps).

AMENDATORY SECTION (Amending WSR 02-01-112, filed 12/18/01, effective 7/1/02)

WAC 51-11-0530 Table 5-1.

TABLE 5-1  
TARGET COMPONENT VALUES FOR GROUP R OCCUPANCY

Component	Climate Zone	
	1	2
Glazing % Floor Area	15%	15%
Vertical Glazing U-Factor		
Group R-1 and R-2	U = 0.400	U = 0.400
Group R-3 and R-4	U = 0.350	U = 0.350
Overhead Glazing U-Factor	U = 0.58	U = 0.58
Doors	U = 0.200 (R-5)	U = 0.200 (R-5)
Ceilings		
Attic	U = 0.031 (R-38)	U = 0.031 (R-38)
Single Rafter/ Joist Vaulted <sup>2</sup>	U = 0.034 (R-30)	U = 0.034 (R-30)
Walls <sup>1,2</sup>	U = ((0.058)) 0.057 (R-((19A))21)	U = 0.044 (R-19A +R-5)
((Space Heat Type: Electric Resistance))		
((Other	U = 0.062 <sup>+</sup> (R-19)	U = 0.062 <sup>+</sup> (R-19))
Floors	U = 0.029 (R-30)	U = 0.029 (R-30)
Slab on Grade	F = 0.54 (R-10)	F = 0.54 (R-10)
Slab R-Value		
Below Grade Interior		
Wall R-Value	R-19	R-19
2' Depth: Walls	U = 0.043	U = 0.043
Slab	F = 0.69	F = 0.69
3.5' Depth: Walls	U = 0.041	U = 0.041
Slab	F = 0.64	F = 0.64
7' Depth: Walls	U = 0.037	U = 0.037
Slab	F = 0.57	F = 0.57
Below Grade Exterior		
Wall R-Value	R-10	R-12
2' Depth: Walls	U = 0.070	U = 0.061
Slab	F = 0.60	F = 0.60
3.5' Depth: Walls	U = 0.064	U = 0.057
Slab	F = 0.57	F = 0.57
7' Depth: Walls	U = 0.056	U = 0.050
Slab	F = 0.42	F = 0.42

1. Log and Solid Timber walls that have a minimum average thickness of 3.5" in spaces with space heating by "other fuels" are exempt from wall target UA and proposed UA calculations.  
 2. "A" means advanced framing. For more information, see Section 1005.2.  
 3. Requirement applicable only to single rafter or joist vaulted ceilings where both (a) the distance between the top of the ceiling and the underside of the roof sheathing is less than 12 inches and (b) there is a minimum 1-inch vented airspace above the insulation. Other single rafter or joist vaulted ceilings shall comply with the "ceiling" requirements. This option is limited to 500 square feet of ceiling area for any one dwelling unit.

AMENDATORY SECTION (Amending WSR 93-21-052, filed 10/18/93, effective 4/1/94)

WAC 51-11-0540 Table 5-11.

TABLE 5-11  
INSULATION OF DUCTS

DUCT LOCATION	CLIMATE ZONE	GROUP R OCCUPANCY HEATING OR COOLING DUCTS
On roof or on exterior of building	I II	E and W D and W
Attic, garage, crawl space, in walls <sup>1</sup> , in floor/ceiling <sup>1</sup>	I II	E E
Within the conditioned space or in heated basement		None Required
In cement slab or in ground		B

Note: Where ducts are used for both heating and cooling, the minimum insulation shall be as required for the most restrictive condition.

- Insulation may be omitted on that portion of a duct which is located within a wall or floor-ceiling space where both sides of this space are exposed to conditioned air and where this space is not ventilated or otherwise exposed to unconditioned air.
- Vapor ((barriers)) barriers shall be installed on conditioned air supply ducts in geographic areas where the average of the July, August, and September mean dewpoint temperature exceeds 60°F.

INSULATION TYPES: Minimum densities and out-of-package thickness.

- 0.5-inch 1.5 to 2 lb/cu. ft. duct liner, mineral or glass fiber blanket or equivalent to provide an installed total thermal resistance of at least R-2.
- 2-inch 0.60 lb/cu. ft. mineral or glass fiber blanket 1.5-inch 1.5 to 2 lb/cu. ft. duct liner, mineral or glass fiber blanket. 1.5-inch 3 to 7 lb/cu. ft. mineral or glass fiber board or equivalent to provide an installed total thermal resistance of at least R-5.
- 3-inch 0.60 lb/cu. ft. mineral or glass fiber blanket 2-inch 1.5 to 2 lb/cu. ft. duct liner, mineral or glass fiber blanket. 2-inch 3 to 7 lb/cu. ft. mineral or glass fiber board or equivalent to provide an installed total thermal resistance of at least R-7.
- 4-inch 0.60 lb/cu. ft. mineral or glass fiber blanket 3-inch 1.5 to 2 lb/cu. ft. duct liner, mineral or glass fiber blanket. 3-inch 3 to 7 lb/cu. ft. mineral or glass fiber board or equivalent to provide an installed total thermal resistance of at least R-10.
- 3.5 inch 0.60 lb/cu. ft. mineral or glass fiber blanket, 2.5 inch 1.5 to 2 lb/cu. ft. duct liner, mineral or glass fiberboard or equivalent to provide an installed total thermal resistance of at least R-8.

- V. Vapor barrier, with perm rating not greater than 0.5 perm, all joints sealed.
- W. Approved weatherproof barrier.

**AMENDATORY SECTION** (Amending WSR 02-24-076, filed 12/4/02, effective 5/1/03)

**WAC 51-11-0602 Building envelope requirements for Group R Occupancy.**

602.1 Roof/Ceiling: Ceilings below vented attics and single-rafter, joist-vaulted ceilings shall be insulated to not less than the nominal R-value specified for ceilings in Table 6-1 or 6-2 as applicable.

602.2 Exterior Walls Both Above and Below Grade: Above grade exterior walls shall be insulated to not less than the nominal R-value specified in Table 6-1 or 6-2 as applicable. The following walls should be considered to meet R-21 without additional documentation:

- 1. 2 x 6 framed and insulated with R-21 fiberglass batts.
- 2. 2 x 4 framed and insulated with R-15 fiberglass batts plus R-4.0 foam sheathing.
- 3. 2 x 4 framed and insulated with R-13 fiberglass batts plus R-5.0 foam sheathing.

602.3 Exterior Walls (Below Grade): Below grade exterior walls surrounding conditioned space shall be insulated to not less than the nominal R-value specified for below grade walls in Table 6-1 or 6-2 as applicable.

602.4 Slab-on-grade Floors: Slab-on-grade floors shall be insulated along their perimeter to not less than the nominal R-values specified for slab-on-grade floors in Table 6-1 or 6-2 as applicable. Slab insulation shall be installed in compliance with section 502.1.4.8. See Chapter 5, section 502.1.4.9, for additional requirements for radiant slab heating.

602.5 Floors Over Unconditioned Space: Floors over unconditioned spaces, such as vented crawl spaces, unconditioned basements, and parking garages shall be insulated to not less than the nominal R-value shown for floors over unconditioned spaces, in Table 6-1 or 6-2.

602.6 Exterior Doors: Doors shall comply with Sections 602.6.1 and 602.6.2.

EXCEPTIONS: 1. Glazed doors whose area and U-factor are included in the calculations for compliance with the require-

ments for glazing in section 602.7 shall be exempt from the door U-factor requirements prescribed in Table 6-1 or 6-2.

2. One unlabeled or untested exterior swinging door with the maximum area of 24 square feet may be installed per unit for ornamental, security or architectural purposes. Products using this exception shall not be included in either the U-factor or glazing area calculation requirements.

602.6.1 Exterior Door Area: For half-lite and full-lite doors, the glazing area shall be included in calculating the allowed total glazing area in Section 602.7.1. Single glazing used for ornamental, security or architectural purposes shall be calculated using the exception to Section 602.7.2.

602.6.2 Exterior Door U-Factor: Doors, including fire doors, shall have a maximum area weighted average U-factor not exceeding that prescribed in Table 6-1 or 6-2.

602.7 Glazing:

602.7.1 Glazing Area: The total glazing area as defined in Chapter 2 shall not exceed the percentage of gross conditioned floor area specified in Table 6-1 or 6-2. This area shall also include any glazing in doors.

602.7.2 Glazing U-Factor: The total glazing area as defined in Chapter 2 shall have an area weighted average U-factor not to exceed that specified in Table 6-1 or 6-2. U-factors for glazing shall be determined in accordance with section 502.1.5. These areas and U-factors shall also include any doors using the exception of section 602.6.

If the U-factors for all vertical and overhead glazing products are below the appropriate U-factor specified, then no calculations are required. If compliance is to be achieved through an area weighted calculation, then the areas and U-factors shall be included in the plans submitted with a building permit application.

EXCEPTION: Single glazing for ornamental, security, or architectural purposes and double glazed garden windows with a wood or vinyl frame shall be exempt from the U-factor calculations but shall have its area tripled and shall be included in the percentage of the total glazing area as allowed for in Table 6-1 or 6-2. The maximum area (before tripling) allowed for the total of all single glazing and garden windows is one percent of the floor area.

602.8 Air Leakage For Group R Occupancy: The minimum air leakage control measures shall be as specified in section 502.4 as applicable.

**AMENDATORY SECTION** (Amending WSR 04-01-106, filed 12/17/03, effective 7/1/04)

**WAC 51-11-0625 Table 6-1.**

**TABLE 6-1  
PRESCRIPTIVE REQUIREMENTS<sup>0,1</sup> FOR GROUP R OCCUPANCY  
CLIMATE ZONE 1**

Option	Glazing Area <sup>10</sup> : % of Floor	Glazing U-Factor		Door <sup>9</sup> U-Factor	Ceiling <sup>2</sup>	Vaulted Ceiling <sup>3</sup>	Wall <sup>12</sup> Above Grade	Wall• int <sup>4</sup> Below Grade	Wall• ext <sup>4</sup> Below Grade	Floor <sup>5</sup>	Slab <sup>6</sup> on Grade
		Vertical	Overhead <sup>11</sup>								
I.	((+2)) 10%	((0-35)) 0.32	0.58	0.20	R-38	R-30	R-15	R-15	R-10	R-30	R-10

Option	Glazing Area <sup>10</sup> : % of Floor	Glazing U-Factor		Door <sup>9</sup> U-Factor	Ceiling <sup>2</sup>	Vaulted Ceiling <sup>3</sup>	Wall <sup>12</sup> Above Grade	Wall• int <sup>4</sup> Below Grade	Wall• ext <sup>4</sup> Below Grade	Floor <sup>5</sup>	Slab <sup>6</sup> on Grade
		Vertical	Overhead <sup>11</sup>								
II.*	15%	<del>((0.40))</del> 0.35	0.58	0.20	R-38	R-30	R-21	R-21	R-10	R-30	R-10
III.	25% Group R-1 and R-2 Occupancy only	0.40	0.58	0.20	R-38/ U = 0.031	R-30/ U = 0.034	R-21/ U = <del>((0.060))</del> 0.057	R-15	R-10	R-30/ U = 0.029	R-10
IV.	Unlimited Group R-3 and R-4 Occupancy only	<del>((0.40))</del> 0.35	0.58	0.20	R-38	R-30	R-21	R-21	R-10	R-30	R-10
V.	Unlimited Group R-1 and R-2 Occupancy only	0.35	0.58	0.20	R-38/ U = 0.031	R-30/ U = 0.034	R-21/ U = <del>((0.060))</del> 0.057	R-15	R-10	R-30/ U = 0.029	R-10

- \* Reference Case
- 0. Nominal R-values are for wood frame assemblies only or assemblies built in accordance with Section 601.1.
- 1. Minimum requirements for each option listed. For example, if a proposed design has a glazing ratio to the conditioned floor area of 13%, it shall comply with all of the requirements of the 15% glazing option (or higher). Proposed designs which cannot meet the specific requirements of a listed option above may calculate compliance by Chapters 4 or 5 of this Code.
- 2. Requirement applies to all ceilings except single rafter or joist vaulted ceilings complying with note 3. 'Adv' denotes Advanced Framed Ceiling.
- 3. Requirement applicable only to single rafter or joist vaulted ceilings where both (a) the distance between the top of the ceiling and the underside of the roof sheathing is less than 12 inches and (b) there is a minimum 1-inch vented airspace above the insulation. Other single rafter or joist vaulted ceilings shall comply with the "ceiling" requirements. This option is limited to 500 square feet of ceiling area for any one dwelling unit.
- 4. Below grade walls shall be insulated either on the exterior to a minimum level of R-10, or on the interior to the same level as walls above grade. Exterior insulation installed on below grade walls shall be a water resistant material, manufactured for its intended use, and installed according to the manufacturer's specifications. See Section 602.2.
- 5. Floors over crawl spaces or exposed to ambient air conditions.
- 6. Required slab perimeter insulation shall be a water resistant material, manufactured for its intended use, and installed according to manufacturer's specifications. See Section 602.4.
- 7. Int. denotes standard framing 16 inches on center with headers insulated with a minimum of R-10 insulation.
- 8. This wall insulation requirement denotes R-19 wall cavity insulation plus R-5 foam sheathing.
- 9. Doors, including all fire doors, shall be assigned default U-factors from Table 10-6C.
- 10. Where a maximum glazing area is listed, the total glazing area (combined vertical plus overhead) as a percent of gross conditioned floor area shall be less than or equal to that value. Overhead glazing with U-factor of U = 0.40 or less is not included in glazing area limitations.
- 11. Overhead glazing shall have U-factors determined in accordance with NFRC 100 or as specified in Section 502.1.5.
- 12. Log and solid timber walls with a minimum average thickness of 3.5" are exempt from this insulation requirement.

**TABLE 6-2  
PRESCRIPTIVE REQUIREMENTS<sup>0,1</sup> FOR GROUP R OCCUPANCY  
CLIMATE ZONE 2**

Option	Glazing Area <sup>10</sup> : % of Floor	Glazing U-Factor		Door <sup>9</sup> U-Factor	Ceiling <sup>2</sup>	Vaulted Ceiling <sup>3</sup>	Wall <sup>12</sup> Above Grade	Wall• int <sup>4</sup> Below Grade	Wall• ext <sup>4</sup> Below Grade	Floor <sup>5</sup>	Slab <sup>6</sup> on Grade
		Vertical	Overhead <sup>11</sup>								
I.	<del>((10))</del> 12%	<del>((0.40))</del> 0.35	0.58	0.20	R-38	R-30	R-21 Int <sup>7</sup>	R-21	R-12	R-30	R-10
II.*	15%	<del>((0.40))</del> 0.35	0.58	0.20	R-38	R-30	R-19 +R-5 <sup>8</sup>	R-21	R-12	R-30	R-10
III.	17%	<del>((0.37))</del> 0.32	0.58	0.20	R-38	R-30	R-19 +R-5 <sup>8</sup>	R-21	R-12	R-30	R-10
IV.	25% Group R-1 and R-2 Occupancy only	0.35	0.58	0.20	R-38/ U = 0.031	R-30/ U = 0.034	R-21 int <sup>7</sup> / U = 0.054	R-15	R-12	R-30/ U = 0.029	R-10/ F = 0.54
V.	Unlimited Group R-3 and R-4 Occupancy only	0.35	0.58	0.20	R-38	R-30	<del>((R-21 Int<sup>7</sup>))</del> R-19 +R-5 <sup>8</sup>	R-21	R-12	R-30	R-10
<del>VI.</del> VII.	Unlimited Group R-3 and R-4 Occupancies only	0.30	0.58	0.20	R-49 or R-38 ADV	R-38	R-21 int <sup>7</sup>	R-21	R-12	R-30	R-10
<del>(IV)</del> VII.	Unlimited Group R-1 Occupancy only	0.32	0.58	0.20	R-38/ U = 0.031	R-30/ U = 0.034	R-21 int <sup>7</sup> / U = 0.054	R-15	R-12	R-30/ U = 0.029	R-10/ F = 0.54

- \* Reference Case
- 0. Nominal R-values are for wood frame assemblies only or assemblies built in accordance with Section 601.1.
- 1. Minimum requirements for each option listed. For example, if a proposed design has a glazing ratio to the conditioned floor area of 13%, it shall comply with all of the requirements of the 15% glazing option (or higher). Proposed designs which cannot meet the specific requirements of a listed option above may calculate compliance by Chapters 4 or 5 of this Code.
- 2. Requirement applies to all ceilings except single rafter or joist vaulted ceilings complying with note 3. 'Adv' denotes Advanced Framed Ceiling.
- 3. Requirement applicable only to single rafter or joist vaulted ceilings where both (a) the distance between the top of the ceiling and the underside of the roof sheathing is less than 12 inches and (b) there is a minimum 1-inch vented airspace above the insulation. Other single rafter or joist vaulted ceilings shall comply with the "ceiling" requirements. This option is limited to 500 square feet of ceiling area for any one dwelling unit.
- 4. Below grade walls shall be insulated either on the exterior to a minimum level of R-~~((49))~~ 12, or on the interior to the same level as walls above grade. Exterior insulation installed on below grade walls shall be a water resistant material, manufactured for its intended use, and installed according to the manufacturer's specifications. See Section 602.2.
- 5. Floors over crawl spaces or exposed to ambient air conditions.
- 6. Required slab perimeter insulation shall be a water resistant material, manufactured for its intended use, and installed according to manufacturer's specifications. See Section 602.4.
- 7. Int. denotes standard framing 16 inches on center with headers insulated with a minimum of R-10 insulation.
- 8. This wall insulation requirement denotes R-19 wall cavity insulation plus R-5 foam sheathing.
- 9. Doors, including all fire doors, shall be assigned default U-factors from Table 10-6C.
- 10. Where a maximum glazing area is listed, the total glazing area (combined vertical plus overhead) as a percent of gross conditioned floor area shall be less than or equal to that value. Overhead glazing with U-factor of U = 0.40 or less is not included in glazing area limitations.
- 11. Overhead glazing shall have U-factors determined in accordance with NFRC 100 or as specified in Section 502.1.5.
- 12. Log and solid timber walls with a minimum average thickness of 3.5" are exempt from this insulation requirement.

**AMENDATORY SECTION** (Amending WSR 04-01-106, filed 12/17/03, effective 7/1/04)

**WAC 51-11-0701 Scope.** The following standards shall apply to Chapters 1 through 20. The standards and portions thereof, which are referred to in various parts of this Code shall be part of the Washington State Energy Code and are hereby declared to be a part of this Code.

REFERENCE STANDARD	TITLE AND SOURCE
RS-1	<del>((2004))</del> <u>2005</u> ASHRAE Fundamentals Handbook.
RS-2	Super Good Cents Technical Reference C Builder's Field Guide.
RS-3	(Reserved).
RS-4	ASHRAE Standard 55- <del>((92))</del> <u>2004</u> Thermal Environmental Conditions for Human Occupancy.
RS-5	<del>((1998))</del> <u>2006</u> ASHRAE Refrigeration Handbook.

REFERENCE STANDARD	TITLE AND SOURCE
RS-6	SMACNA, Installation Standards for Residential Heating and Air Conditioning Systems, 6th Edition, 1988.
RS-7	SMACNA, HVAC Duct Construction Standards, Metal and Flexible, 2nd Edition, 1995.
RS-8	SMACNA, Fibrous Glass Duct Construction Standards, 6th Edition, 1992.
RS-9	ASHRAE/IESNA Standard 90.1- <del>((2004))</del> <u>2004</u> , Energy Standard for Buildings Except Low-Rise Residential Buildings.
RS-10	<del>((2000))</del> <u>2004</u> ASHRAE Systems and Equipment Handbook.
RS-11	<del>((1999))</del> <u>2003</u> ASHRAE HVAC Systems and Applications Handbook.
RS-12	through RS-28 (Reserved).
RS-29	Nonresidential Building Design by Systems Analysis.
RS-30	Title 10, Code of Federal Regulations (CFR), Part 430 (March 14, 1988).
RS-31	National Fenestration Rating Council (NFRC) Standard 100- <del>((2004))</del> <u>2004</u> .
RS-32	<u>Seattle EnvStd 2006</u> .

ACCREDITED AUTHORITATIVE AGENCIES

ANSI refers to the American National Standards Institute, Inc., 11 West 42nd Street, New York, NY 10036  
Phone 212-642-4900 fax 212-398-0023, internet www.ansi.org

ARI refers to the Air Conditioning and Refrigeration Institute, 4301 N. Fairfax Dr., Suite 425, Arlington, VA 22203  
Phone 703-524-8800 fax 703-528-3816, internet www.ari.org

ASHRAE refers to the American Society of Heating, Refrigerating, and Air Conditioning Engineers, Inc., 1791 Tullie Circle, N.E., Atlanta, GA 30329  
Phone 404-636-8400 fax 404-321-5478, internet www.ashrae.org

ASTM refers to the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959  
Phone 610-832-9585 fax 610-832-9555, internet www.astm.org

CTI refers to the Cooling Tower Institute, 530 Wells Fargo Drive, Suite 218, Houston, TX 77090  
Phone 281-583-4087 fax 281-537-1721, internet www.cti.org

IESNA refers to the Illuminating Engineering Society of North America, 120 Wall Street, Floor 17, New York, NY 10005-4001  
 Phone 212-248-5000 fax 212-248-5017, internet www.iesna.org

NFRC refers to the National Fenestration Rating Council, Incorporated, 8484 Georgia Avenue, Suite 320, Silver Spring, Maryland 20910  
 Phone 301-589-1776 fax ((301-588-0854)) 301-589-3884, internet www.nfrc.org

SMACNA refers to the Sheet Metal and Air Conditioning Contractors National Association, Inc., 4201 Lafayette Center Drive, P.O. Box 221230, Chantilly, VA 20153-1230  
 Phone 703-803-2980 fax 703-803-3732, internet www.smacna.org

AMENDATORY SECTION (Amending WSR 04-01-106, filed 12/17/03, effective 7/1/04)

~~WAC 51-11-0900 Section 0900—((Prescriptive heating system sizing))Reserved. ((When using the prescriptive approach in Chapter 6, if approved by the building official, design heat load calculations are not required to show compliance to this Code if the heating system installed is equal to or less than the following:~~

Climate Zone 1	20 Btu/h•ft²
Climate Zone 2	25 Btu/h•ft²

~~Example: A 2000 ft² house in Zone 2, heated with gas, would not have to submit a design heat load if the proposed furnace is 50,000 Btu or less.~~

$$2000 \times 25 = 50,000$$

~~Disclaimer: All heating systems shall be designed and installed in accordance with International Building Code Section 1204.)~~

AMENDATORY SECTION (Amending WSR 04-01-106, filed 12/17/03, effective 7/1/04)

**WAC 51-11-1005 Section 1005: Above-grade walls.**

Section 1005.1 General: Table 10-5, 10-5A and 10-5B list heat-loss coefficients for the opaque portion of above-grade wood stud frame walls, metal stud frame walls and concrete masonry walls (Btu/h•ft²•°F) respectively. They are derived from procedures listed in RS-1, listed in Chapter 7. For intermediate floor slabs which penetrate the insulated wall, use the concrete wall U-factors in Table 10-5B.

Insulation is assumed to uniformly fill the entire cavity and to be installed as per manufacturer's directions. All walls are assumed to be finished on the inside with one-half inch gypsum wallboard, and on the outside with either beveled wood siding over one-half inch plywood sheathing or with five-eighths inch T1-11 siding. Insulated sheathing (either interior or exterior) is assumed to cover the entire opaque wall surface.

1005.2 Framing Description: For wood stud frame walls, three framing types are considered, and defined as follows:

Standard: Studs framed on sixteen inch centers with double top plate and single bottom plate. Corners use three studs and each opening is framed using two studs. Headers consist of double 2X or single 4X material with an air space left between the header and the exterior sheathing. Interior partition wall/exterior wall intersections use two studs in the exterior wall.

Framing weighting factors:	Studs and plates	.19
	Insulated cavity	.77
	Headers	.04

Intermediate: Studs framed on sixteen inch centers with double top plate and single bottom plate. Corners use two studs or other means of fully insulating corners, and each opening is framed by two studs. Headers consist of double 2X material with R-10 insulation between the header and exterior sheathing. Interior partition wall/exterior wall intersections are fully insulated in the exterior wall.

Framing weighting factors:	Studs and plates	.18
	Insulated cavity	.78
	Headers	.04

Advanced: Studs framed on twenty-four inch centers with double top plate and single bottom plate. Corners use two studs or other means of fully insulating corners, and one stud is used to support each header. Headers consist of double 2X material with R-10 insulation between the header and exterior sheathing. Interior partition wall/exterior wall intersections are fully insulated in the exterior wall.

Framing weighting factors:	Studs and plates	.13
	Insulated cavity	.83
	Headers	.04

1005.3 Component Description: Default coefficients for four types of walls are listed: single-stud walls, metal stud walls, strap walls, and double-stud walls.

Single-Stud Wall: Assumes either 2x4 or 2x6 studs framed on sixteen or twenty-four inch centers. Headers are solid for 2x4 walls and double 2x for 2x6 walls, with either dead-air or rigid-board insulation in the remaining space.

Metal Stud Wall: Assumes metal studs spaced on 16 or 24 inch centers with insulation installed to fill wall cavities. Continuous rigid board insulation is applied without creating uninsulated voids in the wall assembly.

Strap Wall: Assumes 2x6 studs framed on sixteen or twenty-four inch centers. 2x3 or 2x4 strapping is run horizontally along the interior surface of the wall to provide additional space for insulation.

Double-Stud Wall: Assumes an exterior structural wall and a separate interior, nonstructural wall. Insulation is placed in both wall cavities and in the space between the 2 walls. Stud spacing is assumed to be on 24 inch centers for both walls.



TABLE 10-5

DEFAULT U-FACTORS FOR ABOVE-GRADE WALLS

**2 x 4 Single Wood Stud: R-11 Batt**

Siding Material/Framing Type				
	Lapped Wood		T1-11	
R-value of Foam Board	STD	ADV	STD	ADV
0	0.088	0.084	0.094	0.090
1	0.080	0.077	0.085	0.082
2	0.074	0.071	0.078	0.075
3	0.069	0.066	0.072	0.070
4	0.064	0.062	0.067	0.065
5	0.060	0.058	0.063	0.061
6	0.056	0.055	0.059	0.057
7	0.053	0.052	0.055	0.054
8	0.051	0.049	0.052	0.051
9	0.048	0.047	0.050	0.049
10	0.046	0.045	0.047	0.046
11	0.044	0.043	0.045	0.044
12	0.042	0.041	0.043	0.042

**NOTE:**

Nominal Batt R-value:  
R-11 at 3.5 inch thickness

Installed Batt R-value:  
R-11 in 3.5 inch cavity

**2 x 4 Single Wood Stud: R-13 Batt**

Siding Material/Framing Type				
	Lapped Wood		T1-11	
R-value of Foam Board	STD	ADV	STD	ADV
0	0.082	0.078	0.088	0.083
1	0.075	0.072	0.080	0.076
2	0.069	0.066	0.073	0.070
3	0.065	0.062	0.068	0.065
4	0.060	0.058	0.063	0.061
5	0.057	0.055	0.059	0.057
6	0.053	0.052	0.056	0.054
7	0.051	0.049	0.052	0.051
8	0.048	0.047	0.050	0.048
9	0.046	0.045	0.047	0.046
10	0.044	0.043	0.045	0.044
11	0.042	0.041	0.043	0.042
12	0.040	0.039	0.041	0.040

**NOTE:**

Nominal Batt R-value:  
R-13 at 3.63 inch thickness

Installed Batt R-value:  
R-12.7 in 3.5 inch cavity

**2 x 4 Single Wood Stud: R-15 Batt**

Siding Material/Framing Type				
	Lapped Wood		T1-11	
R-value of Foam Board	STD	ADV	STD	ADV
0	0.076	0.071	0.081	0.075
1	0.069	0.065	0.073	0.069
2	0.064	0.061	0.068	0.069
3	0.060	0.057	0.063	0.059
4	0.056	0.053	0.059	0.056
5	0.053	0.051	0.055	0.052
6	0.050	0.048	0.052	0.050
7	0.047	0.046	0.049	0.047
8	0.045	0.044	0.047	0.045
9	0.043	0.042	0.044	0.043
10	0.041	0.040	0.042	0.041
11	0.039	0.038	0.041	0.039
12	0.038	0.037	0.039	0.038

**NOTE:**

Nominal Batt R-value:  
R-15 at 3.5 inch thickness

Installed Batt R-value:  
R-15 in 3.5 inch cavity

**2 x 6 Single Wood Stud: R-19 Batt**

Siding Material/Framing Type						
	Lapped Wood			T1-11		
R-value of Foam Board	STD	INT	ADV	STD	INT	ADV
0	0.062	0.058	0.055	0.065	0.061	0.058
1	0.058	0.055	0.052	0.060	0.057	0.055
2	0.054	0.052	0.050	0.056	0.054	0.051
3	0.051	0.049	0.047	0.053	0.051	0.049
4	0.048	0.046	0.045	0.050	0.048	0.046
5	0.046	0.044	0.043	0.048	0.046	0.044
6	0.044	0.042	0.041	0.045	0.044	0.042
7	0.042	0.040	0.039	0.043	0.042	0.040
8	0.040	0.039	0.038	0.041	0.040	0.039
9	0.038	0.037	0.035	0.039	0.038	0.037
10	0.037	0.036	0.035	0.038	0.037	0.036
11	0.036	0.035	0.034	0.036	0.035	0.035
12	0.034	0.033	0.033	0.035	0.034	0.033

**NOTE:**

Nominal Batt R-value:  
R-19 at 6 inch thickness

Installed Batt R-value:  
R-18 in 5.5 inch cavity

**2 x 6 Single Wood Stud: R-21 Batt**

**NOTE:**  
 Nominal Batt R-value:  
 R-21 at 5.5 inch thickness  
  
 Installed Batt R-value:  
 R-21 in 5.5 inch cavity

Siding Material/Framing Type						
	Lapped Wood			T1-11		
R-value of Foam Board	STD	INT	ADV	STD	INT	ADV
0	0.057	0.054	0.051	0.060	0.056	0.053
1	0.054	0.051	0.048	0.056	0.053	0.050
2	0.050	0.048	0.045	0.052	0.050	0.047
3	0.048	0.045	0.043	0.049	0.047	0.045
4	0.045	0.043	0.041	0.047	0.045	0.043
5	0.043	0.041	0.040	0.044	0.042	0.041
6	0.041	0.039	0.038	0.042	0.041	0.039
7	0.039	0.038	0.036	0.040	0.039	0.037
8	0.038	0.036	0.035	0.039	0.037	0.036
9	0.036	0.035	0.034	0.037	0.036	0.035
10	0.035	0.034	0.033	0.036	0.035	0.033
11	0.033	0.033	0.032	0.034	0.033	0.032
12	0.032	0.031	0.031	0.033	0.032	0.031

**2 x 6 Single Wood Stud: R-22 Batt**

**NOTE:**  
 Nominal Batt R-value:  
 R-22 at 6.75 inch thickness  
  
 Installed Batt R-value:  
 R-20 in 5.5 inch cavity

Siding Material/Framing Type						
	Lapped Wood			T1-11		
R-value of Foam Board	STD	INT	ADV	STD	INT	ADV
0	0.059	0.055	0.052	0.062	0.058	0.054
1	0.055	0.052	0.049	0.057	0.054	0.051
2	0.052	0.049	0.047	0.054	0.051	0.048
3	0.049	0.046	0.044	0.050	0.048	0.046
4	0.046	0.044	0.042	0.048	0.046	0.044
5	0.044	0.042	0.041	0.045	0.043	0.042
6	0.042	0.040	0.039	0.043	0.042	0.040
7	0.040	0.039	0.037	0.041	0.040	0.038
8	0.038	0.037	0.036	0.039	0.038	0.037
9	0.037	0.036	0.035	0.038	0.037	0.035
10	0.035	0.034	0.033	0.036	0.035	0.034
11	0.034	0.033	0.032	0.035	0.034	0.033
12	0.033	0.032	0.031	0.034	0.033	0.032

**2 x 6 Single Wood Stud: Two R-11 Batts**

**NOTE:**  
 Nominal Batt R-value:  
 R-22 at 7 inch thickness  
  
 Installed Batt R-value:  
 R-18.9 in 5.5 inch cavity

Siding Material/Framing Type						
R-value of Foam Board	Lapped Wood			T1-11		
	STD	INT	ADV	STD	INT	ADV
0	0.060	0.057	0.054	0.063	0.059	0.056
1	0.056	0.053	0.051	0.059	0.056	0.053
2	0.053	0.050	0.048	0.055	0.052	0.050
3	0.050	0.048	0.046	0.052	0.049	0.047
4	0.047	0.045	0.044	0.049	0.047	0.045
5	0.045	0.043	0.042	0.046	0.045	0.043
6	0.043	0.041	0.040	0.044	0.043	0.041
7	0.041	0.040	0.038	0.042	0.041	0.039
8	0.039	0.038	0.037	0.040	0.039	0.038
9	0.038	0.037	0.036	0.039	0.038	0.036
10	0.036	0.035	0.034	0.037	0.036	0.035
11	0.035	0.034	0.033	0.036	0.035	0.034
12	0.034	0.033	0.032	0.034	0.034	0.033

**2 x 8 Single Stud: R-25 Batt**

**NOTE:**  
 Nominal Batt R-value:  
 R-25 at 8 inch thickness  
  
 Installed Batt R-value:  
 R-23.6 in 7.25 inch cavity

Siding Material/Framing Type						
R-value of Foam Board	Lapped Wood			T1-11		
	STD	INT	ADV	STD	INT	ADV
0	0.051	0.047	0.045	0.053	0.049	0.046
1	0.048	0.045	0.043	0.049	0.046	0.044
2	0.045	0.043	0.041	0.047	0.044	0.042
3	0.043	0.041	0.039	0.044	0.042	0.040
4	0.041	0.039	0.037	0.042	0.040	0.038
5	0.039	0.037	0.036	0.040	0.038	0.037
6	0.037	0.036	0.035	0.038	0.037	0.036
7	0.036	0.035	0.033	0.037	0.035	0.034
8	0.035	0.033	0.032	0.035	0.034	0.033
9	0.033	0.032	0.031	0.034	0.033	0.032
10	0.032	0.031	0.030	0.033	0.032	0.031
11	0.031	0.030	0.029	0.032	0.031	0.030
12	0.030	0.029	0.028	0.031	0.030	0.029

2 x 6: Strap Wall				
	Siding Material/Frame Type			
	Lapped Wood		T1-11	
	STD	ADV	STD	ADV
R-19 + R-11 Batts	0.036	0.035	0.038	0.036
R-19 + R-8 Batts	0.041	0.039	0.042	0.040

**2 x 6 + 2 x 4: Double Wood Stud**

Batt Configuration			Siding Material/Frame Type			
			Lapped Wood		T1-11	
Exterior	Middle	Interior	STD	ADV	STD	ADV
R-19	————	R-11	0.040	0.037	0.041	0.038
R-19	————	R-19	0.034	0.031	0.035	0.032
R-19	R-8	R-11	0.029	0.028	0.031	0.029
R-19	R-11	R-11	0.027	0.026	0.028	0.027
R-19	R-11	R-19	0.024	0.023	0.025	0.023
R-19	R-19	R-19	0.021	0.020	0.021	0.020

**2 x 4 + 2 x 4: Double Wood Stud**

Batt Configuration			Siding Material/Frame Type			
			Lapped Wood		T1-11	
Exterior	Middle	Interior	STD	ADV	STD	ADV
R-11	————	R-11	0.050	0.046	0.052	0.048
R-19	————	R-11	0.039	0.037	0.043	0.039
R-11	R-8	R-11	0.037	0.035	0.036	0.036
R-11	R-11	R-11	0.032	0.031	0.033	0.032
R-13	R-13	R-13	0.029	0.028	0.029	0.028
R-11	R-19	R-11	0.026	0.026	0.027	0.026

**Log Walls**

**NOTE:**

R-value of wood:  
 R-1.25 per inch thickness  
 Average wall thickness  
 90% average log diameter

Average Log Diameter, Inches	U-factor
6	0.148
8	0.111
10	0.089
12	0.074
14	0.063
16	0.056

**Stress Skin Panel**

**NOTE:**

R-value of expanded polystyrene: R-3.85 per inch  
 Framing: 6%  
 Spline: 8%

Panel Thickness, Inches	U-factor
3 1/2	0.071
5 1/2	0.048
7 1/4	0.037
9 1/4	0.030
11 1/4	0.025

No thermal bridging between interior and exterior splines

**Metal Stud Walls:** The nominal R-values in Table 10-5A may be used for purposes of calculating metal stud wall section U-factors in lieu of the ASHRAE zone calculation method as provided in Chapter 25 of Standard RS-1.

**TABLE 10-5A**  
 Default U-factors for Overall Assembly Metal Stud Walls, Effective R-values for Metal Framing and Cavity Only, and Default Metal Building U-factors

**OVERALL ASSEMBLY U-FACTORS FOR METAL STUD WALLS**

((Metal Framing	R-Value of Continuous Foam Board Insulation	Cavity Insulation					
		R-11	R-13	R-15	R-19	R-21	R-25
16" o.e.	R-0 (none)	U-0.14	U-0.13	U-0.12	U-0.10	U-0.097	U-0.091

((Metal Framing	R-Value of Continuous Foam Board Insulation	Cavity Insulation					
		R-11	R-13	R-15	R-19	R-21	R-25
	R-1	U-0.12	U-0.12	U-0.11	U-0.094	U-0.089	U-0.083
	R-2	U-0.11	U-0.010	U-0.099	U-0.086	U-0.081	U-0.077
	R-3	U-0.10	U-0.095	U-0.090	U-0.079	U-0.075	U-0.071
	R-4	U-0.091	U-0.087	U-0.082	U-0.073	U-0.070	U-0.067
	R-5	U-0.083	U-0.080	U-0.076	U-0.068	U-0.065	U-0.062
	R-6	U-0.077	U-0.074	U-0.071	U-0.064	U-0.061	U-0.059
	R-7	U-0.071	U-0.069	U-0.066	U-0.060	U-0.058	U-0.055
	R-8	U-0.067	U-0.064	U-0.062	U-0.057	U-0.055	U-0.053
	R-9	U-0.062	U-0.060	U-0.058	U-0.054	U-0.052	U-0.050
	R-10	U-0.059	U-0.057	U-0.055	U-0.051	U-0.049	U-0.048

24" o.e	R-0 (none)	U-0.13	U-0.12	U-0.11	U-0.091	U-0.085	U-0.079
	R-1	U-0.11	U-0.10	U-0.098	U-0.084	U-0.078	U-0.073
	R-2	U-0.10	U-0.091	U-0.089	U-0.077	U-0.073	U-0.068
	R-3	U-0.092	U-0.083	U-0.082	U-0.072	U-0.068	U-0.064
	R-4	U-0.084	U-0.077	U-0.076	U-0.067	U-0.063	U-0.060
	R-5	U-0.078	U-0.071	U-0.070	U-0.063	U-0.060	U-0.057
	R-6	U-0.072	U-0.067	U-0.066	U-0.059	U-0.056	U-0.054
	R-7	U-0.067	U-0.063	U-0.062	U-0.056	U-0.053	U-0.051
	R-8	U-0.063	U-0.059	U-0.058	U-0.053	U-0.051	U-0.048
	R-9	U-0.059	U-0.056	U-0.055	U-0.050	U-0.048	U-0.046
R-10	U-0.056	U-0.053	U-0.052	U-0.048	U-0.046	U-0.044))	

Metal Framing	R-Value of Continuous Foam Board Insulation	Cavity Insulation					
		R-0	R-11	R-13	R-15	R-19	R-21
16" o.c.	R-0 (none)	U-0.352	U-0.132	U-0.124	U-0.118	U-0.109	U-0.106
	R-1	U-0.260	U-0.117	U-0.111	U-0.106	U-0.099	U-0.096
	R-2	U-0.207	U-0.105	U-0.100	U-0.096	U-0.090	U-0.087
	R-3	U-0.171	U-0.095	U-0.091	U-0.087	U-0.082	U-0.080
	R-4	U-0.146	U-0.087	U-0.083	U-0.080	U-0.076	U-0.074
	R-5	U-0.128	U-0.080	U-0.077	U-0.074	U-0.071	U-0.069
	R-6	U-0.113	U-0.074	U-0.071	U-0.069	U-0.066	U-0.065
	R-7	U-0.102	U-0.069	U-0.066	U-0.065	U-0.062	U-0.061
	R-8	U-0.092	U-0.064	U-0.062	U-0.061	U-0.058	U-0.057
	R-9	U-0.084	U-0.060	U-0.059	U-0.057	U-0.055	U-0.054
R-10	U-0.078	U-0.057	U-0.055	U-0.054	U-0.052	U-0.051	

24" o.c	R-0 (none)	U-0.338	U-0.116	U-0.108	U-0.102	U-0.094	U-0.090
	R-1	U-0.253	U-0.104	U-0.098	U-0.092	U-0.086	U-0.083
	R-2	U-0.202	U-0.094	U-0.089	U-0.084	U-0.079	U-0.077
	R-3	U-0.168	U-0.086	U-0.082	U-0.078	U-0.073	U-0.071

	<u>R-4</u>	<u>U-0.144</u>	<u>U-0.079</u>	<u>U-0.075</u>	<u>U-0.072</u>	<u>U-0.068</u>	<u>U-0.066</u>
	<u>R-5</u>	<u>U-0.126</u>	<u>U-0.073</u>	<u>U-0.070</u>	<u>U-0.067</u>	<u>U-0.064</u>	<u>U-0.062</u>
	<u>R-6</u>	<u>U-0.112</u>	<u>U-0.068</u>	<u>U-0.066</u>	<u>U-0.063</u>	<u>U-0.060</u>	<u>U-0.059</u>
	<u>R-7</u>	<u>U-0.100</u>	<u>U-0.064</u>	<u>U-0.062</u>	<u>U-0.059</u>	<u>U-0.057</u>	<u>U-0.055</u>
	<u>R-8</u>	<u>U-0.091</u>	<u>U-0.060</u>	<u>U-0.058</u>	<u>U-0.056</u>	<u>U-0.054</u>	<u>U-0.052</u>
	<u>R-9</u>	<u>U-0.084</u>	<u>U-0.057</u>	<u>U-0.055</u>	<u>U-0.053</u>	<u>U-0.051</u>	<u>U-0.050</u>
	<u>R-10</u>	<u>U-0.077</u>	<u>U-0.054</u>	<u>U-0.052</u>	<u>U-0.050</u>	<u>U-0.048</u>	<u>U-0.048</u>

EFFECTIVE R-VALUES FOR METAL FRAMING AND CAVITY ONLY

	Cavity		Insulation		
	Nominal Depth, Inches	Actual Depth, Inches	Nominal R-Value	Effective R-Value	
				16" O.C.	24" O.C.
Air Cavity	any	any	R-0.91 (air)	0.79	0.91
Wall	4	3-1/2	R-11	5.5	6.6
	4	3-1/2	R-13	6.0	7.2
	4	3-1/2	R-15	6.4	7.8
	6	5-1/2	R-19	7.1	8.6
	6	5-1/2	R-21	7.4	9.0
Roof	Insulation is uncompressed		R-25	7.8	9.6
			R-11	5.5	6.1
			R-19	7.0	9.1
			R-30	9.3	11.4

DEFAULT METAL BUILDING U-FACTORS

	R-10	R-11	R-13	R-19	R-24	R-30
Faced fiber glass blanket insulation rolled over and perpendicular to structural frame. Metal covering sheets fastened to the frame, holding insulation in place.	0.133	0.127	0.114	0.091	na	na
Faced fiber glass batt insulation suspended between structural frame. Metal covering sheets fastened directly to frame.	0.131	0.123	0.107	0.079	0.065	0.057
Faced fiber glass blanket insulation rolled over and perpendicular to structural frame. Rigid insulation blocks placed over insulation to align with structural frame.	0.102	0.096	0.084	0.065	na	na
Faced fiber glass batt insulation suspended between structural frame. Rigid insulation blocks placed over insulation to align with structural frame.	0.099	0.093	0.080	0.059	0.048	0.041

**Concrete Masonry Walls:** The nominal R-values in Table 10-5B may be used for purposes of calculating concrete masonry wall section U-factors in lieu of the ASHRAE isothermal planes calculation method as provided in Chapter 25 of Standard RS-1.

**TABLE 10-5B**  
**Default U-Factors for Concrete and Masonry Walls**

<b>8" CONCRETE MASONRY</b>				
WALL DESCRIPTION	CORE TREATMENT			
	Partial Grout with UngROUTED Cores			Solid Grout
	Empty	Loose-fill insulated		
		Perlite	Vermiculite	
Exposed Block, Both Sides	0.40	0.23	0.24	0.43
R-5 Interior Insulation, Wood Furring	0.14	0.11	0.12	0.15
R-6 Interior Insulation, Wood Furring	0.14	0.11	0.11	0.14
R-10.5 Interior Insulation, Wood Furring	0.11	0.09	0.09	0.11
R-8 Interior Insulation, Metal Clips	0.11	0.09	0.09	0.11
R-6 Exterior Insulation	0.12	0.10	0.10	0.12
R-10 Exterior Insulation	0.08	0.07	0.07	0.08
R-9.5 Rigid Polystyrene Integral Insulation, Two Webbed Block	0.11	0.09	0.09	0.12

<b>12" CONCRETE MASONRY</b>				
WALL DESCRIPTION	CORE TREATMENT			
	Partial Grout with UngROUTED Cores			Solid Grout
	Empty	Loose-fill insulated		
		Perlite	Vermiculite	
Exposed Block, Both Sides	0.35	0.17	0.18	0.33
R-5 Interior Insulation, Wood Furring	0.14	0.10	0.10	0.13
R-6 Interior Insulation, Wood Furring	0.13	0.09	0.10	0.13
R-10.5 Interior Insulation, Wood Furring	0.11	0.08	0.08	0.10
R-8 Interior Insulation, Metal Clips	0.10	0.08	0.08	0.09
R-6 Exterior Insulation	0.11	0.09	0.09	0.11
R-10 Exterior Insulation	0.08	0.06	0.06	0.08
R-9.5 Rigid Polystyrene Integral Insulation, Two Webbed Block	0.11	0.08	0.09	0.12

<b>8" CLAY BRICK</b>				
WALL DESCRIPTION	CORE TREATMENT			
	Partial Grout with UngROUTED Cores			Solid Grout
	Empty	Loose-fill insulated		
		Perlite	Vermiculite	
Exposed Block, Both Sides	0.50	0.31	0.32	0.56
R-5 Interior Insulation, Wood Furring	0.15	0.13	0.13	0.16
R-6 Interior Insulation, Wood Furring	0.15	0.12	0.12	0.15
R-10.5 Interior Insulation, Wood Furring	0.12	0.10	0.10	0.12
R-8 Interior Insulation, Metal Clips	0.11	0.10	0.10	0.11
R-6 Exterior Insulation	0.12	0.11	0.11	0.13
R-10 Exterior Insulation	0.08	0.08	0.08	0.09



6" CONCRETE POURED OR PRECAST				
WALL DESCRIPTION	CORE TREATMENT			
	Partial Grout with UngROUTED Cores			Solid Grout
	Empty	Loose-fill insulated		
		Perlite	Vermiculite	
Exposed Concrete, Both Sides	NA	NA	NA	0.61
R-5 Interior Insulation, Wood Furring	NA	NA	NA	0.16
R-6 Interior Insulation, Wood Furring	NA	NA	NA	0.15
R-10.5 Interior Insulation, Wood Furring	NA	NA	NA	0.12
R-8 Interior Insulation, Metal Clips	NA	NA	NA	0.12
R-6 Exterior Insulation	NA	NA	NA	0.13
R-10 Exterior Insulation	NA	NA	NA	0.09

**Peripheral Edges of Intermediate Concrete Floors**

SLAB EDGE TREATMENT	AVERAGE THICKNESS OF WALL ABOVE AND BELOW			
	6 inches	8 inches	10 inches	12 inches
Exposed Concrete	0.816	0.741	0.678	0.625
R-5 Exterior Insulation	0.161	0.157	0.154	0.152
R-6 Exterior Insulation	0.138	0.136	0.134	0.132
R-7 Exterior Insulation	0.122	0.120	0.118	0.116
R-8 Exterior Insulation	0.108	0.107	0.106	0.104
R-9 Exterior Insulation	0.098	0.097	0.095	0.094
R-10 Exterior Insulation	0.089	0.088	0.087	0.086

**Notes for Default Table 10-5B**

1. Grouted cores at 40" x 48" on center vertically and horizontally in partial grouted walls.
2. Interior insulation values include 1/2" gypsum board on the inner surface.
3. Furring and stud spacing is 16" on center. Insulation is assumed to fill furring space and is not compressed.
4. Intermediate values may be interpolated using this table. Values not contained in this table may be computed using the procedures listed in Standard RS-1.

**AMENDATORY SECTION** (Amending WSR 05-01-013, filed 12/2/04, effective 7/1/05)

**WAC 51-11-1006 Section 1006 Default U-factors for glazing and doors.**

1006.1 Glazing and Doors without NFRC Certification: Glazing and doors that do not have NFRC certification shall be assigned the following U-factors:

**TABLE 10-6**

**Other than Group R Occupancy: DEFAULT U-FACTORS FOR VERTICAL GLAZING, OVERHEAD GLAZING AND OPAQUE DOORS**

Vertical Glazing			
	U-Factor		
	Any Frame	Aluminum W/Thermal Break	Vinyl/Wood Frame
Single	1.45	1.45	1.45
Double	0.90	0.85	0.75
1/2 Inch Air, Fixed	0.75	0.70	0.60

Vertical Glazing			
	U-Factor		
	Any Frame	Aluminum W/Thermal Break	Vinyl/Wood Frame
1/2 Inch Air, Low-e <sup>(0.40)</sup> , Fixed	0.60	0.55	0.50
1/2 Inch Air, Low-e <sup>(0.10)</sup> , Fixed	0.55	0.50	0.45
1/2 Inch Argon, Low-e <sup>(0.10)</sup> , Fixed	0.50	0.45	0.40

The category for aluminum frame with a thermal break is as defined in footnote 7 to Table 10-6A.

<b>Overhead Glazing: Sloped Glazing (Including Frame)</b>			
	<b>U-Factor</b>		
	<b>Any Frame</b>	<b>Aluminum W/Thermal Break</b>	<b>Vinyl/Wood Frame</b>
Single	1.74	1.74	1.74
Double	1.08	1.02	0.90
1/2 Inch Air, Fixed	0.90	0.84	0.72
1/2 Inch Air, Low-e <sup>(0.40)</sup> , Fixed	0.72	0.66	0.60
1/2 Inch Air, Low-e <sup>(0.10)</sup> , Fixed	0.66	0.60	0.54
1/2 Inch Argon, Low-e <sup>(0.10)</sup> , Fixed	0.60	0.54	0.48

This default table is applicable to sloped glazing only. (Sloped glazing is a multiple-lite glazed system (similar to a curtain wall) that is mounted at a slope greater than 15° from the vertical plane.) Other overhead glazing shall use the defaults in Table 10-6E.

<b>Opaque Doors</b>	
	<b>U-Factor</b>
Uninsulated Metal	1.20
Insulated Metal (Including Fire Door and Smoke Vent)	0.60
Wood	0.50

Notes:

- Where a gap width is listed (i.e.: 1/2 inch), that is the minimum allowed.
- Where a low-emissivity emittance is listed (i.e.: 0.40, 0.20, 0.10), that is the maximum allowed.
- Where a gas other than air is listed (i.e.: Argon), the gas fill shall be a minimum of 90%.
- Where an operator type is listed (i.e.: Fixed), the default is only allowed for that operator type. Where a frame type is listed (i.e.: Wood/vinyl), the default is only allowed for that frame type. Wood/vinyl frame includes reinforced vinyl and aluminum-clad wood.

**TABLE 10-6A**  
**Group R Occupancy: DEFAULT U-FACTORS FOR VERTICAL GLAZING**

Description <sup>1,2,3,4</sup>		Frame Type <sup>5,6</sup>			
		Aluminum	Aluminum Thermal Break <sup>7</sup>	Wood/Vinyl	
Windows	Single	1.20	1.20	1.20	
	Double, < 1/2"	Clear	0.92	0.75	0.63
		Clear + Argon	0.87	0.71	0.60
		Low-e	0.85	0.69	0.58
		Low-e + Argon	0.79	0.62	0.53
	Double, ≥ 1/2"	Clear	0.86	0.69	0.58
		Clear + Argon	0.83	0.67	0.55
		Low-e	0.78	0.61	0.51
		Low-e + Argon	0.75	0.58	0.48
	Triple,	Clear	0.70	0.53	0.43
		Clear + Argon	0.69	0.52	0.41
		Low-e	0.67	0.49	0.40
Low-e + Argon		0.63	0.47	0.37	
Garden Windows	Single	2.60	n.a.	2.31	
	Double	Clear	1.81	n.a.	1.61
		Clear + Argon	1.76	n.a.	1.56
		Low-e	1.73	n.a.	1.54
		Low-e + Argon	1.64	n.a.	1.47

- 1 <1/2" = a minimum dead air space of less than 0.5 inches between the panes of glass.  
 ≥ 1/2" = a minimum dead air space of 0.5 inches or greater between the panes of glass.  
 Where no gap width is listed, the minimum gap width is 1/4".
- 2 Any low-e (emissivity) coating (0.1, 0.2 or 0.4).

- 3 U-factors listed for argon shall consist of sealed, gas-filled insulated units for argon, CO2, SF6, argon/SF6 mixtures and Krypton.
- 4 "Glass block" assemblies may use a U-factor of 0.51.
- 5 Insulated fiberglass framed products shall use wood/vinyl U-factors.
- 6 Aluminum clad wood windows shall use the U-factors listed for wood/vinyl windows.
- 7 Aluminum Thermal Break = An aluminum thermal break framed window shall incorporate the following minimum design characteristics:
  - a) The thermal conductivity of the thermal break material shall be not more than 3.6 Btu-in/h/ft<sup>2</sup>/°F;
  - b) The thermal break material must produce a gap in the frame material of not less than 0.210 inches; and,
  - c) All metal framing members of the products exposed to interior and exterior air shall incorporate a thermal break meeting the criteria in a) and b) above.

**TABLE 10-6B<sup>1</sup>**  
**Group R Occupancy: SMALL BUSINESS COMPLIANCE TABLE FOR VERTICAL GLAZING**

DESCRIPTION <sup>2,3,4,6</sup>	FRAME TYPE <sup>7,8</sup>			
	ALUMINUM	ALUM. THERMAL BREAK <sup>9</sup>	WOOD/VINYL	ALUM. CLAD WOOD/REINFORCED VINYL <sup>10</sup>
Double, Clear 1/4"	0.82	0.66	0.56	0.59
Double, Clear 1/4" + argon	0.77	0.63	0.53	0.56
Double, Low-e4 1/4"	0.76	0.61	0.52	0.54
Double, Low-e2 1/4"	0.73	0.58	0.49	0.51
Double, Low-e1 1/4"	0.70	0.55	0.47	0.49
Double, Low-e4 1/4" + argon	0.70	0.55	0.47	0.49
Double, Low-e2 1/4" + argon	0.66	0.52	0.43	0.46
Double, Low-e1 1/4" + argon	0.64	0.50	0.41	0.43
Double, Clear 3/8"	0.78	0.63	0.54	0.57
Double, Clear 3/8" + argon	0.75	0.60	0.51	0.54
Double, Low-e4 3/8"	0.72	0.57	0.48	0.51
Double, Low-e2 3/8"	0.69	0.54	0.45	0.48
Double, Low-e1 3/8"	0.66	0.51	0.43	0.46
Double, Low-e4 3/8" + argon	0.68	0.53	0.44	0.47
Double, Low-e2 3/8" + argon	0.63	0.49	0.41	0.44
Double, Low-e1 3/8" + argon	0.61	0.47	<del>((0.39))</del> <u>0.35</u>	0.41
Double, Clear 1/2"	0.75	0.60	0.50	0.54
Double, Clear 1/2" + argon	0.72	0.58	0.48	0.51
Double, Low-e4 1/2"	0.68	0.53	0.44	0.47
Double, Low-e2 1/2"	0.64	0.50	0.40	0.44
Double, Low-e1 1/2"	0.61	0.47	0.35 <sup>5</sup>	0.42
Double, Low-e4 1/2" + argon	0.65	0.50	0.42	0.44
Double, Low-e2 1/2" + argon	0.60	0.46	0.37	0.40
Double, Low-e1 1/2" + argon	0.58	0.43	<del>((0.35))</del> <u>0.34</u>	0.38
Triple, Clear 1/4"	0.66	0.52	0.42	0.44
Triple, Clear 1/4" + argon	0.63	0.49	0.39	0.42
Triple, Low-e4 1/4"	0.64	0.50	0.40	0.40
Triple, Low-e2 1/4"	0.62	0.48	0.39	0.41
Triple, Low-e1 1/4"	0.61	0.47	0.38	0.40
Triple, Low-e4 1/4" + argon	0.60	0.46	0.37	0.39
Triple, Low-e2 1/4" + argon	0.58	0.43	0.34	0.37

TABLE 10-6B<sup>1</sup>  
**Group R Occupancy: SMALL BUSINESS COMPLIANCE TABLE FOR VERTICAL GLAZING**

DESCRIPTION <sup>2,3,4,6</sup>	FRAME TYPE <sup>7,8</sup>			
	ALUMINUM	ALUM. THERMAL BREAK <sup>9</sup>	WOOD/VINYL	ALUM. CLAD WOOD/REINFORCED VINYL <sup>10</sup>
Triple, Low-e1 1/4" + argon	0.57	0.42	0.34	0.36
Triple, Clear 1/2"	0.61	0.46	0.37	0.40
Triple, Clear 1/2" + argon	0.59	0.45	0.36	0.38
Triple, Low-e4 1/2"	0.58	0.43	0.35	0.37
Triple, Low-e2 1/2"	0.55	0.41	0.32	0.35
Triple, Low-e1 1/2"	0.54	0.39	0.31	0.33
Triple, Low-e4 1/2" + argon	0.55	0.41	0.32	0.35
Triple, Low-e2 1/2" + argon	0.52	0.38	0.30	0.32
Triple, Low-e1 1/2" + argon	0.51	0.37	0.29	0.31

Footnotes to Table 10-6B

- 1 Subtract 0.02 from the listed default U-factor for nonaluminum spacer. Acceptable spacer materials may include but is not limited to fiberglass, wood and butyl or other material with an equivalent thermal performance.
- 2 1/4" = a minimum dead air space of 0.25 inches between the panes of glass.  
 3/8" = a minimum dead air space of 0.375 inches between the panes of glass.  
 1/2" = a minimum dead air space of 0.5 inches between the panes of glass.  
 Product with air spaces different than those listed above shall use the value for the next smaller air space; i.e. 3/4 inch = 1/2 inch U-factors, 7/16 inch = 3/8 inch U-factors, 5/16 inch = 1/4 inch U-factors.
- 3 Low-e4 (emissivity) shall be 0.4 or less.  
 Low-e2 (emissivity) shall be 0.2 or less.  
 Low-e1 (emissivity) shall be 0.1 or less.
- 4 U-factors listed for argon shall consist of sealed, gas-filled insulated units for argon, CO2, SF6, and argon/SF6 mixtures. The following conversion factor shall apply to Krypton gas-filled units: 1/4" or greater with krypton is equivalent to 1/2" argon.
- 5 ~~((Reserved))~~ For this assembly only, products shall be deemed to comply if they have an emissivity of 0.16 or less.
- 6 "Glass block" assemblies may use a U-factor of 0.51.
- 7 Insulated fiberglass framed products shall use wood/vinyl U-factors.
- 8 Subtract 0.02 from the listed default values for solariums.
- 9 Aluminum Thermal Break = An aluminum thermal break framed window shall incorporate the following minimum design characteristics:
  - a) The thermal conductivity of the thermal break material shall be not more than 3.6 Btu-in/h/ft<sup>2</sup>/F°;
  - b) The thermal break material must produce a gap in the frame material of not less than 0.210 inches; and,
  - c) All metal framing members of the products exposed to interior and exterior air shall incorporate a thermal break meeting the criteria in a) and b) above.
- 10 Aluminum clad wood windows shall use the U-factors listed for Aluminum Clad Wood/Reinforced Vinyl windows. Vinyl clad wood window shall use the U-factors listed for Wood/Vinyl windows. Any vinyl frame window with metal reinforcement in more than one rail shall use the U-factors listed for Aluminum Clad Wood/Reinforced Vinyl window.

TABLE 10-6C  
Group R Occupancy: DEFAULT U-FACTORS FOR DOORS

Door Type	No Glazing	Single Glazing	Double Glazing with 1/4 in. Airspace	Double Glazing with 1/2 in. Airspace	Double Glazing with e = 0.10, 1/2 in. Argon
<b>SWINGING DOORS (Rough opening - 38 in. x 82 in.)</b>					
<i>Slab Doors</i>					
Wood slab in wood frame <sup>a</sup>	0.46				
6% glazing (22 in. x 8 in. lite)	-	0.48	0.47	0.46	0.44
25% glazing (22 in. x 36 in. lite)	-	0.58	0.48	0.46	0.42
45% glazing (22 in. x 64 in. lite)	-	0.69	0.49	0.46	0.39
More than 50% glazing		Use Table 10-6A			
Insulated steel slab with wood edge in wood frame <sup>a</sup>	0.16				
6% glazing (22 in. x 8 in. lite)	-	0.21	0.20	0.19	0.18
25% glazing (22 in. x 36 in. lite)	-	0.39	0.28	0.26	0.23
45% glazing (22 in. x 64 in. lite)	-	0.58	0.38	0.35	0.26
More than 50% glazing		Use Table 10-6A			
Foam insulated steel slab with metal edge in steel frame <sup>b</sup>	0.37				
6% glazing (22 in. x 8 in. lite)	-	0.44	0.42	0.41	0.39
25% glazing (22 in. x 36 in. lite)	-	0.55	0.50	0.48	0.44
45% glazing (22 in. x 64 in. lite)	-	0.71	0.59	0.56	0.48
More than 50% glazing		Use Table 10-6A			
Cardboard honeycomb slab with metal edge in steel frame <sup>b</sup>	0.61				
<i>Style and Rail Doors</i>					
Sliding glass doors/French doors		Use Table 10-6A			
<i>Site-Assembled Style and Rail Doors</i>					
Aluminum in aluminum frame	-	1.32	0.99	0.93	0.79
Aluminum in aluminum frame with thermal break	-	1.13	0.80	0.74	0.63
<b>REVOLVING DOORS (Rough opening - 82 in. x 84 in.)</b>					
Aluminum in aluminum frame					
Open	-	1.32	-	-	-
Closed	-	0.65	-	-	-
<b>SECTIONAL OVERHEAD DOORS (Nominal - 10 ft x 10 ft)</b>					
Uninsulated steel (nominal U = 1.15) <sup>c</sup>	1.15	-	-	-	-
Insulated steel (nominal U = 0.11) <sup>c</sup>	0.24	-	-	-	-
Insulated steel with thermal break (nominal U = 0.08) <sup>c</sup>	0.13	-	-	-	-
a.	Thermally broken sill (add 0.03 for nonthermally broken sill)				
b.	Nonthermally broken sill				
c.	Nominal U-factors are through the center of the insulated panel before consideration of thermal bridges around the edges of the door sections and due to the frame.				

**TABLE 10-6D**  
**Group R Occupancy: DEFAULT U-FACTORS FOR GLAZED DOORS**  
 See Table 10-6C

**TABLE 10-6E**  
**Group R Occupancy: DEFAULT U-FACTORS FOR OVERHEAD GLAZING**

Glazing Type	Frame Type			
	Aluminum without Thermal Break	Aluminum with Thermal Break	Reinforced Vinyl/ Aluminum-Clad Wood or Vinyl	Wood or Vinyl-Clad Wood/ Vinyl without Reinforcing
Single Glazing				
glass	U-1.58	U-1.51	U-1.40	U-1.18
acrylic/polycarb	U-1.52	U-1.45	U-1.34	U-1.11
Double Glazing				
air	U-1.05	U-0.89	U-0.84	U-0.67
argon	U-1.02	U-0.86	U-0.80	U-0.64
Double Glazing, $e = 0.20$				
air	U-0.96	U-0.80	U-0.75	U-0.59
argon	U-0.91	U-0.75	U-0.70	U-0.54
Double Glazing, $e = 0.10$				
air	U-0.94	U-0.79	U-0.74	U-0.58
argon	U-0.89	U-0.73	U-0.68	U-0.52
Double Glazing, $e = 0.05$				
air	U-0.93	U-0.78	U-0.73	U-0.56
argon	U-0.87	U-0.71	U-0.66	U-0.50
Triple Glazing				
air	U-0.90	U-0.70	U-0.67	U-0.51
argon	U-0.87	U-0.69	U-0.64	U-0.48
Triple Glazing, $e = 0.20$				
air	U-0.86	U-0.68	U-0.63	U-0.47
argon	U-0.82	U-0.63	U-0.59	U-0.43
Triple Glazing, $e = 0.20$ on 2 surfaces				
air	U-0.82	U-0.64	U-0.60	U-0.44
argon	U-0.79	U-0.60	U-0.56	U-0.40
Triple Glazing, $e = 0.10$ on 2 surfaces				
air	U-0.81	U-0.62	U-0.58	U-0.42
argon	U-0.77	U-0.58	U-0.54	U-0.38
Quadruple Glazing, $e = 0.10$ on 2x surfaces				
air	U-0.78	U-0.59	U-0.55	U-0.39
argon	U-0.74	U-0.56	U-0.52	U-0.36
krypton	U-0.70	U-0.52	U-0.48	U-0.32

1. U-factors are applicable to both glass and plastic, flat and domed units, all spacers and gaps.
2. Emissivities shall be less than or equal to the value specified.
3. Gap fill shall be assumed to be air unless there is a minimum of 90% argon or krypton.
4. Aluminum frame with thermal break is as defined in footnote 9 to Table 10-6B.

AMENDATORY SECTION (Amending WSR 05-01-013, filed 12/2/04, effective 7/1/05)

**WAC 51-11-1132 Alterations and repairs.** Alterations and repairs to buildings or portions thereof originally constructed subject to the requirements of this Code shall conform to the provisions of this Code without the use of the exception in Section 1130. Other alterations and repairs may be made to existing buildings and moved buildings without making the entire building comply with all of the requirements of this Code for new buildings, provided the following requirements are met:

1132.1 Building Envelope: Alterations or repairs shall comply with nominal R-values and glazing requirements in Table 13-1 or 13-2.

- EXCEPTIONS:
1. Storm windows installed over existing glazing.
  2. Glass replaced in existing sash and frame provided that glazing is of equal or lower U-factor.
  3. For solar heat gain coefficient compliance, glazing with a solar heat gain coefficient equal to or lower than that of the other existing glazing.
  4. Existing roof/ceiling, wall or floor cavities exposed during construction provided that these cavities are insulated to full depth with insulation having a minimum nominal value of R-3.0 per inch installed per Sections 1311 and 1313.
  5. Existing walls and floors without framing cavities, provided that any new cavities added to existing walls and floors comply with Exception 4.
  6. Existing roofs where the roof membrane is being replaced and
    - a. The roof sheathing or roof insulation is not exposed; or
    - b. If there is existing roof insulation below the deck. In no case shall the energy efficiency of the building be decreased.

1132.2 Building Mechanical Systems: Those parts of systems which are altered or replaced shall comply with Chapter 14 of this Code.

All new systems in existing buildings, including packaged unitary equipment and packaged split systems, shall comply with Chapter 14.

Where mechanical cooling is added to a space that was not previously cooled, the mechanical cooling system shall comply with Sections 1413 and either 1423 or 1433.

EXCEPTIONS: These exceptions only apply to situations where mechanical cooling is added to a space that was not previously cooled.

1. Water-cooled refrigeration equipment provided with a water economizer meeting the requirements of Section 1413 need not comply with 1423 or 1433. This exception shall not be used for RS-29 analysis.

2. Alternate designs that are not in full compliance with this Code may be approved when the building official determines that existing building or occupancy constraints make full compliance impractical or where full compliance would be economically impractical.

Alterations to existing mechanical cooling systems shall not decrease economizer capacity unless the system complies with Sections 1413 and either 1423 or 1433. In addition, for existing mechanical cooling systems that do not comply with Sections 1413 and either 1423 or 1433, including both the individual unit size limits and the total building capacity limits on units without economizer, other alterations shall comply with Table 11-1.

Existing equipment currently in use may be relocated within the same floor or same tenant space if removed and reinstalled within the same permit.

**TABLE 11-1: ECONOMIZER COMPLIANCE OPTIONS FOR MECHANICAL ALTERATIONS**

	<b><u>Option A</u></b>	<b><u>Option B (alternate to A)</u></b>	<b><u>Option C (alternate to A)</u></b>	<b><u>Option D (alternate to A)</u></b>
<b><u>Unit Type</u></b>	<b><u>Any alteration with new or replacement equipment</u></b>	<b><u>Replacement unit of the same type with the same or smaller output capacity</u></b>	<b><u>Replacement unit of the same type with a larger output capacity</u></b>	<b><u>New equipment added to existing system or replacement unit of a different type</u></b>
<b><u>1. Packaged Units</u></b>	<b><u>Efficiency: min.<sup>1</sup> Economizer: 1433<sup>2</sup></u></b>	<b><u>Efficiency: min.<sup>1</sup> Economizer: 1433<sup>2,3</sup></u></b>	<b><u>Efficiency: min.<sup>1</sup> Economizer: 1433<sup>2,3</sup></u></b>	<b><u>Efficiency: min.<sup>1</sup> Economizer: 1433<sup>2,4</sup></u></b>
<b><u>2. Split Systems</u></b>	<b><u>Efficiency: min.<sup>1</sup> Economizer: 1433<sup>2</sup></u></b>	<b><u>Efficiency: + 10/5%<sup>5</sup> Economizer: shall not decrease existing economizer capability</u></b>	<b><u>Only for new units &lt; 54,000 Btu/h replacing unit installed prior to 1991 (one of two): Efficiency: + 10/5%<sup>5</sup> Economizer: 50%<sup>6</sup></u></b> <b><u>For units &gt; 54,000 Btu/h or any units installed after 1991: Option A</u></b>	<b><u>Efficiency: min.<sup>1</sup> Economizer: 1433<sup>2,4</sup></u></b>

**TABLE 11-1: ECONOMIZER COMPLIANCE OPTIONS FOR MECHANICAL ALTERATIONS**

	<b><u>Option A</u></b>	<b><u>Option B (alternate to A)</u></b>	<b><u>Option C (alternate to A)</u></b>	<b><u>Option D (alternate to A)</u></b>
<b><u>Unit Type</u></b>	<b><u>Any alteration with new or replacement equipment</u></b>	<b><u>Replacement unit of the same type with the same or smaller output capacity</u></b>	<b><u>Replacement unit of the same type with a larger output capacity</u></b>	<b><u>New equipment added to existing system or replacement unit of a different type</u></b>
<b><u>3. Water Source Heat Pump</u></b>	<u>Efficiency: min.<sup>1</sup> Economizer: 1433<sup>2</sup></u>	<u>(two of three): Efficiency: + 10/5%<sup>5</sup> Flow control valve<sup>7</sup> Economizer: 50%<sup>6</sup></u>	<u>(three of three): Efficiency: + 10/5%<sup>5</sup> Flow control valve<sup>7</sup> Economizer: 50%<sup>6</sup> (except for certain pre-1991 systems<sup>8</sup>)</u>	<u>Efficiency: min.<sup>1</sup> Economizer: 1433<sup>2,4</sup> (except for certain pre-1991 systems<sup>8</sup>)</u>
<b><u>4. Hydronic Economizer using Air-Cooled Heat Rejection Equipment (Dry Cooler)</u></b>	<u>Efficiency: min.<sup>1</sup> Economizer: 1433<sup>2</sup></u>	<u>Efficiency: + 10/5%<sup>5</sup> Economizer: shall not decrease existing economizer capacity</u>	<u>Option A</u>	<u>Efficiency: min.<sup>1</sup> Economizer: 1433<sup>2,4</sup></u>
<b><u>5. Air-Handling Unit (including fan coil units) where the system has an air-cooled chiller</u></b>	<u>Efficiency: min.<sup>1</sup> Economizer: 1433<sup>2</sup></u>	<u>Economizer: shall not decrease existing economizer capacity</u>	<u>Option A (except for certain pre-1991 systems<sup>8</sup>)</u>	<u>Option A (except for certain pre-1991 systems<sup>8</sup>)</u>
<b><u>6. Air-Handling Unit (including fan coil units) and Water-cooled Process Equipment, where the system has a water-cooled chiller<sup>10</sup></u></b>	<u>Efficiency: min.<sup>1</sup> Economizer: 1433<sup>2</sup></u>	<u>Economizer: shall not decrease existing economizer capacity</u>	<u>Option A (except for certain pre-1991 systems<sup>8</sup> and certain 1991-2004 systems<sup>9</sup>)</u>	<u>Efficiency: min.<sup>1</sup> Economizer: 1433<sup>2,4</sup> (except for certain pre-1991 systems<sup>8</sup> and certain 1991-2004 systems<sup>9</sup>)</u>
<b><u>7. Cooling Tower</u></b>	<u>Efficiency: min.<sup>1</sup> Economizer: 1433<sup>2</sup></u>	<u>No requirements</u>	<u>Option A</u>	<u>Option A</u>
<b><u>8. Air-Cooled Chiller</u></b>	<u>Efficiency: min.<sup>1</sup> Economizer: 1433<sup>2</sup></u>	<u>Efficiency: + 5%<sup>11</sup> Economizer: shall not decrease existing economizer capacity</u>	<u>Efficiency (two of two): (1) + 10%<sup>12</sup> and (2) multistage Economizer: shall not decrease existing economizer capacity</u>	<u>Efficiency: min.<sup>1</sup> Economizer: 1433<sup>2,4</sup></u>
<b><u>9. Water-Cooled Chiller</u></b>	<u>Efficiency: min.<sup>1</sup> Economizer: 1433<sup>2</sup></u>	<u>Efficiency (one of two): (1) + 10%<sup>13</sup> or (2) plate frame heat exchanger<sup>15</sup> Economizer: shall not decrease existing economizer capacity</u>	<u>Efficiency (two of two): (1) + 15%<sup>14</sup> and (2) plate frame heat exchanger<sup>15</sup> Economizer: shall not decrease existing economizer capacity</u>	<u>Efficiency: min.<sup>1</sup> Economizer: 1433<sup>2,4</sup></u>
<b><u>10. Boiler</u></b>	<u>Efficiency: min.<sup>1</sup> Economizer: 1433<sup>2</sup></u>	<u>Efficiency: + 8%<sup>16</sup> Economizer: shall not decrease existing economizer capacity</u>	<u>Efficiency: + 8%<sup>16</sup> Economizer: shall not decrease existing economizer capacity</u>	<u>Efficiency: min.<sup>1</sup> Economizer: 1433<sup>2,4</sup></u>



1. Minimum equipment efficiency shall comply with Section 1411.1 and Tables 14-1A through M.
2. System and building shall comply with Section 1433 (including both the individual unit size limits and the total building capacity limits on units without economizer). It is acceptable to comply using one of the exceptions to Section 1433.
3. All equipment replaced in an existing building shall have air economizer complying with Sections 1413 and 1433 unless both the individual unit size and the total capacity of units without air economizer in the building is less than that allowed in Exception 1 to Section 1433.
4. All separate new equipment added to an existing building shall have air economizer complying with Sections 1413 and 1433 unless both the individual unit size and the total capacity of units without air economizer in the building is less than that allowed in Exception 1 to Section 1433.
5. Equipment shall have a capacity-weighted average cooling system efficiency:
  - a. For units with a cooling capacity below 54,000 Btu/h, a minimum of 10% greater than the requirements in Tables 14-1A and 14-1B (1.10 x values in Tables 14-1A and 14-1B).
  - b. For units with a cooling capacity of 54,000 Btu/h and greater, a minimum of 5% greater than the requirements in Tables 14-1A and 14-1B (1.05 x values in Tables 14-1A and 14-1B).
6. Minimum of 50% air economizer that is ducted in a fully enclosed path directly to every heat pump unit in each zone, except that ducts may terminate within 12 inches of the intake to an HVAC unit provided that they are physically fastened so that the outside air duct is directed into the unit intake. If this is an increase in the amount of outside air supplied to this unit, the outside air supply system shall be capable of providing this additional outside air and equipped with economizer control.
7. Have flow control valve to eliminate flow through the heat pumps that are not in operation with variable speed pumping control complying with Section 1432.2.2 for that heat pump.
  - When total capacity of units with flow control valves exceeds 15% of total system capacity, a variable frequency drive shall be installed on the main loop pump.
  - As an alternate to this requirement, have a capacity-weighted average cooling system efficiency that is 5% greater than the requirements in note 5 (i.e., a minimum of 15%/10% greater than the requirements in Tables 14-1A and 14-1B (1.15/1.10 x values in Tables 14-1A and 14-1B).)
8. Systems installed prior to 1991 without fully utilized capacity are allowed to comply with Option B, provided that the individual unit cooling capacity does not exceed 90,000 Btu/h.
9. Economizer not required for systems installed with water economizer plate and frame heat exchanger complying with previous codes between 1991 and June 2004, provided that the total fan coil load does not exceed the existing or added capacity of the heat exchangers.
10. For water-cooled process equipment where the manufacturer's specifications require colder temperatures than available with waterside economizer, that portion of the load is exempt from the economizer requirements.
11. The air-cooled chiller shall have an IPLV efficiency that is a minimum of 5% greater than the IPLV requirements in Table 14-1C (1.05 x IPLV values in Table 14-1C).
12. The air-cooled chiller shall:
  - a. Have an IPLV efficiency that is a minimum of 10% greater than the IPLV requirements in Table 14-1C (1.10 x IPLV values in Table 14-1C), and
  - b. Be multistage with a minimum of two compressors.
13. The water-cooled chiller shall have an NPLV efficiency that is a minimum of 10% greater than the NPLV requirements in Table 14-1K, Table 14-1L, or Table 14-1M (1.10 x NPLV values in Table 14-1K, Table 14-1L, or Table 14-1M).
14. The water-cooled chiller shall have an NPLV efficiency that is a minimum of 15% greater than the NPLV requirements in Table 14-1K, Table 14-1L, or Table 14-1M (1.15 x NPLV values in Table 14-1K, Table 14-1L, or Table 14-1M).
15. Economizer cooling shall be provided by adding a plate-frame heat exchanger on the waterside with a capacity that is a minimum of 20% of the chiller capacity at standard ARI rating conditions.
16. The replacement boiler shall have an efficiency that is a minimum of 8% higher than the value in Table 14-1F (1.08 x value in Table 14-1F), except for electric boilers.

1132.3 Lighting and Motors: Where the use in a space changes from one use in Table 15-1 to another use in Table 15-1, the installed lighting wattage shall comply with Section 1521 or 1531.

Other tenant improvements, alterations or repairs where 60 percent or more of the fixtures in a space enclosed by walls or ceiling-height partitions ((as defined in Table 15-1) within a tenant space or in an entire floor)) are new shall com-

ply with Sections 1531 and 1532. (Where this threshold is triggered, the areas of the affected spaces may be combined for lighting code compliance calculations.) Where less than 60 percent of the fixtures in a space enclosed by walls or ceiling-height partitions are new, the installed lighting wattage shall be maintained or reduced. Where 60 percent or more of the lighting fixtures in a suspended ceiling are new, and the existing insulation is on the suspended ceiling, the roof/ceiling assembly shall be insulated according to the provisions of Chapter 13 Section 1311.2.

Where new wiring is being installed to serve added fixtures and/or fixtures are being relocated to a new circuit, controls shall comply with Sections 1513.1 through 1513.5 and, as applicable, 1513.7. In addition, office areas less than 300 ft<sup>2</sup> enclosed by walls or ceiling-height partitions, and all meeting and conference rooms, and all school classrooms, shall be equipped with occupancy sensors that comply with Sections 1513.6 and 1513.7. Where a new lighting panel (or a moved lighting panel) with all new raceway and conductor wiring from the panel to the fixtures is being installed, controls shall also comply with the other requirements in Sections 1513.6 and 1513.7.

Where new walls or ceiling-height partitions are added to an existing space and create a new enclosed space, but the lighting fixtures are not being changed, other than being relocated, the new enclosed space shall have controls that comply with Sections 1513.1 through 1513.2, 1513.4, and 1513.6 through 1513.7.

Those motors which are altered or replaced shall comply with Section 1511.

**AMENDATORY SECTION** (Amending WSR 93-21-052, filed 10/18/93, effective 4/1/94)

**WAC 51-11-1310 General requirements.** The building envelope shall comply with Sections 1311 through 1314.

1310.1 Conditioned Spaces: The building envelope for conditioned spaces shall also comply with one of the following paths:

- a. Prescriptive Building Envelope Option Sections 1320 through 1323.
- b. Component Performance Building Envelope Option Sections 1330 through 1334.
- c. Systems Analysis. See Section 1141.4.

1310.2 Semi-Heated Spaces: All spaces shall be considered conditioned spaces, and shall comply with the requirements in Section 1310.1 unless they meet the following criteria for semi-heated spaces. The installed heating equipment output, in Climate Zone 1, shall be 3 Btu/(h•ft<sup>2</sup>) or greater but not greater than 8 Btu/(h•ft<sup>2</sup>) and in Climate Zone 2, shall be 5 Btu/(h•ft<sup>2</sup>) or greater but not greater than 12 Btu/(h•ft<sup>2</sup>). ~~((Heating shall be controlled by a thermostat mounted not lower than the heating unit and capable of preventing heating above 44 degrees space temperature. For semi-heated spaces, the only prescriptive, component performance, or systems analysis building envelope requirement shall be that:~~

**Climate Zone 1**

- a. ~~U = 0.10 maximum for the roof assembly, or~~
- b. ~~Continuous R-9 insulation installed entirely outside of the roof structure, or~~
- e. ~~R-11 insulation installed inside or within a wood roof structure, or~~
- d. ~~R-19 insulation installed inside or within a metal roof structure.~~

**Climate Zone 2**

- a. ~~U = 0.07 maximum for the roof assembly, or~~
- b. ~~Continuous R-14 insulation installed entirely outside of the roof structure, or~~
- e. ~~R-19 insulation installed inside or within a wood roof structure, or~~
- d. ~~R-25 insulation installed inside or within a metal roof structure.)~~

For semi-heated spaces, the building envelope shall comply with the same requirements as that for conditioned spaces in Section 1310.1.

EXCEPTION: For semi-heated spaces heated by other fuels only, wall insulation is not required for those walls that separate semi-heated spaces (see definition in Section 201.1) from the exterior provided that the space is heated solely by a heating system controlled by a thermostat with a maximum setpoint capacity of 45°F, mounted no lower than the heating unit.

**Figure 13A**  
**Building Envelope Compliance Options**

Section Number	Subject	Prescriptive Option	Component Performance Option	Systems Analysis Option
1310	General Requirements	X	X	X
1311	Insulation	X	X	X
1312	Glazing and Doors	X	X	X
1313	Moisture Control	X	X	X
1314	Air Leakage	X	X	X
1320	Prescriptive Building Envelope Option	X		
1321	General	X		
1322	Opaque Envelope	X		
1323	Glazing	X		
1330	Component Performance Building Envelope Option		X	
1331	General		X	
1332	Component U-Factors		X	
1333	UA Calculations		X	
1334	Solar Heat Gain Coefficient		X	
RS-29	Systems Analysis			X

**AMENDATORY SECTION** (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

**WAC 51-11-1312 Glazing and doors.**

1312.1 Standard Procedure for Determination of Glazing and Door U-Factors: U-Factors for glazing and doors shall be determined, certified and labeled in accordance with Standard RS-31 by a certified independent agency licensed by the National Fenestration Rating Council (NFRC). Compliance

shall be based on the Residential or the Nonresidential Model Size. Product samples used for U-factor determinations shall be production line units or representative of units as purchased by the consumer or contractor. Unlabeled glazing and doors shall be assigned the default U-factor in Table 10-6.

1312.2 Solar Heat Gain Coefficient and Shading Coefficient: Solar Heat Gain Coefficient (SHGC), shall be determined, certified and labelled in accordance with the National Fenestration Rating Council (NFRC) Standard by a certified, independent agency, licensed by the NFRC.

EXCEPTION: Shading coefficients (SC) shall be an acceptable alternate for compliance with solar heat gain coefficient requirements. Shading coefficients for glazing shall be taken from Chapter ((29)) 31 of RS-((27)) 1 or from the manufacturer's test data.

**AMENDATORY SECTION** (Amending WSR 93-21-052, filed 10/18/93, effective 4/1/94)

**WAC 51-11-1314 Air leakage.**

1314.1 Building Envelope: The requirements of this section shall apply to building elements separating conditioned from unconditioned spaces. Exterior joints around windows and door frames, openings between walls and foundation, between walls and roof and wall panels; openings at penetrations of utility services through walls, floors, and roofs; and all other openings in the building envelope shall be sealed, caulked, gasketed, or weatherstripped to limit air leakage.

1314.2 Glazing and Doors: Doors and operable glazing separating conditioned from unconditioned space shall be weatherstripped. Fixed windows shall be tight fitting with glass retained by stops with sealant or caulking all around.

EXCEPTION: Openings that are required to be fire resistant.

1314.3 Building Assemblies Used as Ducts or Plenums: Building assemblies used as ducts or plenums shall be sealed, caulked, and gasketed to limit air leakage.

1314.4 Recessed Lighting Fixtures: When installed in the building envelope, recessed lighting fixtures shall be Type IC rated, and certified under ASTM E283 to have no more than 2.0 cfm air movement from the conditioned space to the ceiling cavity. The lighting fixture shall be tested at 75 Pascals or 1.57 lbs/ft<sup>2</sup> pressure difference and have a label attached, showing compliance with this test method. Recessed lighting fixtures shall be installed with a gasket or caulk between the fixture and ceiling to prevent air leakage.

**AMENDATORY SECTION** (Amending WSR 05-01-013, filed 12/2/04, effective 7/1/05)

**WAC 51-11-1331 General.** Buildings or structures whose design heat loss rate (UA<sub>p</sub>) and solar heat gain coefficient rate (SHGC\*A<sub>p</sub>) are less than or equal to the target heat loss rate (UA<sub>t</sub>) and solar heat gain coefficient rate (SHGC\*A<sub>t</sub>) shall be considered in compliance with this section. The stated U-factor, F-factor or allowable area of any component assembly, listed in Tables 13-1 or 13-2, such as roof/ceiling, opaque wall, opaque door, glazing, floor over conditioned space, slab on grade floor, radiant floor or opaque floor may be increased and the U-factor or F-factor for other components decreased, provided that the total heat gain or loss for the entire building envelope does not exceed the total resulting from compliance to the U-factors, F-factors or allowable areas specified in this section.

EXCEPTION: Compliance is also allowed to be shown using RS-32 for Climate Zone 1.

**AMENDATORY SECTION** (Amending WSR 05-01-013, filed 12/2/04, effective 7/1/05)

**WAC 51-11-1334 Solar heat gain coefficient rate calculations.** Solar heat gain coefficient shall comply with Section 1323.3. The target SHGCA<sub>t</sub> and the proposed SHGCA<sub>p</sub> shall be calculated using Equation 13-3 and 13-4 and the corresponding areas and SHGCs from Table 13-1 or 13-2.

**Equation 13-1:**  
**Target UA<sub>t</sub>**

UA <sub>t</sub>	=	U <sub>rat</sub> A <sub>rat</sub> + U <sub>ograt</sub> A <sub>ograt</sub> + U <sub>ort</sub> A <sub>ort</sub> + U <sub>ogort</sub> A <sub>ogort</sub> + U <sub>wt</sub> A <sub>wt</sub> + U <sub>vgt</sub> A <sub>vgt</sub> + U <sub>dt</sub> A <sub>dt</sub> + U <sub>ft</sub> A <sub>ft</sub> + F <sub>st</sub> P <sub>st</sub> + U <sub>bgwt</sub> A <sub>bgwt</sub>
UA <sub>t</sub>	=	The target combined specific heat transfer of the gross roof/ceiling assembly, exterior wall and floor area.
Where:		
U <sub>rat</sub>	=	The thermal transmittance value for roofs over attics found in Table 13-1 or 13-2.
U <sub>ograt</sub>	=	The thermal transmittance for overhead glazing found in Table 13-1 or 13-2 which corresponds to the proposed total glazing area as a percent of gross exterior wall area.
U <sub>ort</sub>	=	The thermal transmittance value for other roofs found in Table 13-1 or 13-2.
U <sub>ogort</sub>	=	The thermal transmittance for overhead glazing found in Table 13-1 or 13-2 which corresponds to the proposed total glazing area as a percent of gross exterior wall area.
U <sub>wt</sub>	=	The thermal transmittance value for opaque walls found in Table 13-1 or 13-2.
U <sub>vgt</sub>	=	The thermal transmittance value for vertical glazing found in Table 13-1 or 13-2 which corresponds to the proposed total glazing area as a percent of gross exterior wall area.
U <sub>dt</sub>	=	The thermal transmittance value for opaque doors found in Table 13-1 or 13-2.
U <sub>ft</sub>	=	The thermal transmittance value for floors over unconditioned space found in Table 13-1 or 13-2.
F <sub>st</sub>	=	The F-factor for slab-on-grade and radiant slab floors found in Table 13-1 or 13-2.

$U_{bgwt}$	=	The thermal transmittance value for opaque walls found in Table 13-1 or 13-2.
$A_{dt}$	=	The proposed opaque door area, $A_d$ .
$A_{ft}$	=	The proposed floor over unconditioned space area, $A_f$ .
$P_{st}$	=	The proposed lineal feet of slab-on-grade and radiant slab floor perimeter, $P_s$ .
$A_{bgwt}$	=	The proposed below grade wall area, $A_{bgw}$ .
<b>and;</b>		
if the total amount of glazing area as a percent of gross exterior wall area does not exceed the maximum allowed in Table 13-1 or 13-2:		
$A_{rat}$	=	The proposed roof over attic area, $A_{ra}$ .
$A_{ograt}$	=	The proposed overhead glazing area in roofs over attics, $A_{ogra}$ .
$A_{ort}$	=	The proposed other roof area, $A_{or}$ .
$A_{ogort}$	=	The proposed overhead glazing area in other roofs, $A_{ogor}$ .
$A_{wt}$	=	The proposed opaque above grade wall area, $A_w$ .
$A_{vgt}$	=	The proposed vertical glazing area, $A_{vg}$ .
or;		
if the total amount of glazing area as a percent of gross exterior wall area exceeds the maximum allowed in Table 13-1 or 13-2:		
$A_{rat}$	=	The greater of: the proposed roof over attic area, and the gross roof over attic area minus $A_{ograt}$ .
$A_{ograt}$	=	The lesser of: proposed overhead glazing area in roofs over attics, and the maximum allowed glazing area from Table 13-1 or 13-2.
$A_{ort}$	=	The greater of: the proposed other roof area, and the gross other roof area minus $A_{ogort}$ .
$A_{ogort}$	=	The lesser of: the proposed overhead glazing area in other roofs, and the maximum allowed glazing area from Table 13-1 or 13-2 minus $A_{ograt}$ .
$A_{wt}$	=	The greater of: proposed opaque above grade wall area, and the gross exterior above grade wall area minus $A_{dt}$ minus $A_{vgt}$ .
$A_{vgt}$	=	The lesser of: the proposed vertical glazing area, and the maximum allowed glazing area from Table 13-1 or 13-2 minus $A_{ograt}$ minus $A_{ogort}$ .

**EQUATION 13-2**

**Proposed  $UA_p$**

$$UA_p = U_{ra}A_{ra} + U_{or}A_{or} + U_{og}A_{og} + U_wA_w + U_dA_d + U_{vg}A_{vg} + U_fA_f + F_sP_s + U_{bgw}A_{bgw}$$

Where:

- $UA_p$  = The combined proposed specific heat transfer of the gross exterior wall, floor and roof/ceiling assembly area.
- $U_{ra}$  = The thermal transmittance of the roof over attic area.
- $A_{ra}$  = Opaque roof over attic area.
- $U_{or}$  = The thermal transmittance of the other roof area.
- $A_{or}$  = Opaque other roof area.
- $U_{og}$  = The thermal transmittance for the overhead glazing
- $A_{og}$  = Overhead glazing area.
- $U_w$  = The thermal transmittance of the opaque wall area.
- $A_w$  = Opaque above grade wall area (not including opaque doors).

- $U_{vg}$  = The thermal transmittance of the vertical glazing area.
- $A_{vg}$  = Vertical glazing area.
- $U_d$  = The thermal transmittance value of the opaque door area.
- $A_d$  = Opaque door area.
- $U_f$  = The thermal transmittance of the floor over unconditioned space area.
- $A_f$  = Floor area over unconditioned space.
- $F_s$  = Slab-on-grade or radiant floor component F-factor.
- $P_s$  = Lineal feet of slab-on-grade or radiant floor perimeter.
- $U_{bgw}$  = The thermal transmittance value of the below grade wall area.
- $A_{bgw}$  = Below grade wall area as defined in Tables 13-1 or 13-2.

**NOTE:** Where more than one type of wall, window, roof/ceiling, door and skylight is used, the U and A terms for those items shall be expanded into sub-elements as:

$$U_{w1}A_{w1}+U_{w2}A_{w2}+U_{w3}A_{w3}+...etc.$$

**EQUATION 13-3**  
**Target SHGCA<sub>t</sub>**

$$SHGCA_t = SHGC_t (A_{ograt} + A_{ogort} + A_{vgt})$$

Where:

$SHGCA_t$  = The target combined specific heat gain of the target glazing area.

$SHGC_t$  = The solar heat gain coefficient for glazing found in Table 13-1 or 13-2 which corresponds to the proposed total glazing area as a percent of gross exterior wall area, and

$A_{ograt}$ ,  $A_{ogort}$ , and  $A_{vgt}$  are defined under Equation 13-1.

**EQUATION 13-4**  
**Proposed SHGCA<sub>p</sub>**

$$SHGCA_p = SHGC_{og}A_{og} + SHGC_{vg}A_{vg}$$

Where:

$SHGCA_t$  = The combined proposed specific heat gain of the proposed glazing area.

$SHGC_{og}$  = The solar heat gain coefficient of the overhead glazing.

$A_{og}$  = The overhead glazing area.

$SHGC_{vg}$  = The solar heat gain coefficient of the vertical glazing.

$A_{vg}$  = The vertical glazing area.

**TABLE 13-1**  
**BUILDING ENVELOPE REQUIREMENTS FOR CLIMATE ZONE 1**  
**MINIMUM INSULATION R-VALUES OR**  
**MAXIMUM COMPONENT U-FACTORS FOR ZONE 1**

**Building Components**

Space Heat Type	Components					
	Roofs Over Attic <sup>3</sup>	All Other Roofs <sup>3</sup>	Opaque Walls <sup>1,2</sup>	Opaque Doors	Floor Over Uncond Space	Slab On Grade <sup>5</sup>
1. Electric resistance heat**	R-38 or U = 0.031	R-30 or U = 0.034	R-19 or U = 0.062	U = 0.60	R-30 or U = 0.029	R-10 or F = 0.54
2. All others including Heat pumps and VAV	R-30 or U = 0.036	R-21 or U = 0.046	(a) Metal framing: R-19 or U = 0.109 (b) Wood framing and framing other than metal: R-19 or U = 0.062	U = 0.60	R-19 or U = 0.056	R-10 or F = 0.54

\*\* Compliance with nominal prescriptive R-values requires wood framing.

**MAXIMUM GLAZING AREAS AND U-FACTORS AND  
MAXIMUM GLAZING SOLAR HEAT GAIN COEFFICIENTS  
FOR ZONE 1**

**Glazing**

Maximum Glazing Area as % of Wall	0% to 30%			>30% to 45%		
	Maximum U-Factor		Max. SHGC <sup>4</sup>	Maximum U-Factor		Max. SHGC <sup>4</sup>
	VG	OG		VG	OG	
1. Electric resistance heat	0.40	0.60	0.40	PRESCRIPTIVE PATH NOT ALLOWED		
2. All others including heat pumps and VAV	0.55	0.70	0.45	0.45	0.60	0.40

**Footnotes**

**1. Below Grade Walls:**

When complying by the prescriptive approach, Section 1322:

- a) Walls insulated on the interior shall use opaque wall values,
- b) Walls insulated on the exterior shall use a minimum of R-10 insulation,
- c) Walls shall be insulated for the first 10 feet below grade. (There shall be no credit for those portions of below grade walls and footings that are more than 10 feet below grade, and those portions below 10 feet shall not be included in the gross exterior wall area).

When complying by the component performance approach, Section 1331:

- a) Walls insulated on the interior shall use the opaque wall values when determining  $U_{bgwt}$ .
- b) Walls insulated on the exterior shall use a target U-factor of  $U = 0.070$  for  $U_{bgwt}$ .
- c) The calculations shall include the first 10 feet of walls below grade. (Those portions of below grade walls and footings that are more than 10 feet below grade shall not be included in the gross exterior wall area and shall not be included when determining  $A_{bgwt}$  and  $A_{bgw}$ ).

**2. Concrete Masonry Walls:** If the area weighted heat capacity of the total opaque above grade wall is a minimum of 9.0 Btu/ft<sup>2</sup>•°F, then:

a. The area weighted average U-factor may be increased to U-0.15 maximum, or minimum additional R-5.7 continuous insulation uninterrupted by framing; or

b. The wall may be ASTM C90 concrete block walls, ungrouted or partially grouted at 32 in. or less on center vertically and 48 in. or less on center horizontally, with ungrouted cores filled with material having a maximum thermal conductivity of 0.44 Btu-in/h•ft<sup>2</sup>•°F.

– Individual walls with heat capacities less than 9.0 Btu/ft<sup>2</sup>•°F and below grade walls shall meet opaque wall requirements listed above.  
– Glazing shall comply with the glazing requirements listed above.

**3. Roof Types:** A roof over attic is where the roof structure has at least 30 inches clear distance from the top of the bottom chord of a truss or ceiling joist to the underside of the sheathing at the roof ridge, and the ceiling is attached to the ceiling joist or the bottom of the truss or ceiling joist. Anything else is considered all other roofs.

**4. SHGC (Solar Heat Gain Coefficient per Section 1312.2):** May substitute Maximum Shading Coefficient (SC) for SHGC (See Chapter 2 for definition of Shading Coefficient).

**5. Radiant Floors:** Where insulation is required under the entire slab, radiant floors shall use a minimum of R-10 insulation or  $F = 0.55$  maximum. Where insulation is not required under the entire slab, radiant floors shall use R-10 perimeter insulation according to Section 1311.6 or  $F = 0.78$  maximum.

**TABLE 13-2  
BUILDING ENVELOPE REQUIREMENTS  
FOR CLIMATE ZONE 2  
  
MINIMUM INSULATION R-VALUES OR  
MAXIMUM COMPONENT U-FACTORS FOR ZONE 2**

**Building Components**

Space Heat Type	Components					
	Roofs Over Attic <sup>3</sup>	All Other Roofs <sup>3</sup>	Opaque Walls <sup>1,2</sup>	Opaque Doors	Floor Over Uncond Space	Slab On Grade
1. Electric resistance heat**	R-38 or $U = 0.031$	R-30 or $U = 0.034$	R-24 or $U = 0.044$	$U = 0.60$	R-30 or $U = 0.029$	R-10 or $F = 0.54$
2. All others including Heat pumps and VAV	R-38 or $U = 0.031$	R-25 or $U = 0.039$	(a) Metal framing: R-13 cavity insul. +R-3.8 continuous insul. or $U = 0.084$ (b) Wood framing and framing other than metal: R-19 or $U = 0.062$	$U = 0.60$	R-21 or $U = 0.047$	R-10 or $F = 0.54$

\*\* Compliance with nominal prescriptive R-values requires wood framing.

**MAXIMUM GLAZING AREAS AND U-FACTORS AND  
MAXIMUM GLAZING SOLAR HEAT GAIN COEFFICIENTS  
FOR ZONE 2**

**Glazing**

Maximum Glazing Area as % of Wall	0% to 30%			>30% to 45%		
	Maximum U-Factor		Max. SHGC <sup>4</sup>	Maximum U-Factor		Max. SHGC <sup>4</sup>
	VG	OG		VG	OG	
1. Electric resistance heat	0.40	0.60	0.40	PRESCRIPTIVE PATH NOT ALLOWED		
2. All others including heat pumps and VAV	0.55	0.70	0.45	0.45	0.60	0.40

**Footnotes**

**1. Below Grade Walls:**

When complying by the prescriptive approach, Section 1322:

- a) Walls insulated on the interior shall use opaque wall values,
- b) Walls insulated on the exterior shall use a minimum of R-12 insulation,
- c) Walls shall be insulated for the first 10 feet below grade. (There shall be no credit for insulating those portions of below grade walls and footings that are more than 10 feet below grade, and those portions below 10 feet shall not be included in the gross exterior wall area.)

When complying by the component performance approach, Section 1331:

- a) Walls insulated on the interior shall use the opaque wall values when determining  $U_{bgwt}$ .
- b) Walls insulated on the exterior shall use a target U-factor of  $U=0.061$  for  $U_{bgwt}$ .
- c) The calculations shall include the first 10 feet of walls below grade. (Those portions of below grade walls and footings that are more than 10 feet below grade shall not be included in the gross exterior wall area and shall not be included when determining  $A_{bgwt}$  and  $A_{bgw}$ .)

**2. Concrete Masonry Walls:** If the area weighted heat capacity of the total opaque above grade wall is a minimum of 9.0 Btu/ft<sup>2</sup>•°F, then the U-factor may be increased to 0.123 maximum, or minimum additional R-7.6 continuous insulation uninterrupted by framing.

- Individual walls with heat capacities less than 9.0 Btu/ft<sup>2</sup>•°F and below grade walls shall meet opaque wall requirements listed above.
- Glazing shall comply with the glazing requirements above.

**3. Roof Types:** A roof over attic is where the roof structure has at least 30 inches clear distance from the top of the bottom chord of a truss or ceiling joist to the underside of the sheathing at the roof ridge, and the ceiling is attached to the ceiling joist or the bottom of the truss or ceiling joist. Anything else is considered all other roofs.

**4. SHGC (Solar Heat Gain Coefficient per Section 1312.2):** May substitute Maximum Shading Coefficient (SC) for SHGC (See Chapter 2 for definition of Shading Coefficient).

**5. Radiant Floors:** Where insulation is required under the entire slab, radiant floors shall use a minimum of R-10 insulation or  $F=0.55$  maximum. Where insulation is not required under the entire slab, radiant floors shall use R-10 perimeter insulation according to Section 1311.6 or  $F=0.78$  maximum.

**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 02-01-112, filed 12/18/01, effective 7/1/02)

**WAC 51-11-1411 HVAC equipment performance requirements.**

1411.1 General: Equipment shall have a minimum performance at the specified rating conditions not less than the values shown in Tables 14-1A through 14-1G. If a nationally recognized certification program exists for a product covered in Tables 14-1A through 14-1G, and it includes provisions for verification and challenge of equipment efficiency ratings, then the product shall be listed in the certification program.

Gas-fired and oil-fired forced air furnaces with input ratings  $\geq 225,000$  Btu/h (65 kW) and all unit heaters shall also have an intermittent ignition or interrupted device (IID), and have either mechanical draft (including power venting) or a flue damper. A vent damper is an acceptable alternative to a flue damper for furnaces where combustion air is drawn from the conditioned space. All furnaces with input ratings  $\geq 225,000$  Btu/h (65 kW), including electric furnaces, that are not located within the conditioned space shall have jacket losses not exceeding 0.75% of the input rating.

1411.2 Rating Conditions: Cooling equipment shall be rated at ARI test conditions and procedures when available. Where no applicable procedures exist, data shall be furnished by the equipment manufacturer.

1411.3 Combination Space and Service Water Heating: For combination space and service water heaters with a principal function of providing space heat, the Combined Annual Efficiency (CAE) may be calculated by using ASHRAE Standard 124-1991. Storage water heaters used in combination space heat and water heat applications shall have either an Energy Factor (EF) or a Combined Annual Efficiency (CAE) of not less than the following:

	Energy Factor (EF)	Combined Annual Efficiency (CAE)
< 50 gallon storage	0.58	0.71
50 to 70 gallon storage	0.57	0.71
> 70 gallon storage	0.55	0.70

1411.4 Packaged Electric Heating and Cooling Equipment: Packaged electric equipment providing both heating and cooling with a total cooling capacity greater than 20,000 Btu/h shall be a heat pump.

EXCEPTION: Unstaffed equipment shelters or cabinets used solely for personal wireless service facilities.

**AMENDATORY SECTION** (Amending WSR 04-01-106, filed 12/17/03, effective 7/1/04)

**WAC 51-11-1412 Controls.**

1412.1 Temperature Controls: Each system shall be provided with at least one temperature control device. Each zone shall be controlled by individual thermostatic controls responding to temperature within the zone. At a minimum, each floor of a building shall be considered as a separate zone.

1412.2 Deadband Controls: When used to control both comfort heating and cooling, zone thermostatic controls shall be capable of a deadband of at least 5 degrees F within which the supply of heating and cooling energy to the zone is shut off or reduced to a minimum.

EXCEPTIONS: 1. Special occupancy, special usage, or code requirements where deadband controls are not appropriate.  
2. ~~((Buildings complying with Section 1414.4, if in the proposed building energy analysis, heating and cooling thermostat setpoints are set to the same temperature between 70 degrees F and 75 degrees F inclusive, and assumed to be constant throughout the year. 3-))~~ Thermostats that require manual changeover between heating and cooling modes.

1412.3 Humidity Controls: If a system is equipped with a means for adding moisture, a humidistat shall be provided.

1412.4 Setback and Shutoff: HVAC systems shall be equipped with automatic controls capable of accomplishing a reduction of energy use through control setback or equipment shutdown during periods of nonuse or alternate use of the spaces served by the system. The automatic controls shall:

- a. Have a minimum seven-day clock and be capable of being set for seven different day types per week.
- b. Be capable of retaining programming and time setting during loss of power for a period of at least ten hours, and
- c. Include an accessible manual override, or equivalent function (e.g., telephone interface), that allows temporary operation of the system for up to two hours.

EXCEPTIONS: 1. Systems serving areas which require continuous operation at the same temperature setpoint.  
2. Equipment with full load demands of 2 Kw (6,826 Btu/h) or less may be controlled by readily accessible manual off-hour controls.  
3. Systems controlled by an occupant sensor that is capable of shutting the system off when no occupant is sensed for a period of up to 30 minutes.  
4. Systems controlled solely by a manually operated timer capable of operating the system for no more than two hours.

1412.4.1 Dampers: Outside air intakes, exhaust outlets and relief outlets serving conditioned spaces shall be equipped with motorized dampers which close automatically when the system is off or upon power failure. Stair shaft and elevator shaft smoke relief openings shall be equipped with normally open (fails to open upon loss of power) dampers. These dampers shall remain closed until activated by the fire alarm system or other approved smoke detection system.

EXCEPTIONS: 1. Systems serving areas which require continuous operation.  
2. Combustion air intakes.

3. Gravity (nonmotorized) dampers are acceptable in buildings less than 3 stories in height.
4. Gravity (nonmotorized) dampers are acceptable in exhaust and relief outlets in the first story and levels below the first story of buildings three or more stories in height.
5. Type I grease hoods exhaust.

Dampers installed to comply with this section, including dampers integral to HVAC equipment, shall have a maximum leakage rate when tested in accordance with AMCA Standard 500 of:

(a) Motorized dampers: 10 cfm/ft<sup>2</sup> of damper area at 1.0 in w.g.

(b) Nonmotorized dampers: 20 cfm/ft<sup>2</sup> of damper area at 1.0 in w.g., except that for nonmotorized dampers smaller than 24 inches in either dimension: 40 cfm/ft<sup>2</sup> of damper area at 1.0 in w.g.

Drawings shall indicate compliance with this section.

1412.4.2 Optimum Start Controls: Heating and cooling systems with design supply air capacities exceeding 10,000 cfm shall have optimum start controls. Optimum start controls shall be designed to automatically adjust the start time of an HVAC system each day to bring the space to desired occupied temperature levels immediately before scheduled occupancy. The control algorithm shall, as a minimum, be a function of the difference between space temperature and occupied setpoint and the amount of time prior to scheduled occupancy.

1412.5 Heat Pump Controls: Unitary air cooled heat pumps shall include microprocessor controls that minimize supplemental heat usage during start up, set-up, and defrost conditions. These controls shall anticipate need for heat and use compression heating as the first stage of heat. Controls shall indicate when supplemental heating is being used through visual means (e.g., LED indicators).

1412.6 Combustion Heating Equipment Controls: Combustion heating equipment with a capacity over 225,000 Btu/h shall have modulating or staged combustion control.

EXCEPTIONS: Boilers.  
Radiant heaters.

1412.7 Balancing: Each air supply outlet or air or water terminal device shall have a means for balancing, including but not limited to, dampers, temperature and pressure test connections and balancing valves.

1412.8 Ventilation Controls for High-Occupancy Areas. Demand control ventilation (DCV) is required for spaces that are larger than 500 ft<sup>2</sup>, have a design occupancy for ventilation of greater than 40 people per 1000 ft<sup>2</sup> of floor area, and are served by systems with one or more of the following:

- a. An air-side economizer.
- b. Automatic modulating control of the outdoor air damper, or
- c. A design outdoor airflow greater than 3000 cfm.

EXCEPTIONS: 1. Systems with energy recovery complying with Section 1436.  
2. Multiple-zone systems without direct-digital control of individual zones communicating with a central control panel.  
3. Systems with a design outdoor airflow less than 1200 cfm.



~~4. Spaces where the supply airflow rate minus any makeup or outgoing transfer air requirement is less than 1200 cfm.~~

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

**WAC 51-11-1416 Mechanical systems commissioning and completion requirements.**

~~((1416.1 Drawings: Construction documents shall require that within 90 days after the date of system acceptance, record drawings of the actual installation be provided to the building owner. Record drawings shall include as a minimum the location and performance data on each piece of equipment, general configuration of duct and pipe distribution system, including sizes, and the terminal air and water design flow rates.~~

~~1416.2 Manuals: Construction documents shall require an operating manual and maintenance manual be provided to the building owner. The manual shall be in accordance with industry accepted standards and shall include, at a minimum, the following:~~

- ~~1. Submittal data stating equipment size and selected options for each piece of equipment requiring maintenance.~~
- ~~2. Operation and maintenance manuals for each piece of equipment requiring maintenance, except equipment not furnished as part of the project. Required routine maintenance actions shall be clearly identified.~~
- ~~3. Names and addresses of at least one service agency.~~
- ~~4. HVAC controls system maintenance and calibration information, including wiring diagrams, schematics, and control sequence descriptions. Desired or field determined set points shall be permanently recorded on control drawings at control devices, or, for digital control systems, in programming comments.~~
- ~~5. A complete narrative of how each system is intended to operate including suggested set points.~~

~~1416.3 System Balancing~~

~~1416.3.1) 1416.1 General: Commissioning is a systematic process of verification and documentation that ensures that the selected building systems have been designed, installed, and function properly, efficiently, and can be maintained in accordance with the contract documents in order to satisfy the building owner's design intent and operational requirements. Drawing notes shall require commissioning and completion requirements in accordance with Section 1416. Drawing notes may refer to specifications for further requirements.~~

1416.1.1 Simple Systems: For simple systems, as defined in Section 1421, and for warehouses and semi-heated spaces, commissioning shall include, as a minimum:

- a. A Commissioning Plan.
- b. System Testing and Balancing.
- c. Controls Functional Performance Testing.
- d. A Preliminary Commissioning Report.

e. Post Construction Documentation in the form of O&M and Record Drawing Review, and

f. A Final Commissioning Report.

1416.1.2 All Other Mechanical Systems: For all other mechanical systems, commissioning shall include, as a minimum:

- a. A Commissioning Plan.
- b. System Testing and Balancing.
- c. Equipment Functional Performance Testing.
- d. Controls Functional Performance Testing.
- e. A Preliminary Commissioning Report.
- f. Post Construction Documentation (all), and
- g. A Final Commissioning Report.

1416.2 Commissioning Requirements.

1416.2.1 Commissioning Plan: The plans shall require tests mandated by this section be performed and the results recorded. The plans shall require preparation of preliminary and final reports of test procedures and results as described herein. At a minimum, the plans shall identify the following for each test:

- a. A detailed explanation of the original design intent.
- b. Equipment and systems to be tested, including the extent of tests.
- c. Functions to be tested (for example, calibration, economizer control, etc.).
- d. Conditions under which the test shall be performed (for example, winter and summer design conditions, full outside air, etc.).
- e. Measurable criteria for acceptable performance.

1416.2.2 Systems Balancing.

1416.2.2.1 General: Construction documents shall require that all HVAC systems be balanced in accordance with generally accepted engineering standards. Air and water flow rates shall be measured and adjusted to deliver final flow rates within 10% of design rates, except variable flow distribution systems need not be balanced upstream of the controlling device (for example, VAV box or control valve). Construction documents shall require a written balance report be provided to the owner. Drawing notes may refer to specifications for further systems balancing requirements.

~~((1416.3.2))~~ 1416.2.2.2 Air System Balancing: Air systems shall be balanced in a manner to first minimize throttling losses then, for fans with system power of greater than 1 hp, fan speed shall be adjusted to meet design flow conditions.

~~((1416.3.3))~~ 1416.2.2.3 Hydronic System Balancing: Hydronic systems shall be proportionately balanced in a manner to first minimize throttling losses, then the pump impeller shall be trimmed or pump speed shall be adjusted to meet design flow conditions. ((Each hydronic system shall have either the ability to measure pressure across the pump, or test ports at each side of each pump.))

EXCEPTIONS:

1. Pumps with pump motors of 10 hp or less.
2. When throttling results in no greater than 5% of the nameplate horsepower draw above that required if the impeller were trimmed.

(1416.4 Systems Commissioning

1416.4.1 Simple Systems: For simple systems, as defined in Section 1421, and for warehouses and semi-heated spaces, HVAC control systems shall be tested to ensure that control devices, components, equipment and systems are calibrated, adjusted and operate in accordance with approved plans and specifications. Sequences of operation shall be functionally tested to ensure they operate in accordance with approved plans and specifications. A complete report of test procedures and results shall be prepared and filed with the owner. Drawing notes shall require commissioning in accordance with this paragraph.

1416.4.2 Other Systems: All other HVAC control systems, and other automatically controlled systems for which energy consumption, performance, or mode of operation are regulated by this code, shall be tested to ensure that control devices, equipment and systems are calibrated, adjusted and operate in accordance with approved plans and specifications. Sequences of operation shall be functionally tested to ensure they operate in accordance with approved plans and specifications.

1416.4.2.1 Documentation: Drawing notes shall require commissioning in accordance with this section. Drawing notes may refer to specifications for further commissioning requirements. Plans and specifications shall require tests mandated by this section be performed and the results recorded. Plans and specifications shall require preparation of preliminary and final reports of test procedures and results as described in Section 1416.4.2.2. Plans and specifications shall identify the following for each test:

1. Equipment and systems to be tested, including the extent of sampling tests;
2. Functions to be tested (for example calibration, economizer control, etc.);
3. Conditions under which the test shall be performed (for example winter design conditions, full outside air, etc.);
4. Measurable criteria for acceptable performance.

1416.4.2.2 Commissioning Reports

1416.4.2.2.1 Preliminary Commissioning Report: A preliminary commissioning report of test procedures and results shall be prepared. The preliminary report shall identify:

1. Deficiencies found during testing required by this section which have not been corrected at the time of report preparation and the anticipated date of correction.
2. Deferred tests which cannot be performed at the time of report preparation due to climatic conditions.
3. Climatic conditions required for performance of the deferred tests, and the anticipated date of each deferred test.

1416.4.2.2.2)) Each hydronic system shall have either the ability to measure pressure across the pump, or test ports at each side of each pump.

1416.2.3 Functional Performance Testing.

1416.2.3.1 Equipment/Systems Testing: Functional Performance Testing shall demonstrate the correct installation and operation of each component, system, and system-to-system intertie relationship in accordance with approved plans and specifications. This demonstration is to prove the operation, function, and maintenance serviceability for each of the commissioned systems. Testing shall include all modes of operation, including:

- a. All modes as described in the Sequence of Operation,
- b. Redundant or automatic back-up mode,
- c. Performance of alarms, and
- d. Mode of operation upon a loss of power and restored power.

1416.2.3.2 Controls Testing: HVAC control systems shall be tested to ensure that control devices, components, equipment and systems are calibrated, adjusted and operate in accordance with approved plans and specifications. Sequences of operation shall be functionally tested to ensure they operate in accordance with approved plans and specifications.

1416.2.4 Post Construction Commissioning.

1416.2.4.1 General: Construction documents shall require post construction commissioning be provided to the building owner. Drawing notes may refer to specifications for further commissioning requirements. Post construction commissioning shall include, as a minimum, review and approval of Operation and Maintenance Materials, Record Drawings, and Systems Operational Training.

1416.2.4.2 Operation and Maintenance (O&M) Manuals: The O&M manual shall be in accordance with industry accepted standards and shall include, at a minimum, the following:

- a. Submittal data stating equipment size and selected options for each piece of equipment requiring maintenance.
- b. Operation and maintenance manuals for each piece of equipment requiring maintenance, except equipment not furnished as part of the project. Required routine maintenance actions shall be clearly identified.
- c. Names and addresses of at least one service agency.
- d. HVAC controls system maintenance and calibration information, including wiring diagrams, schematics, and control sequence descriptions. Desired or field determined set points shall be permanently recorded on control drawings at control devices, or, for digital control systems, in programming comments.
- e. A complete narrative of how each system is intended to operate including:
  - i. A detailed explanation of the original design intent.
  - ii. The basis of design (how the design was selected to meet the design intent).
  - iii. A detailed explanation of how new equipment is to interface with existing equipment or systems (where applicable).
  - iv. Suggested set points.

Note: Sequence of Operation is not acceptable as narrative for this requirement.

1416.2.4.3 Record Drawings: Record drawings shall include as a minimum the location and performance data on each

piece of equipment, general configuration of duct and pipe distribution system, including sizes, and the terminal air and water design flow rates of the actual installation.

1416.2.4.4 Systems Operational Training: The training of the appropriate maintenance staff for each equipment type and/or system shall include, as a minimum, the following:

a. System/Equipment overview (what it is, what it does and which other systems and/or equipment does it interface with).

b. Review of the available O&M materials.

c. Review of the Record Drawings on the subject system/equipment.

d. Hands-on demonstration of all normal maintenance procedures, normal operating modes, and all emergency shut-down and start-up procedures.

1416.2.5 Commissioning Reports.

1416.2.5.1 Preliminary Commissioning Report: A preliminary report of commissioning test procedures and results shall be completed and provided to the owner. The preliminary commissioning report shall identify:

a. Deficiencies found during testing required by this section which have not been corrected at the time of report preparation and the anticipated date of correction.

b. Deferred tests which cannot be performed at the time of report preparation due to climatic conditions.

c. Climatic conditions required for performance of the deferred tests, and the anticipated date of each deferred test.

1416.2.5.2 Final Commissioning Report: A complete report of test procedures and results shall be prepared and filed with the owner. The Final Commissioning Report shall identify:

a. Results of all Functional Performance Tests.

b. Disposition of all deficiencies found during testing, including details of corrective measures used or proposed.

c. All Functional Performance Test procedures used during the commissioning process including measurable criteria for test acceptance, provided herein for repeatability.

EXCEPTION: Deferred tests which cannot be performed at the time of report preparation due to climatic conditions.

1416.3 Acceptance Requirements.

((1416.4.2.3)) 1416.3.1 Acceptance: Buildings or portions thereof, required by this code to comply with this section, shall not be issued a final certificate of occupancy until such time that the building official determines that the preliminary commissioning report required by ((this)) Section 1416.2.5.1 has been completed.

AMENDATORY SECTION (Amending WSR 93-21-052, filed 10/18/93, effective 4/1/94)

**WAC 51-11-1432 Controls.**

1432.1 Setback and Shutoff: Systems that serve zones with different uses, as defined in Table 15-1

1. Shall be served by separate systems, or
2. Shall include isolation devices and controls to shut off or set back the supply of heating and cooling to each zone independently.

EXCEPTION: Isolation or separate systems are not required for zones expected to operate continuously or expected to be inoperative only when all other zones are inoperative.

1432.2 Systems Temperature Reset Controls

1432.2.1 Air Systems for Multiple Zones: Systems supplying heated or cooled air to multiple zones shall include controls which automatically reset supply air temperatures by representative building loads or by outside air temperature. Temperature shall be reset by at least 25 percent of the design supply-air-to-room-air temperature difference.

EXCEPTION: Where specified humidity levels are required to satisfy process needs, such as computer rooms or museums.

1432.2.2 Hydronic Systems: Systems with a design capacity of ~~((600,000))~~ 300,000 Btu/h or greater supplying heated or mechanically refrigerated water ~~((to comfort conditioning systems))~~ shall include controls which automatically reset supply water temperatures by representative building loads (including return water temperature) or by outside air temperature. Temperature shall be reset by at least 25 percent of the design supply-to-return water temperature differences.

EXCEPTIONS:

1. Hydronic systems that use variable flow devices complying with Section 1438 to reduce pumping energy.
2. Steam boilers.
3. Systems that provide heating with 100°F or lower supply temperature (e.g., water source heat pump loops).

To limit the heat loss from the heat rejection device (cooling tower), for hydronic heat pumps connected to a common heat pump water loop with central devices for heat rejection (e.g., cooling tower):

a. If a closed-circuit tower (fluid cooler) is used, either an automatic valve shall be installed to bypass all but a minimal flow of water around the tower (for freeze protection), or low leakage positive closure dampers shall be provided.

b. If an open-circuit tower is used directly in the heat pump loop, an automatic valve shall be installed to bypass all heat pump water flow around the tower.

c. If an open-circuit tower is used in conjunction with a separate heat exchanger to isolate the tower from the heat pump loop, then heat loss shall be controlled by shutting down the circulation pump on the cooling tower loop.

For hydronic heat pumps connected to a common heat pump water loop with central devices for heat rejection (e.g., cooling tower) and having a total pump system power exceeding 10 hp, each hydronic heat pump shall have:

a. A two-position two-way (but not three-way) valve, or

b. A variable head pressure two-way (water regulating) control valve or pump.

For the purposes of this section, pump system power is the sum of the nominal power demand (i.e., nameplate horsepower at nominal motor efficiency) of motors of all pumps that are required to operate at design conditions to supply fluid from the heating or cooling source to all heat transfer devices (e.g., coils, heat exchanger) and return it to the source. This converts the system into a variable flow system and, as such, the primary circulation pumps shall comply with the variable flow requirements in Section 1438.

AMENDATORY SECTION (Amending WSR 05-01-013, filed 12/2/04, effective 7/1/05)

**WAC 51-11-1433 Economizers.** Air economizers meeting the requirements of Section 1413 shall be provided on all new systems including those serving computer server rooms, electronic equipment, radio equipment, telephone switchgear.

EXCEPTIONS:

1. High-efficiency cooling units with SEER and EER values more than 10% higher than minimum efficiencies listed in Tables 14-1A, 14-1B and 14-1D, in the appropriate size category, using the same test procedures. The total capacity of all systems without economizers shall not exceed 480,000 Btu/h per building, or 20% of its air economizer capacity, whichever is greater. That portion of the equipment serving Group R Occupancy is not included in determining the total capacity of all units without economizers in a building. This exception shall not be used for RS-29 analysis nor include unitary cooling equipment installed outdoors nor in a mechanical room adjacent to outdoors.

2. Chilled water terminal units connected to systems with chilled water generation equipment with COP and IPLV values more than 10% higher than minimum efficiencies listed in Table 14-1C, in the appropriate size category, using the same test procedures. The total capacity of all systems without economizers shall not exceed 480,000 Btu/h per building, or 20% of its air economizer capacity, whichever is greater. That portion of the equipment serving Group R Occupancy is not included in determining the total capacity of all units without economizers in a building. This exception shall not be used for RS-29 analysis.

3. Water-cooled refrigeration equipment provided with a water economizer meeting the requirements of Section 1413. Water economizer capacity per building shall not exceed 500 tons. This exception shall not be used for RS-29 analysis.

~~(3-)~~ 4. Systems for which at least 75% of the annual energy used for mechanical cooling is provided from site-recovery or site-solar energy source.

~~(4-)~~ 5. Systems where special outside air filtration and treatment, for the reduction and treatment of unusual outdoor contaminants, makes an air economizer infeasible.

~~(5-)~~ 6. Systems that affect other systems (such as dehumidification and supermarket refrigeration systems) so as to increase the overall building energy consumption. New humidification equipment shall comply with Section 1413.4.

~~(6-)~~ 7. Systems complying with all of the following criteria:

- a. Consist of multiple water source heat pumps connected to a common water loop;
- b. Have a minimum of 60% air economizer;
- c. Have water source heat pumps with an EER at least 15% higher for cooling and a COP at least 15% higher for heating than that specified in Section 1411;
- d. Where provided, have a central boiler or furnace efficiency of:
  - i. 90% minimum for units up to 199,000 Btu/h; and
  - ii. 85% minimum for units above 199,000 Btu/h input; and
- e. Provide heat recovery with a minimum 50% heat recovery effectiveness as defined in Section 1436 to preheat the outside air supply.

~~(7-)~~ 8. For Group R Occupancy, cooling units installed outdoors or in a mechanical room adjacent to outdoors with a total cooling capacity less than 20,000 Btu/h and other cooling units with a total cooling capacity less than 54,000 Btu/h.

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

**WAC 51-11-1438 Variable flow systems and system criteria.** For fans and pumps greater than 10 horsepower, where the application involves variable flow, and water source heat pump loops subject to the requirements of Section 1432.2.2, there shall be:

a. Variable speed drives, or ((variable flow devices installed. Acceptable variable flow devices include variable inlet vanes, variable blade pitch, and variable fan geometry. Throttling valves (dampers), scroll dampers or bypass circuits shall not be allowed.))

b. Other controls and devices that will result in fan and pump motor demand of no more than 30% of design wattage at 50% of design air volume for fans when static pressure set point equals 1/3 the total design static pressure, and 50% of design water flow for pumps, based on manufacturer's certified test data. Variable inlet vanes, throttling valves (dampers), scroll dampers or bypass circuits shall not be allowed.

Static pressure sensors used to control variable air volume fans shall be placed in a position such that the controller set point is no greater than 1/3 the total design fan static pressure.

For systems with direct digital control of individual zone boxes reporting to the central control panel, there shall be static pressure reset controls and the static pressure set point shall be reset based on the zone requiring the most pressure; i.e., the set point is reset lower until one zone damper is nearly wide open.

1438.1 Cooling Towers: All cooling towers with a total fan motor horsepower greater than 10 hp shall be equipped with a variable speed drive or with a pony motor of a rated hp no greater than 1/3 of the hp of the primary motor. For pony motors, the cooling tower control shall provide two-stage operation of fans and shall bring on the pony motor to operate without the primary motor while meeting the condenser water setpoint.

AMENDATORY SECTION (Amending WSR 05-01-013, filed 12/2/04, effective 7/1/05)

**WAC 51-11-1454 Pool covers.** Heated pools shall be equipped with a vapor retardant pool cover on or at the water surface. Pools heated to more than 90 degrees F shall have a pool cover with a minimum insulation value of R-12.

**Table 14-1A  
Unitary Air Conditioners and Condensing Units, Electrically Operated, Minimum Efficiency Requirements**

Equipment Type	Size Category	Sub-Category or Rating Condition	Minimum Efficiency <sup>b</sup>	Test Procedure <sup>a</sup>	
Air Conditioners, Air Cooled	< 65,000 Btu/h <sup>d</sup>	Split System <del>((Before January 23, 2006</del> <del>((After January 23, 2006</del>	<del>10.0 SEER))</del> 12.0) 13.0 SEER	ARI 210/240	
		Single Package <del>((Before January 23, 2006</del> <del>((After January 23, 2006</del>	9.7 SEER)) 12.0) 13.0 SEER		
	≥ 65,000 Btu/h and < 135,000 Btu/h	Split System and Single Package <u>On or after Jan 1, 2010<sup>e</sup></u>		10.3 EER <sup>c</sup> 10.6 IPLV <sup>ε</sup> 11.2 EER <sup>ε</sup>	
			Split System and Single Package <u>On or after Jan 1, 2010<sup>e</sup></u>	9.7 EER <sup>c</sup> 9.9 IPLV <sup>ε</sup> 11.0 EER <sup>ε</sup>	ARI 340/360
	≥ 240,000 Btu/h and < 760,000 Btu/h	Split System and Single Package <u>On or after Jan 1, 2010<sup>e</sup></u>	9.5 EER <sup>c</sup> 9.7 IPLV <sup>c</sup> 10.0 EER <sup>ε</sup>		
	≥ 760,000 Btu/h	Split System and Single Package <u>On or after Jan 1, 2010<sup>e</sup></u>	9.2 EER <sup>c</sup> 9.4 IPLV <sup>c</sup> 9.7 EER <sup>ε</sup>		
Through-the-Wall, Air Cooled	< 30,000 Btu/h <sup>d</sup>	Split System <del>((Before January 23, 2006</del> <u>On or after January 23, ((2006)) 2010<sup>e</sup></u>	<del>10.0)) 10.9 SEER</del> <del>((10.9)) 12.0 SEER</del>	ARI 210/240	
		Single Package <del>((Before January 23, 2006</del> <u>On or after January 23, ((2006)) 2010<sup>e</sup></u>	9.7)) 10.6 SEER <del>((10.6)) 12.0 SEER</del>		
Small-Duct High-Velocity, Air Cooled	< 65,000 Btu/h <sup>d</sup>	Split System	10.0 SEER	ARI 210/240	
Air Conditioners, Water and Evaporatively Cooled	< 65,000 Btu/h	Split System and Single Package	12.1 EER	ARI 210/240	
	≥ 65,000 Btu/h and < 135,000 Btu/h	Split System and Single Package	11.5 EER <sup>c</sup>		
	≥ 135,000 Btu/h and ≤ 240,000 Btu/h	Split System and Single Package	11.0 EER <sup>c</sup>	ARI 340/360	
	> 240,000 Btu/h	Split System and Single Package	11.0 EER <sup>c</sup> 10.3 IPLV <sup>c</sup>		
Condensing Units, Air Cooled	≥ 135,000 Btu/h		10.1 EER 11.2 IPLV	ARI 365	

Equipment Type	Size Category	Sub-Category or Rating Condition	Minimum Efficiency <sup>b</sup>	Test Procedure <sup>a</sup>
Condensing Units, Water or Evaporatively Cooled	≥ 135,000 Btu/h		13.1 EER 13.1 IPLV	
<sup>a</sup> Reserved. <sup>b</sup> IPLVs are only applicable to equipment with capacity modulation. <sup>c</sup> Deduct 0.2 from the required EERs and IPLVs for units with a heating section other than electric resistance heat. <sup>d</sup> <del>Applies to all units, including single-phase and three-phase. For single-phase air-cooled air-conditioners &lt; 65,000 Btu/h ((are regulated by NAECA.))</del> SEER values are those set by NAECA. <sup>e</sup> <del>Date of manufacture, as regulated by NAECA.</del>				

**Table 14-1B**  
**Unitary and Applied Heat Pumps, Electrically Operated, Minimum Efficiency Requirements**

Equipment Type	Size Category	Sub-Category or Rating Condition	Minimum Efficiency <sup>b</sup>	Test Procedure <sup>a</sup>
Air Cooled, (Cooling Mode)	< 65,000 Btu/h <sup>d</sup>	Split System <del>((Before January 23, 2006</del> 10.0 SEER) <del>12.0))</del> 13.0 SEER <del>((After January 23, 2006</del> <del>))</del>	ARI 210/240	
		Single Package <del>((Before January 23, 2006</del> 9.7 SEER) <del>12.0))</del> 13.0 SEER <del>((After January 23, 2006</del> <del>))</del>		
	≥ 65,000 Btu/h and < 135,000 Btu/h	Split System and Single Package <u>On or after Jan 1, 2010<sup>e</sup></u> 10.1 EER <sup>c</sup> 10.4 IPLV <sup>e</sup> 11.0 EER <sup>e</sup>	ARI 340/360	
	≥ 135,000 Btu/h and < 240,000 Btu/h	Split System and Single Package <u>On or after Jan 1, 2010<sup>e</sup></u> 9.3 EER <sup>c</sup> 9.5 IPLV <sup>e</sup> 10.6 EER <sup>e</sup>		
	≥ 240,000 Btu/h	Split System and Single Package <u>On or after Jan 1, 2010<sup>e</sup></u> 9.0 EER <sup>c</sup> 9.2 IPLV <sup>c</sup> 9.5 EER <sup>e</sup>		
Through-the-Wall (Air Cooled, Cooling Mode)	< 30,000 Btu/h <sup>d</sup>	Split System <del>((Before January 23, 2006</del> 10.0)) 10.9 SEER <u>On or after January 23, ((2006)) 2010<sup>e</sup></u> <del>((40.9))</del> 12.0 SEER	ARI 210/240	
		Single Package <del>((Before January 23, 2006</del> 9.7)) 10.6 SEER <u>On or after January 23, ((2006)) 2010<sup>e</sup></u> <del>((40.6))</del> 12.0 SEER		
Small-Duct High-Velocity (Air Cooled, Cooling Mode)	< 65,000 Btu/h <sup>d</sup>	Split System	10.0 SEER	ARI 210/240
Water-Source (Cooling Mode)	< 17,000 Btu/h	86°F Entering Water	11.2 EER	ARI/ISO-13256-1
	≥ 17,000 Btu/h and < 65,000 Btu/h	86°F Entering Water	12.0 EER	ARI/ISO-13256-1
	≥ 65,000 Btu/h and < 135,000 Btu/h	86°F Entering Water	12.0 EER	ARI/ISO-13256-1

Equipment Type	Size Category	Sub-Category or Rating Condition	Minimum Efficiency <sup>b</sup>	Test Procedure <sup>a</sup>
Groundwater-Source (Cooling Mode)	< 135,000 Btu/h	59°F Entering Water	16.2 EER	ARI/ISO-13256-1
Ground Source (Cooling Mode)	< 135,000 Btu/h	77°F Entering Water	13.4 EER	ARI/ISO-13256-1
Air Cooled (Heating Mode)	< 65,000 Btu/h <sup>d</sup> (Cooling Capacity)	Split System <del>((Before January 23, 2006</del> 6.8 HSPF) <del>((After January 23, 2006</del> 7.4) <u>7.7</u> HSPF		ARI 210/240
		Single Package <del>((Before January 23, 2006</del> 6.6 HSPF) <del>((After January 23, 2006</del> 7.4) <u>7.7</u> HSPF		
	≥ 65,000 Btu/h and < 135,000 Btu/h (Cooling Capacity)	47°F db/43°F wb Outdoor Air <u>On or after January 1, 2010<sup>e</sup></u> 17°F db/15°F wb Outdoor Air	3.2 COP <u>3.3 COP</u> 2.2 COP	
	≥ 135,000 Btu/h (Cooling Capacity)	47°F db/43°F wb Outdoor Air <u>On or after January 1, 2010<sup>e</sup></u> 17°F db/15°F wb Outdoor Air	3.1 COP <u>3.2 COP</u> 2.0 COP	
Through-the-Wall (Air Cooled, Heating Mode)	< 30,000 Btu/h <sup>d</sup>	Split System <del>((Before January 23, 2006</del> 6.8 HSPF) <u>On or after January 23, ((2006)) 2010<sup>e</sup></u> <del>((7-1)) 7.4</del> HSPF		ARI 210/240
		Single Package <del>((Before January 23, 2006</del> 6.6 HSPF) <u>On or after January 23, ((2006)) 2010<sup>e</sup></u> <del>((7-0)) 7.4</del> HSPF		
Small-Duct High-Velocity (Air Cooled, Heating Mode)	< 65,000 Btu/h <sup>d</sup>	Split System	6.8 HSPF	ARI 210/240
Water-Source (Heating Mode)	< 135,000 Btu/h (Cooling Capacity)	68°F Entering Water	4.2 COP	ARI/ISO-13256-1
Groundwater-Source (Heating Mode)	< 135,000 Btu/h (Cooling Capacity)	50°F Entering Water	3.6 COP	ARI/ISO-13256-1
Ground Source (Heating Mode)	< 135,000 Btu/h (Cooling Capacity)	32°F Entering Water	3.1 COP	ARI/ISO-13256-1

<sup>a</sup> Reserved.

<sup>b</sup> IPLVs and part load rating conditions are only applicable to equipment with capacity modulation.

<sup>c</sup> Deduct 0.2 from the required EERs and IPLVs for units with a heating section other than electric resistance heat.

<sup>d</sup> Applies to all units, including single-phase and three-phase. For single-phase air-cooled heat pumps < 65,000 Btu/h (~~are regulated by NAECA.~~), SEER and HSPF values are those set by NAECA.

<sup>e</sup> Date of manufacture, as regulated by NAECA.

**Table 14-1C  
Water Chilling Packages, Minimum Efficiency Requirements**

Equipment Type	Size Category	Sub-Category or Rating Condition	Minimum Efficiency <sup>b</sup>	Test Procedure <sup>a</sup>
Air Cooled, With Condenser, Electrically Operated	All Capacities		2.80 COP 3.05 IPLV	ARI 550/590
Air Cooled, Without Condenser, Electrically Operated	All Capacities		3.10 COP 3.45 IPLV	
Water Cooled, Electrically Operated, Positive Displacement (Reciprocating)	All Capacities		4.20 COP 5.05 IPLV	ARI 550/590
Water Cooled, Electrically Operated, Positive Displacement (Rotary Screw and Scroll)	< 150 Tons		4.45 COP 5.20 IPLV	ARI 550/590
	≥ 150 Tons and < 300 Tons		4.90 COP 5.60 IPLV	
	≥ 300 Tons		5.50 COP 6.15 IPLV	
Water Cooled, Electrically Operated, Centrifugal	< 150 Tons		5.00 COP 5.25 IPLV	ARI 550/590
	≥ 150 Tons and < 300 Tons		5.55 COP 5.90 IPLV	
	≥ 300 Tons		6.10 COP 6.40 IPLV	
Air Cooled Absorption Single Effect	All Capacities		0.60 COP	ARI 560
Water Cooled Absorption Single Effect	All Capacities		0.70 COP	
Absorption Double Effect, Indirect-Fired	All Capacities		1.00 COP 1.05 IPLV	
Absorption Double Effect, Direct-Fired	All Capacities		1.00 COP 1.00 IPLV	
<sup>a</sup> Reserved. <sup>b</sup> The chiller equipment requirements do not apply for chillers used in low temperature applications where the design leaving fluid temperature is less than or equal to 40°F.				

**Table 14-1D  
Packaged Terminal Air Conditioners, Packaged Terminal Heat Pumps, Room Air Conditioners, and Room Air Conditioner Heat Pumps, Electrically Operated, Minimum Efficiency Requirements**

Equipment Type	Size Category (Input)	Sub-Category or Rating Condition	Minimum Efficiency <sup>b</sup>	Test Procedure <sup>a</sup>
PTAC (Cooling Mode) New Construction	All Capacities	95°F db Outdoor Air	12.5 - (0.213 x Cap/1000) <sup>b</sup> EER	ARI 310/380
PTAC (Cooling Mode) Replacements <sup>c</sup>	All Capacities	95°F db Outdoor Air	10.9 - (0.213 x Cap/1000) <sup>b</sup> EER	
PTHP (Cooling Mode) New Construction	All Capacities	95°F db Outdoor Air	12.3 - (0.213 x Cap/1000) <sup>b</sup> EER	
PTHP (Cooling Mode) Replacements <sup>c</sup>	All Capacities	95°F db Outdoor Air	10.8 - (0.213 x Cap/1000) <sup>b</sup> EER	



Equipment Type	Size Category (Input)	Sub-Category or Rating Condition	Minimum Efficiency <sup>b</sup>	Test Procedure <sup>a</sup>
PTHP (Heating Mode) New Construction	All Capacities		3.2 - (0.026 x Cap/1000) <sup>b</sup> COP	
PTHP (Heating Mode) Replacements <sup>c</sup>	All Capacities		2.9 - (0.026 x Cap/1000) <sup>b</sup> COP	
SPVAC (Cooling Mode)	All Capacities	95°F db/75°F wb Outdoor Air	8.6 EER	ARI-390
SPVHP (Cooling Mode)	All Capacities	95°F db/75°F wb Outdoor Air	8.6 EER	
SPVAC (Heating Mode)	All Capacities	47°F db/43°F wb Outdoor Air	2.7 COP	
Room Air Conditioners, with Louvered Sides	< 6,000 Btu/h		9.7 EER	ANSI/AHAM RAC-1
	≥ 6,000 Btu/h and < 8,000 Btu/h		9.7 EER	
	≥ 8,000 Btu/h and < 14,000 Btu/h		9.8 EER	
	≥ 14,000 Btu/h and < 20,000 Btu/h		9.7 EER	
	≥ 20,000 Btu/h		8.5 EER	
Room Air Conditioners, without Louvered Sides	< 8,000 Btu/h		9.0 EER	
	≥ 8,000 Btu/h and < 20,000 Btu/h		8.5 EER	
	≥ 20,000 Btu/h		8.5 EER	
Room Air Conditioner Heat Pumps with Louvered Sides	< 20,000 Btu/h		9.0 EER	
	≥ 20,000 Btu/h		8.5 EER	
Room Air Conditioner Heat Pumps without Louvered Sides	< 14,000 Btu/h		8.5 EER	
	≥ 14,000 Btu/h		8.0 EER	
Room Air Conditioner, Casement Only	All Capacities		8.7 EER	
Room Air Conditioner, Casement – Slider	All Capacities		9.5 EER	

<sup>a</sup> Reserved.

<sup>b</sup> Cap means the rated cooling capacity of the product in Btu/h. If the unit's capacity is less than 7000 Btu/h, use 7000 Btu/h in the calculation. If the unit's capacity is greater than 15,000 Btu/h, use 15,000 Btu/h in the calculation.

<sup>c</sup> Replacement units must be factory labeled as follows: "MANUFACTURED FOR REPLACEMENT APPLICATIONS ONLY; NOT TO BE INSTALLED IN NEW CONSTRUCTION PROJECTS." Replacement efficiencies apply only to units with existing sleeves less than 16-in. high and less than 42-in. wide.

<sup>d</sup> Casement room air conditioners are not separate product classes under current minimum efficiency column.

<sup>e</sup> New room air conditioner standards, covered by NAECA became effective October 1, 2000.

**Table 14-1E**  
**Warm Air Furnaces and Combination Warm Air Furnaces/Air-Conditioning Units, Warm Air Duct Furnaces and Unit Heaters, Minimum Efficiency Requirements**

Equipment Type	Size Category (Input)	Sub-Category or Rating Condition	Minimum Efficiency <sup>b</sup>	Test Procedure <sup>a</sup>
Warm Air Furnace, Gas-Fired	< 225,000 Btu/h (66 kW)		78% AFUE or 80% E <sub>t</sub> <sup>c</sup>	DOE 10 CFR Part 430 or ANSI Z21.47
	≥ 225,000 Btu/h (66 kW)	Maximum Capacity <sup>c</sup> Minimum Capacity <sup>c</sup>	80% E <sub>c</sub> <sup>f</sup>	ANSI Z21.47
Warm Air Furnace, Oil-Fired	< 225,000 Btu/h (66 kW)		78% AFUE or 80% E <sub>t</sub> <sup>c</sup>	DOE 10 CFR Part 430 or UL 727
	≥ 225,000 Btu/h (66 kW)	Maximum Capacity <sup>b</sup> Minimum Capacity <sup>b</sup>	81% E <sub>t</sub> <sup>g</sup> —	UL 727
Warm Air Duct Furnaces, Gas-Fired	All Capacities	Maximum Capacity <sup>b</sup> Minimum Capacity <sup>b</sup>	80% E <sub>c</sub> <sup>e</sup> —	ANSI Z83.9
Warm Air Unit Heaters, Gas-Fired	All Capacities	Maximum Capacity <sup>b</sup> Minimum Capacity <sup>b</sup>	80% E <sub>c</sub> <sup>e</sup> —	ANSI Z83.8
Warm Air Unit Heaters, Oil-Fired	All Capacities	Maximum Capacity <sup>b</sup> Minimum Capacity <sup>b</sup>	80% E <sub>c</sub> <sup>e</sup> —	UL 731

<sup>a</sup> Reserved.

<sup>b</sup> Minimum and maximum ratings as provided for and allowed by the unit's controls.

<sup>c</sup> Combination units not covered by NAECA (3-phase power or cooling capacity greater than or equal to 65,000 Btu/h [19 kW]) may comply with either rating.

<sup>d</sup> E<sub>t</sub> = Thermal efficiency. See test procedure for detailed discussion.

<sup>e</sup> E<sub>c</sub> = Combustion efficiency (100% less flue losses). See test procedure for detailed discussion.

<sup>f</sup> E<sub>c</sub> = Combustion efficiency. Units must also include an IID, have jacket losses not exceeding 0.75% of the input rating, and have either power venting or a flue damper. A vent damper is an acceptable alternative to a flue damper for those furnaces where combustion air is drawn from the conditioned space.

<sup>g</sup> E<sub>t</sub> = Thermal efficiency. Units must also include an IID, have jacket losses not exceeding 0.75% of the input rating, and have either power venting or a flue damper. A vent damper is an acceptable alternative to a flue damper for those furnaces where combustion air is drawn from the conditioned space.

**Table 14-1F**  
**Boilers, Gas- and Oil-Fired, Minimum Efficiency Requirements**

Equipment Type <sup>f</sup>	Size Category	Sub-Category or Rating Condition	Minimum Efficiency <sup>b</sup>	Test Procedure
Boilers, Gas-Fired	< 300,000 Btu/h	Hot Water	80% AFUE	DOE 10 CFR Part 430
		Steam	75% AFUE	
	≥ 300,000 Btu/h and ≤ 2,500,000 Btu/h	Maximum Capacity <sup>b</sup>	75% E <sub>t</sub> and 80% E <sub>c</sub>	<del>((H.I. Htg Boiler Std))</del> DOE 10 CFR Part 431
	> 2,500,000 Btu/h <sup>(f)</sup> <sup>a</sup>	Hot Water	80% E <sub>c</sub>	
> 2,500,000 Btu/h <sup>(f)</sup> <sup>a</sup>	Steam	80% E <sub>c</sub>		

Equipment Type <sup>f</sup>	Size Category	Sub-Category or Rating Condition	Minimum Efficiency <sup>b</sup>	Test Procedure
Boilers, Oil-Fired	< 300,000 Btu/h		80% AFUE	DOE 10 CFR Part 430
	≥ 300,000 Btu/h and ≤ 2,500,000 Btu/h	Maximum Capacity <sup>b</sup>	78% E <sub>t</sub> and 83% E <sub>c</sub>	((H.I. Htg Boiler Std)) DOE 10 CFR Part 431
	> 2,500,000 Btu/h <sup>(f) a</sup>	Hot Water	83% E <sub>c</sub>	
	> 2,500,000 Btu/h <sup>(f) a</sup>	Steam	83% E <sub>c</sub>	
Oil-Fired (Residual)	≥ 300,000 Btu/h and ≤ 2,500,000 Btu/h	Maximum Capacity <sup>b</sup>	78% E <sub>t</sub> and 83% E <sub>c</sub>	((H.I. Htg Boiler Std)) DOE 10 CFR Part 431
	> 2,500,000 Btu/h <sup>(f) a</sup>	Hot Water	83% E <sub>c</sub>	
	> 2,500,000 Btu/h <sup>(f) a</sup>	Steam	83% E <sub>c</sub>	

~~<sup>a</sup> ((Reserved-)) These requirements apply to boilers with rated input of 8,000,000 Btu/h or less that are not packaged boilers, and to all packaged boilers. Minimum efficiency requirements for boilers cover all capacities of packaged boilers.~~

<sup>b</sup> Minimum and maximum ratings as provided for and allowed by the unit's controls.

<sup>(e)</sup> E<sub>c</sub> = Combustion efficiency (100% less flue losses). See reference document for detailed information.

<sup>(d)</sup> E<sub>t</sub> = Thermal efficiency. See reference document for detailed information.

~~<sup>(c)</sup> Alternate test procedures used at the manufacturer's option are ASME PTC-4.1 for units over 5,000,000 Btu/h input, or ANSI Z21.13 for units greater than or equal to 300,000 Btu/h and less than or equal to 2,500,000 Btu/h input.~~

~~<sup>f</sup> These requirements apply to boilers with rated input of 8,000,000 Btu/h or less that are not packaged boilers, and to all packaged boilers. Minimum efficiency requirements for boilers cover all capacities of packaged boilers.~~

**Table 14-1G  
Performance Requirements for Heat Rejection Equipment**

Equipment Type	Total System Heat Rejection Capacity at Rated Conditions	Sub-Category or Rating Condition	Minimum Efficiency <sup>b</sup>	Test Procedure <sup>c</sup>
Propeller or Axial Fan Cooling Towers	All	95°F (35°C) Entering Water 85°F (29°C) Leaving Water 75°F (24°C) wb Outdoor Air	≥38.2 gpm/hp	CTI ATC-105 and CTI STD-201
Centrifugal Fan Cooling Towers	All	95°F (35°C) Entering Water 85°F (29°C) Leaving Water 75°F (24°C) wb Outdoor Air	≥ 20.0 gpm/hp	CTI ATC-105 and CTI STD-201
Air Cooled Condensers	All	125°F (52°C) Condensing Temperature R22 Test Fluid 190°F (88°C) Entering Gas Temperature 15°F (8°C) Subcooling 95°F (35°C) Entering Drybulb	≥176,000 Btu/h•hp	ARI 460

<sup>a</sup> For purposes of this table, cooling tower performance is defined as the maximum flow rating of the tower divided by the fan nameplate rated motor power.

<sup>b</sup> For purposes of this table air-cooled condenser performance is defined as the heat rejected from the refrigerant divided by the fan nameplate rated motor power.

<sup>c</sup> Reserved.

TABLE 14-2 RESERVED

TABLE 14-3 RESERVED

**TABLE 14-4**  
**Energy Efficient Electric Motors**  
**Minimum Nominal Full-Load Efficiency**

Synchronous Speed (RPM)	Open Motors			Closed Motors		
	3,600	1,800	1,200	3,600	1,800	1,200
HP	Efficiency	Efficiency	Efficiency	Efficiency	Efficiency	Efficiency
1.0	-	82.5	80.0	75.5	82.5	80.0
1.5	82.5	84.0	84.0	82.5	84.0	85.5
2.0	84.0	84.0	85.5	84.0	84.0	86.5
3.0	84.0	86.5	86.5	85.5	87.5	87.5
5.0	85.5	87.5	87.5	87.5	87.5	87.5
7.5	87.5	88.5	88.5	88.5	89.5	89.5
10.0	88.5	89.5	90.2	89.5	89.5	89.5
15.0	89.5	91.0	90.2	90.2	91.0	90.2
20.0	90.2	91.0	91.0	90.2	91.0	90.2
25.0	91.0	91.7	91.7	91.0	92.4	91.7
30.0	91.0	92.4	92.4	91.0	92.4	91.7
40.0	91.7	93.0	93.0	91.7	93.0	93.0
50.0	92.4	93.0	93.0	92.4	93.0	93.0
60.0	93.0	93.6	93.6	93.0	93.6	93.6
75.0	93.0	94.1	93.6	93.0	94.1	93.6
100.0	93.0	94.1	94.1	93.6	94.5	94.1
125.0	93.6	94.5	94.1	94.5	94.5	94.1
150.0	93.6	95.0	94.5	94.5	95.0	95.0
200.0	94.5	95.0	94.5	95.0	95.0	95.0

**TABLE 14-5**  
**Duct Insulation**

Duct Type	Duct Location	Insulation R-Value	Other Requirements
Supply, Return	Not within conditioned space: On exterior of building, on roof, in attic, in enclosed ceiling space, in walls, in garage, in crawl spaces	R-7	Approved weather proof barrier
Outside air intake	Within conditioned space	R-7	See Section 1414.2
Supply, Return, Outside air intake	Not within conditioned space: in concrete, in ground	R-5.3	
Supply with supply air temperature < 55°F or > 105°F	Within conditioned space	R-3.3	

Note: Requirements apply to the duct type listed, whether heated or mechanically cooled. Mechanically cooled ducts requiring insulation shall have a vapor retarder, with a perm rating not greater than 0.5 and all joints sealed.

**TABLE 14-6**  
**Minimum Pipe Insulation (inches)<sup>1</sup>**

Fluid Design Operating Temp. Range, °F	Insulation Conductivity		Nominal Pipe Diameter (in.)					
	Conductivity Range Btu•in. / (h•ft <sup>2</sup> •°F)	Mean Rating Temp. °F	Runouts <sup>2</sup> up to 2	1 and less	> 1 to 2	> 2 to 4	> 4 to 6	> 6
Heating systems (Steam, Steam Condensate[,] and Hot water)			Nominal Insulation Thickness					
Above 350	0.32-0.34	250	1.5	2.5	2.5	3.0	3.5	3.5
251-350	0.29-0.31	200	1.5	2.0	2.5	2.5	3.5	3.5
201-250	0.27-0.30	150	1.0	1.5	1.5	2.0	2.0	3.5
141-200	0.25-0.29	125	0.5	1.5	1.5	1.5	1.5	1.5
105-140	0.24-0.28	100	0.5	1.0	1.0	1.0	1.5	1.5
Domestic and Service Hot Water Systems								
105 and Greater	0.24-0.28	100	0.5	1.0	1.0	1.5	1.5	1.5
Cooling Systems (Chilled Water, Brine[,] and Refrigerant)								
40-55	0.23-0.27	75	0.5	0.5	0.75	1.0	1.0	1.0
Below 40	0.23-0.27	75	1.0	1.0	1.5	1.5	1.5	1.5

- Alternative Insulation Types. Insulation thicknesses in Table 14-6 are based on insulation with thermal conductivities within the range listed in Table 14-6 for each fluid operating temperature range, rated in accordance with ASTM C 335-84 at the mean temperature listed in the table. For insulation that has a conductivity outside the range shown in Table 14-6 for the applicable fluid operating temperature range at the mean rating temperature shown (when rounded to the nearest 0.01 Btu•in./(h•ft<sup>2</sup>•°F)), the minimum thickness shall be determined in accordance with the following equation:

$$T = PR[(1 + t/PR)^{k/k} - 1]$$

Where

- T = Minimum insulation thickness for material with conductivity K, inches.
  - PR = Pipe actual outside radius, inches.
  - t = Insulation thickness from Table 14-6, inches
  - K = conductivity of alternate material at the mean rating temperature indicated in Table 14-6 for the applicable fluid temperature range, Btu•in./(h•ft<sup>2</sup>•°F)
  - k = the lower value of the conductivity range listed in Table 14-6 for the applicable fluid temperature range, Btu •in./(h•ft<sup>2</sup>•°F)
- Runouts to individual terminal units not exceeding 12 ft. in length.

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

**CHAPTER 15**  
**LIGHTING ((~~AND~~), MOTORS**  
**AND TRANSFORMERS**

The compliance path selected for interior and exterior lighting need not be the same. However, interior and exterior lighting cannot be traded.

Transformers shall comply with Section 1540.

AMENDATORY SECTION (Amending WSR 93-21-052, filed 10/18/93, effective 4/1/94)

**WAC 51-11-1501 Scope.** Interior and exterior lighting ((~~and~~), electric motors and transformers) shall comply with the requirements of this chapter.

AMENDATORY SECTION (Amending WSR 93-21-052, filed 10/18/93, effective 4/1/94)

**WAC 51-11-1510 General requirements.** Lighting and motors shall comply with Sections 1511 through ((~~1513~~)) 1514. Lighting systems shall comply with one of the following paths:

- a. Prescriptive Standards: Interior Section 1521, or Exterior Section 1522.
- b. Component Performance: Interior Section 1531, or Exterior Section 1532.
- c. Systems Analysis. See Section 1141.4.

Figure 15A  
Lighting ~~((and))~~, Motor and Transformer Compliance Options

Section Number	Subject	Prescriptive Option	Lighting Power Allowance Option	Systems Analysis Option
1510	General Requirements	X	X	X
1511	Electric Motors	X	X	X
1512	Exempt Lighting	X	X	X
1513	Lighting Controls	X	X	X
1514	<u>Exit Signs</u>	<u>X</u>	<u>X</u>	<u>X</u>
1520	Prescriptive Lighting Option	X		
1521	Prescriptive Interior Lighting Requirements	X		
1522	Prescriptive Exterior Lighting Requirements	Sec. 1532		
1530	Lighting Power Allowance Option		X	
1531	Interior Lighting Power Allowance		X	
1532	Exterior Lighting Power Allowance		X	
<u>1540</u>	<u>Transformers</u>	<u>X</u>	<u>X</u>	<u>X</u>
RS-29	Systems Analysis			X

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

**WAC 51-11-1512 Exempt lighting.**

1512.1 Exempt Spaces: The following rooms, spaces, and areas, are exempt from the lighting power requirements in Sections 1520 and 1530 but shall comply with all other requirements of this chapter.

1. Areas in which medical or dental tasks are performed.
2. High risk security areas or any area identified by building officials as requiring additional lighting.
3. Spaces designed for primary use by the visually impaired, hard of hearing (lip-reading) or by senior citizens.
4. Food preparation areas.
5. ~~((Outdoor manufacturing, greenhouses, and processing areas.~~
- 6.)) Electrical/mechanical equipment rooms.
- 7.)) ~~Outdoor athletic facilities.~~
- 8.)) 6. Inspection and restoration areas in galleries and museums.
- 9.)) 7. The sanctuary portion of a house of worship, defined as the space or room where the worship service takes place. Classrooms, meeting rooms, offices and multipurpose rooms that are part of the same facility are not exempt.

1512.2 Exempt Lighting Equipment: The following lighting equipment and tasks are exempt from the lighting requirements of Section 1520 and need not be included when calculating the installed lighting power under Section 1530 but shall comply with all other requirements of this chapter. All other lighting in areas that are not exempted by Section 1512.2, where exempt tasks and equipment are used, shall comply with all of the requirements of this chapter.

1. Special lighting needs for research.
2. Emergency lighting that is automatically OFF during normal building operation.
3. ~~((Lighting integral to signs, and permanently ballasted lighting fixtures for walkways and pathways.~~
- 4.)) Lighting that is part of machines, equipment or furniture.
- 5.)) 4. Lighting that is used solely for indoor plant growth during the hours of 10:00 p.m. to 6:00 a.m.
- 6.)) 5. Lighting for theatrical productions, television broadcasting (including sports facilities), audio-visual presentations, and special effects lighting for stage areas and dance floors in entertainment facilities.
- 7.)) 6. Lighting for art exhibits, nonretail displays, portable plug in display fixtures, and show case lighting.
- 8.)) ~~Exterior lighting for public monuments.))~~

AMENDATORY SECTION (Amending WSR 05-01-013, filed 12/2/04, effective 7/1/05)

**WAC 51-11-1513 Lighting controls.** Lighting, including exempt lighting in Section 1512, shall comply with this section. Where occupancy sensors are cited, they shall have the features listed in Section 1513.6.1. Where automatic time switches are cited, they shall have the features listed in Section 1513.6.2.

1513.1 Local Control and Accessibility: Each space, enclosed by walls or ceiling-height partitions, shall be provided with lighting controls located within that space. The lighting controls, whether one or more, shall be capable of turning off all lights within the space. The controls shall be readily accessible, at the point of entry/exit, to personnel occupying or using the space.

EXCEPTIONS: The following lighting controls may be centralized in remote locations:

1. Lighting controls for spaces which must be used as a whole.
2. Automatic controls.
3. Controls requiring trained operators.
4. Controls for safety hazards and security.

1513.2 Area Controls: The maximum lighting power that may be controlled from a single switch or automatic control shall not exceed that which is provided by a twenty ampere circuit loaded to not more than eighty percent. A master control may be installed provided the individual switches retain their capability to function independently. Circuit breakers may not be used as the sole means of switching.

EXCEPTIONS:

1. Industrial or manufacturing process areas, as may be required for production.
2. Areas less than five percent of footprint for footprints over 100,000 square feet.

1513.3 Daylight Zone Control: All daylighted zones, as defined in Chapter 2, both under overhead glazing and adjacent to vertical glazing, shall be provided with individual controls, or daylight-or occupant-sensing automatic controls, which control the lights independent of general area lighting.

Contiguous daylight zones adjacent to vertical glazing are allowed to be controlled by a single controlling device provided that they do not include zones facing more than two adjacent cardinal orientations (i.e. north, east, south, west). Daylight zones under overhead glazing more than 15 feet from the perimeter shall be controlled separately from daylight zones adjacent to vertical glazing.

EXCEPTION: Daylight spaces enclosed by walls or ceiling height partitions and containing 2 or fewer light fixtures are not required to have a separate switch for general area lighting.

1513.4 Display, Exhibition, and Specialty Lighting Controls: All display, exhibition, or specialty lighting shall be controlled independently of general area lighting.

1513.5 Automatic Shut-Off Controls, Exterior: (~~Exterior lighting not intended for 24-hour continuous use shall be automatically switched by timer, photocell, or a combination of timer and photocell. Automatic time switches must also have program back-up capabilities, which prevent the loss of program and time settings for at least 10 hours, if power is interrupted.~~) Lighting for all exterior applications shall have automatic controls capable of turning off exterior lighting when sufficient daylight is available or when the lighting is not required during nighttime hours. Lighting not designated for dusk-to-dawn operation shall be controlled by either:

- a. A combination of a photosensor and a time switch; or
- b. An astronomical time switch.

Lighting designated for dusk-to-dawn operation shall be controlled by an astronomical time switch or photosensor. All time switches shall be capable of retaining programming and the time setting during loss of power for a period of at least 10 hours.

EXCEPTION: Lighting for covered vehicle entrances or exits from buildings or parking structures where required for safety, security, or eye adaptation.

1513.6 Automatic Shut-Off Controls, Interior: Buildings greater than 5,000 sq. ft. and all school classrooms shall be

equipped with separate automatic controls to shut off the lighting during unoccupied hours. Within these buildings, all office areas less than 300 ft<sup>2</sup> enclosed by walls or ceiling-height partitions, and all meeting and conference rooms, and all school classrooms, shall be equipped with occupancy sensors that comply with Section 1513.6.1. For other spaces, automatic controls may be an occupancy sensor, time switch, or other device capable of automatically shutting off lighting.

EXCEPTIONS:

1. Areas that must be continuously illuminated (e.g., 24-hour convenience stores), or illuminated in a manner requiring manual operation of the lighting.
2. Emergency lighting systems.
3. Switching for industrial or manufacturing process facilities as may be required for production.
4. Hospitals and laboratory spaces.
5. Areas in which medical or dental tasks are performed are exempt from the occupancy sensor requirement.

1513.6.1 Occupancy Sensors: Occupancy sensors shall be capable of automatically turning off all the lights in an area, no more than 30 minutes after the area has been vacated. Light fixtures controlled by occupancy sensors shall have a wall-mounted, manual switch capable of turning off lights when the space is occupied.

EXCEPTION: Occupancy sensors in stairwells are allowed to have two step lighting (high-light and low-light) provided the control fails in the high-light position.

1513.6.2 Automatic Time Switches: Automatic time switches shall have a minimum 7 day clock and be capable of being set for 7 different day types per week and incorporate an automatic holiday "shut-off" feature, which turns off all loads for at least 24 hours and then resumes normally scheduled operations. Automatic time switches shall also have program back-up capabilities, which prevent the loss of program and time settings for at least 10 hours, if power is interrupted.

Automatic time switches shall incorporate an over-ride switching device which:

- a. Is readily accessible;
- b. Is located so that a person using the device can see the lights or the areas controlled by the switch, or so that the area being illuminated is annunciated; and
- c. Is manually operated;
- d. Allows the lighting to remain on for no more than two hours when an over-ride is initiated; and
- e. Controls an area not exceeding 5,000 square feet or 5 percent of footprint for footprints over 100,000 square feet, whichever is greater.

1513.7 Commissioning Requirements: For lighting controls which include daylight or occupant sensing automatic controls, automatic shut-off controls, occupancy sensors, or automatic time switches, the lighting controls shall be tested to ensure that control devices, components, equipment and systems are calibrated, adjusted and operate in accordance with approved plans and specifications. Sequences of operation shall be functionally tested to ensure they operate in accordance with approved plans and specifications. A complete report of test procedures and results shall be prepared and filed with the owner. Drawing notes shall require commissioning in accordance with this paragraph.

NEW SECTION

**WAC 51-11-1514 Exit signs.** Exit signs shall have an input power demand of 5 watts or less per sign.

AMENDATORY SECTION (Amending WSR 05-01-013, filed 12/2/04, effective 7/1/05)

**WAC 51-11-1521 Prescriptive interior lighting requirements.** Spaces for which the Unit Lighting Power Allowance in Table 15-1 is 0.8 watts per square foot or greater may use unlimited numbers of lighting fixtures and lighting energy, provided that the installed lighting fixtures comply with all four of the following criteria:

- a. One- or two-lamp (but not three- or more lamp);
- b. Luminaires have a reflector or louver assembly to direct the light (bare lamp strip or industrial fixtures do not comply with this section);
- c. Fitted with type T-1, T-2, T-4, T-5, T-8 or compact fluorescent lamps from 5 to 60 watts (but not T-10 or T-12 lamps); and
- d. Hard-wired fluorescent electronic dimming ballasts with photocell or programmable dimming control for all lamps in all zones (nondimming electronic ballasts and electronic ballasts that screw into medium base sockets do not comply with this section).

Track lighting is not allowed under this path.

## EXCEPTIONS:

1. Up to a total of 5 percent of installed lighting fixtures may use any type of ballasted lamp and do not require dimming controls.
2. Clear safety lenses are allowed in food prep and serving areas and patient care areas in otherwise compliant fixtures.
3. ~~((Exit lights are not included in the count of fixtures provided that they do not exceed 5 watts per fixture and are light emitting diode (LED) type or T-1 fluorescent type only. (See the Uniform Fire Code for face illumination footcandle requirements and other requirements.))~~
- 4.) LED lights ~~((other than exit lights addressed by exception 3.))~~
- 5.) 4. Metal halide lighting which complies with all three of the following criteria:
  - i. Luminaires or lamps which have a reflector or louver assembly to direct the light;
  - ii. Fixtures are fitted with ceramic metal halide lamps not exceeding 150 watts; and
  - iii. Electronic ballasts.

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

**WAC 51-11-1530 Lighting power allowance option.** The installed lighting wattage shall not exceed the lighting power allowance. Lighting wattage includes lamp and ballast wattage. ~~((Wattage for fluorescent lamps and ballasts shall be tested per ANSI Standard C82.2-1984.~~

~~The wattage used for any unballasted fixture shall be the maximum UL listed wattage for that fixture regardless of the lamp installed. The wattage used for track lighting shall be:~~

a.) Luminaire wattage incorporated into the installed interior lighting power shall be determined in accordance with the following criteria:

a. The wattage of incandescent or tungsten-halogen luminaires with medium screw base sockets and not containing permanently installed ballasts shall be the maximum labeled wattage of the luminaire.

b. The wattage of luminaires with permanently installed or remote ballasts or transformers shall be the operating input wattage of the maximum lamp/auxiliary combination based on values from the auxiliary manufacturer's literature or recognized testing laboratories or shall be the maximum labeled wattage of the luminaire.

c. For line voltage track((-)) and plugin busway, designed to allow the addition and/or relocation of luminaires without altering the wiring of the system, the wattage shall be:

1. The specified wattage of the luminaires included in the system with a minimum of 50 watts per lineal foot of track or actual ((luminaire)) luminaire wattage, whichever is greater, or

~~((b. For low voltage track, 25 watts per lineal foot of track or the VA rating of the transformer, whichever is greater.))~~ 2. The wattage limit of permanent current limiting device(s) on the system.

d. The wattage of low-voltage lighting track, cable conductor, rail conductor, and other flexible lighting systems that allow the addition and/or relocation of luminaires without altering the wiring of the system shall be the specified wattage of the transformer supplying the system.

e. The wattage of all other miscellaneous lighting equipment shall be the specified wattage of the lighting equipment.

No credit towards compliance with the lighting power allowances shall be given for the use of any controls, automatic or otherwise.

~~((Exit lights that are 5 watts or less per fixture shall not be included in the lighting power allowance calculations. Other exit lights shall be included in the lighting power allowance calculations.))~~

AMENDATORY SECTION (Amending WSR 05-01-013, filed 12/2/04, effective 7/1/05)

**WAC 51-11-1532 Exterior lighting power allowance.** ~~((The exterior lighting power allowance shall be the sum of the calculated allowances for parking, outdoor areas and building exteriors. The lighting allowance for covered parking, open parking and outdoor areas that are illuminated shall be 0.20 watts per square foot. The lighting allowance for building exteriors shall be calculated either by multiplying the building facade area by 0.25 watts per square foot or multiplying the building perimeter in feet by 7.5 watts per linear foot.~~

## EXCEPTIONS:

1. Group U Occupancy accessory to Group R-3 or R-4 Occupancy.
2. For covered parking, 0.30 w/sf may be used for the lighting provided that the ceilings and walls are painted or stained with a reflectance value of 0.70 or higher.



**TABLE 15-1**  
Unit Lighting Power Allowance (LPA)

Use <sup>1</sup>	LPA <sup>2</sup> (watts/sq. ft.)
Painting, welding, carpentry, machine shops	2.3
Barber shops, beauty shops	2.0
Hotel banquet/conference/exhibition hall <sup>3,4</sup>	2.0
Laboratories (See also office and other appropriate categories)	1.8
Aircraft repair hangars	1.5
Cafeterias, fast food establishments <sup>5</sup>	1.5
Factories, workshops, handling areas	1.5
Gas stations, auto repair shops <sup>6</sup>	1.5
Institutions	1.5
Libraries <sup>5</sup>	1.5
Nursing homes and hotel/motel guest rooms	1.5
Retail <sup>10</sup> , retail banking	1.5
Wholesale stores (pallet rack shelving)	1.5
Mall concourses	1.4
Schools buildings (Group E Occupancy only), school classrooms, day care centers	1.35
Laundries	1.20
Medical offices, clinics <sup>12</sup>	1.20
Office buildings, office/administrative areas in facilities of other use types (including but not limited to schools, hospitals, institutions, museums, banks, churches) <sup>5,7,11</sup>	1.00
Police and fire stations <sup>8</sup>	1.00
Atria (atriums)	1.0
Assembly spaces <sup>9</sup> , auditoriums, gymnasias <sup>9</sup> , theaters	1.0
Group R-1 and R-2 common areas	1.0
Process plants	1.0
Restaurants/bars <sup>5</sup>	1.0
Locker and/or shower facilities	0.8
Warehouses <sup>11</sup> , storage areas	0.5
Aircraft storage hangars	0.4
Parking garages	See Section 1532
<b>Plans Submitted for Common Areas Only<sup>7</sup></b>	
Main floor building lobbies <sup>3</sup> (except mall concourses)	1.2
Common areas, corridors, toilet facilities and washrooms, elevator lobbies	0.8))

All exterior building grounds luminaires that operate at greater than 100 watts shall contain lamps having a minimum efficacy of 60 lm/W unless the luminaire is controlled by a motion sensor or qualifies for one of the following exceptions.

The total exterior lighting power allowance for all exterior building applications is the sum of the individual lighting power densities permitted in Table 15-2 for these applications. Trade-offs are allowed only among exterior lighting applications listed in the Table 15-2 "Tradable Surfaces" section.

- EXCEPTION:** Lighting used for the following exterior applications is exempt when equipped with a control device independent of the control of the nonexempt lighting:
- a. Specialized signal, directional, and marker lighting associated with transportation.
  - b. Lighting integral to signs.
  - c. Lighting integral to equipment or instrumentation and installed by its manufacturer.
  - d. Lighting for theatrical purposes, including performance, stage, film production, and video production.
  - e. Lighting for athletic playing areas.
  - f. Temporary lighting.
  - g. Lighting for industrial production.
  - h. Theme elements in theme/amusement parks.
  - i. Lighting used to highlight features of public monuments.
  - j. Group U Occupancy accessory to Group R-3 or R-4 Occupancy.

**1540 Transformers.** The minimum efficiency of a low voltage dry-type distribution transformer shall be the Class I Efficiency Levels for distribution transformers specified in Table 4-2 of the "Guide for Determining Energy Efficiency for Distribution Transformers" published by the National Electrical Manufacturers Association (NEMA TP-1-2002).

**TABLE 15-1**  
Unit Lighting Power Allowance (LPA)

Use <sup>1</sup>	LPA <sup>2</sup> (watts/sq. ft.)
Automotive facility	0.9
Convention center	1.2
Court house	1.2
Cafeterias, fast food establishments <sup>5</sup> , restaurants/bars <sup>5</sup>	1.3
Dormitory	1.0
Exercise center	1.0
Gymnasias <sup>9</sup> , assembly spaces <sup>2</sup>	1.0
Health care clinic	1.0
Hospital, nursing homes, and other Group I-1 and I-2 Occupancies	1.2
Hotel/motel	1.0
Hotel banquet/conference/exhibition hall <sup>3,4</sup>	2.0
Laboratory spaces (all spaces not classified "laboratory" shall meet office and other appropriate categories)	1.8
Laundries	1.2
Libraries <sup>5</sup>	1.3
Manufacturing facility	1.3
Museum	1.1
Office buildings, office/administrative areas in facilities of other use types (including but not limited to schools, hospitals, institutions, museums, banks, churches) <sup>5,7,11</sup>	1.0
Parking garages	0.2
Penitentiary and other Group I-3 Occupancies	1.0
Police and fire stations <sup>8</sup>	1.0
Post office	1.1
Retail <sup>10</sup> , retail banking, mall concourses, wholesale stores (pallet rack shelving)	1.5

<u>Use<sup>1</sup></u>	<u>LPA<sup>2</sup></u> <u>(watts/sq. ft.)</u>
School buildings (Group E Occupancy only), school classrooms, day care centers	1.2
Theater, motion picture	1.2
Theater, performing arts	1.6
Transportation	1.0
Warehouses <sup>11</sup> , storage areas	0.5
Workshop	1.4
<b>Plans Submitted for Common Areas Only<sup>2</sup></b>	
Main floor building lobbies <sup>3</sup> (except mall concourses)	1.2
All building common areas, corridors, toilet facilities and washrooms, elevator lobbies, including Group R-1 and R-2 Occupancies	0.8

**Footnotes for Table 15-1**

- In cases in which a general use and a specific use are listed, the specific use shall apply. In cases in which a use is not mentioned specifically, the *Unit Power Allowance* shall be determined by the building official. This determination shall be based upon the most comparable use specified in the table. See Section 1512 for exempt areas.
- The watts per square foot may be increased, by two percent per foot of ceiling height above twenty feet, unless specifically directed otherwise by subsequent footnotes.
- Watts per square foot of room may be increased by two percent per foot of ceiling height above twelve feet.
- For all other spaces, such as seating and common areas, use the *Unit Light Power Allowance* for assembly.
- Watts per square foot of room may be increased by two percent per foot of ceiling height above nine feet.
- ~~((See Section 1532 for exterior lighting-))~~ Reserved.
- For conference rooms and offices less than 150 ft<sup>2</sup> with full-height partitions, a Unit Lighting Power Allowance of ~~((1-20))~~ 1.1 W/ft<sup>2</sup> may be used.

- ~~((For the fire engine room, the *Unit Lighting Power Allowance* is 1.0 watts per square foot.))~~ Reserved.
- For indoor sport tournament courts with adjacent spectator seating over 5,000, the *Unit Lighting Power Allowance* for the court area is 2.6 watts per square foot.
- Display window illumination installed within 2 feet of the window, provided that the display window is separated from the retail space by walls or at least three-quarter-height partitions (transparent or opaque) and lighting for free-standing display where the lighting moves with the display are exempt.

An additional 1.5 w/ft<sup>2</sup> of merchandise display luminaires are exempt provided that they comply with all three of the following:

- Located on ceiling-mounted track or directly on or recessed into the ceiling itself (not on the wall).
- Adjustable in both the horizontal and vertical axes (vertical axis only is acceptable for fluorescent and other fixtures with two points of track attachment).
- Fitted with LED, tungsten halogen, fluorescent, or high intensity discharge lamps.

This additional lighting power is allowed only if the lighting is actually installed.

- Provided that a floor plan, indicating rack location and height, is submitted, the square footage for a warehouse may be defined, for computing the interior *Unit Lighting Power Allowance*, as the floor area not covered by racks plus the vertical face area (access side only) of the racks. The height allowance defined in footnote 2 applies only to the floor area not covered by racks.

~~((12- Medical and clinical offices include those facilities which, although not providing overnight patient care, do provide medical, dental, or psychological examination and treatment. These spaces include, but are not limited to, laboratories and treatment centers.))~~

**TABLE 15-2**  
Lighting Power Densities for Building Exteriors

<u>Tradable Surfaces</u>	<u>Uncovered Parking Areas</u>	
<u>(Lighting power densities for uncovered parking areas, building grounds, building entrances and exits, canopies and overhangs and outdoor sales areas may be traded.)</u>	<u>Parking lots and drives</u>	<u>0.15 W/ft<sup>2</sup></u>
	<u>Building Grounds</u>	
	<u>Walkways less than 10 feet wide</u>	<u>1.0 W/linear foot</u>
	<u>Walkways 10 feet wide or greater</u>	<u>0.2 W/ft<sup>2</sup></u>
	<u>Plaza areas</u>	
	<u>Special feature areas</u>	
	<u>Stairways</u>	<u>1.0 W/ft<sup>2</sup></u>
	<u>Building Entrances and Exits</u>	
<u>Main entries</u>	<u>30 W/linear foot of door width</u>	
<u>Other doors</u>	<u>20 W/linear foot of door width</u>	

	<b><u>Canopies and Overhangs</u></b>	
	<u>Canopies (free standing and attached and overhangs)</u>	<b><u>1.25 W/ft<sup>2</sup></u></b>
	<b><u>Outdoor Sales</u></b>	
	<u>Open areas (including vehicle sales lots)</u>	<b><u>0.5 W/ft<sup>2</sup></u></b>
	<u>Street frontage for vehicle sales lots in addition to "open area" allowance</u>	<b><u>20 W/linear foot</u></b>
<p><b><u>Nontradable Surfaces</u></b>                  (<u>Lighting power density calculations for the following applications can be used only for the specific application and cannot be traded between surfaces or with other exterior lighting. The following allowances are in addition to any allowance otherwise permitted in the "tradable surfaces" section of this table.</u>)</p>	<b><u>Building facades</u></b>	
		<b><u>0.2 W/ft<sup>2</sup> for each illuminated wall or surface or 5.0 W/linear foot for each illuminated wall or surface length</u></b>
	<b><u>Automated teller machines and night depositories</u></b>	
		<b><u>270 W per location plus 90 W per additional ATM per location</u></b>
	<b><u>Entrances and gatehouse inspection stations at guarded facilities</u></b>	
		<b><u>1.25 W/ft<sup>2</sup> of uncovered area (covered areas are included in the "Canopies and Overhangs" section of "Tradable Surfaces")</u></b>
	<b><u>Loading areas for law enforcement, fire, ambulance and other emergency service vehicles</u></b>	
		<b><u>0.5 W/ft<sup>2</sup> of uncovered area (covered areas are included in the "Canopies and Overhangs" section of "Tradable Surfaces")</u></b>
<b><u>Material handling and associated storage</u></b>		
	<b><u>0.5 W/ft<sup>2</sup></u></b>	
<b><u>Drive-up windows at fast food restaurants</u></b>		
	<b><u>400 W per drive-through</u></b>	
<b><u>Parking near 24-hour retail entrances</u></b>		
	<b><u>800 W per main entry</u></b>	

**REFERENCE STANDARD 29: NONRESIDENTIAL BUILDING DESIGN BY SYSTEMS ANALYSIS**

AMENDATORY SECTION (Amending WSR 04-01-106, filed 12/17/03, effective 7/1/04)

**WAC 51-11-99902 Section 2—General principles and requirements.**

**2.1 Energy Analysis:** Compliance with this Standard will require an analysis of the annual energy usage, hereinafter called an annual energy analysis.

A building designed in accordance with this Standard will be deemed as complying with this Code, if

a. The calculated annual energy consumption is not greater than that of a corresponding "standard design," as defined below and in Section 3,

and;

b. Whose enclosure elements and energy-consuming systems comply with Sections 1310 through 1314, 1410 through 1416, 1440 through 1443, 1450 through 1454 (~~and~~), 1510 through (~~1513~~) 1514 and 1540. Buildings

shall only vary from those requirements in Sections 1330 through 1334, 1432 through 1439 and 1530 through 1532 where those variations have been accurately and completely modeled. Where variations are not specifically analyzed, the building shall comply with these requirements.

For a proposed building design to be considered similar to a "standard design," it shall utilize the same energy source(s) for the same functions and have equal floor area and the same ratio of envelope area to floor area, environmental requirements, occupancy, climate data and usage operational schedule. Inputs to the energy analysis relating to occupancy and usage shall correspond to the expected occupancy and usage of the building.

Except as noted below, the systems identified, and, to the extent possible, the assumptions made in assigning energy inputs to each system, shall be the same for the standard design and the proposed design. When electrically driven heat pumps, other than multiple units connected to a common water loop, are employed to provide all or part of the heat for the proposed design, the standard design shall also, for the purposes of the analysis, assume that electrically driven heat pump, in conformance with Chapter 14 of the Code and hav-

ing capacity at least as great as those used in the proposed design are employed.

**2.2 Design:** The standard design and the proposed design shall be designed on a common basis as specified herein:

a. The comparison shall be expressed as kBtu input per square foot of conditioned floor area per year at the building site. Buildings which use electricity as the only fuel source, comparisons may be expressed in kWh. When converting electricity in kWh to kBtu a multiplier of 3.413 kWh/kBtu shall be used.

b. If the proposed design results in an increase in consumption of one energy source and a decrease in another energy source, even though similar sources are used for similar purposes, the difference in each energy source shall be converted to equivalent energy units for purposes of comparing the total energy used.

**2.3 Analysis Procedure:** The analysis of the annual energy usage of the standard and the proposed building and system design shall meet the following criteria:

a. The building heating/cooling load calculation procedure used for annual energy consumption analysis shall be detailed to permit the evaluation of effect of factors specified in Section 2.4.

b. The calculation procedure used to simulate the operation of the building and its service systems through a full-year operating period shall be detailed to permit the evaluation of the effect of system design, climatic factors, operational characteristics and mechanical equipment on annual energy usage. Manufacturer's data or comparable field test data shall be used when available in the simulation of systems and equipment. The calculation procedure shall be based upon 8,760 hours of operation of the building and its service systems and shall utilize the design methods, specified in Standard RS-1 listed in Chapter 7 of the Code or in other programs approved by the building official.

**2.4 Calculation Procedure:** The calculation procedure shall cover the following items:

a. Design requirements—Design heating conditions and design cooling conditions as defined in Chapter 2 of the Code.

b. Climatic data—Coincident hourly data for temperatures, solar radiation, wind and humidity of typical days in the year representing seasonal variation.

c. Building data—Orientation, size, shape, mass, air and heat transfer characteristics.

d. Operational characteristics—Temperature, humidity, ventilation, illumination and control mode for occupied and unoccupied hours.

e. Mechanical equipment—Design capacity and part load profile.

f. Building loads—Internal heat generation, lighting, equipment and number of people during occupied and unoccupied periods.

**2.5 Documentation:** All analyses submitted shall be accompanied by an energy analysis comparison report. The report shall provide technical detail on the two building and system designs and on the data used in and resulting from the com-

parative analysis to verify that both the analysis and the designs meet the criteria of Section 1.

The calculation procedure for the standard design and the proposed design shall separately identify the calculated annual energy consumption for each different occupancy type, if possible, for each of the following end uses:

- a. Interior lighting;
- b. Parking lighting;
- c. Exterior lighting;
- d. Space heating;
- e. Space cooling;
- f. Interior ventilation/fans;
- g. Parking ventilation/fans;
- h. Exhaust fans;
- i. Service water heating;
- j. Elevators;
- k. Appliances.

Energy consumption of the following items shall be included but is not required to be separated out by each individual item.

- a. Office equipment;
- b. Refrigeration other than comfort cooling;
- c. Cooking; and
- d. Any other energy-consuming equipment.

The specifications of the proposed building project used in the analysis shall be as similar as is reasonably practical to those in the plans submitted for a building permit.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 51-11-0626	Table 6-2—Reserved.
WAC 51-11-0627	Table 6-3—Reserved.
WAC 51-11-0628	Table 6-4—Reserved.
WAC 51-11-0629	Table 6-5—Reserved.
WAC 51-11-0630	Table 6-6—Reserved.
WAC 51-11-0631	Table 6-7—Reserved.

#### **WSR 07-01-090**

#### **PERMANENT RULES BUILDING CODE COUNCIL**

[Filed December 19, 2006, 10:15 a.m., effective July 1, 2007]

Effective Date of Rule: July 1, 2007.

Purpose: To adopt and amend the 2006 International Residential Code, chapter 51-51 WAC.

Citation of Existing Rules Affected by this Order: Repealing 4; and amending 20.

Statutory Authority for Adoption: RCW 19.27.074 and 19.27.020.

Other Authority: Chapters 19.27 and 34.05 RCW.

Adopted under notice filed as WSR 06-16-112 on August 1, 2006.

Changes Other than Editing from Proposed to Adopted Version: The new section proposed in R310.6 for access to emergency escape and rescue openings is not adopted; Option 2 related to footings, foundations and wall bracing in sections 403, 404, 602.3, 602.10 and 602.11 is adopted with modifications proposed in public testimony; Section R325.6 related to escape and rescue windows in adult family homes is modified based on public testimony; Appendix G Swimming Pools, Hot Tubs and Spas is included in adoption of the 2007 International Residential Code.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 7, Amended 3, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 5, Amended 5, Repealed 4.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 12, Amended 8, Repealed 4.

Date Adopted: November 17, 2006.

John Neff  
Council Chair

AMENDATORY SECTION (Amending WSR 04-01-109, filed 12/17/03, effective 7/1/04)

**WAC 51-51-003 International Residential Code.** The ((2003)) 2006 edition of the *International Residential Code* as published by the International Code Council is hereby adopted by reference with the following additions, deletions, and exceptions: Provided that chapters 11 and 25 through 42 of this code are not adopted. Energy Code is regulated by chapter 51-11 WAC; Plumbing Code is regulated by chapter 51-56 WAC; Electrical Code is regulated by chapter 296-46B WAC or Electrical Code as adopted by the local jurisdiction. Appendix G Swimming Pools, Spas and Hot Tubs is included in adoption of the International Residential Code.

AMENDATORY SECTION (Amending WSR 04-01-109, filed 12/17/03, effective 7/1/04)

**WAC 51-51-008 Implementation.** The International Residential Code adopted by chapter 51-51 Washington Administrative Code (WAC) shall become effective in all counties and cities of this state on July 1, ((2004)) 2007.

AMENDATORY SECTION (Amending WSR 04-01-109, filed 12/17/03, effective 7/1/04)

**WAC 51-51-0102 Section R102—Applicability.**

**R102.5 Appendices.** Provisions in the appendices shall not apply unless specifically referenced in the adopting ordinance. An appendix adopted by a local jurisdiction shall not be effective unless approved by the state building code council pursuant to RCW 19.27.060 (1)(a).

**R102.7.2 Moved buildings.** Buildings or structures moved into or within a jurisdiction shall comply with the provisions of this code, the International Building Code (chapter 51-50 WAC), the International Mechanical Code (chapter 51-52 WAC), the International Fire Code (chapter 51-54 WAC), the Uniform Plumbing Code and Standards (chapters 51-56 and 51-57 WAC), the Washington State Energy Code (chapter 51-11 WAC) and the Washington State Ventilation and Indoor Air Quality Code (chapter 51-13 WAC) for new buildings or structures.

EXCEPTION: Group R-3 buildings or structures are not required to comply if:

1. The original occupancy classification is not changed; and
2. The original building is not substantially remodeled or rehabilitated.

For the purposes of this section a building shall be considered to be substantially remodeled when the costs of remodeling exceed 60 percent of the value of the building exclusive of the costs relating to preparation, construction, demolition or renovation of foundations.

AMENDATORY SECTION (Amending WSR 04-01-109, filed 12/17/03, effective 7/1/04)

**WAC 51-51-0202 Section R202—Definitions.**

**ADULT FAMILY HOME** means a dwelling in which a person or persons provide personal care, special care, room and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services.

**CHILD DAY CARE**, shall, for the purposes of these regulations, mean the care of children during any period of a 24 hour day.

**CHILD DAY CARE HOME, FAMILY** is a child day care facility, licensed by the state, located in the dwelling of the person or persons under whose direct care and supervision the child is placed, for the care of twelve or fewer children, including children who reside at the home.

**DWELLING UNIT.** A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. Dwelling units may also include the following uses:

1. Adult family homes, foster family care homes and family day care homes licensed by the Washington state department of social and health services.

2. Offices, mercantile, food preparation for off-site consumption, personal care salons or similar uses which are conducted primarily by the occupants of the dwelling unit and are secondary to the use of the unit for dwelling purposes, and which do not exceed 500 square feet (46.4m<sup>2</sup>).

**SMALL BUSINESS.** Any business entity (including a sole proprietorship, corporation, partnership or other legal entity)

which is owned and operated independently from all other businesses, which has the purpose of making a profit, and which has fifty or fewer employees, or which has a million dollars or less per year in gross sales, of window products.

**UNUSUALLY TIGHT CONSTRUCTION.** Construction meeting the following requirements:

1. Walls exposed to the outside atmosphere having a continuous water vapor retarder with a rating of 1 perm (57 ng/s·m<sup>2</sup>·Pa) or less with openings gasketed or sealed;
2. Openable windows and doors meeting the air leakage requirements of the *International Energy Conservation Code*, Section 502.1.4; and
3. Caulking or sealants are applied to areas such as joints around window and door frames, between sole plates and floors, between wall-ceiling joints, between wall panels, at penetrations for plumbing, electrical and gas lines, and at other openings; or
4. Buildings built in compliance with the 1986 or later editions of the Washington State Energy Code chapter 51-11 WAC, Northwest Energy Code, or Super Good Cents weatherization standards or equivalent.

**AMENDATORY SECTION** (Amending WSR 04-01-109, filed 12/17/03, effective 7/1/04)

**WAC 51-51-0311 Section R311—Means of egress.**

**R311.1 General.** Stairways, ramps, exterior exit balconies, hallways and doors shall comply with this section.

EXCEPTION: Stairs or ladders within an individual dwelling unit used ~~(to gain)~~ for access to areas of 200 square feet (18.6 m<sup>2</sup>) or less, and not containing the primary bathroom or kitchen.

~~((**R311.6.3.3 Continuity.** Handrails where required on ramps shall be continuous for the full length of the ramp. Handrail ends shall be returned or shall terminate in newel posts or safety terminals. Handrails adjacent to a wall shall have a space of not less than 1.5 inches (38 mm) between the wall and the handrails. At least one handrail shall extend in the direction of ramp run not less than 12 inches (305 mm) horizontally beyond the top and bottom of the ramp runs.))~~

**AMENDATORY SECTION** (Amending WSR 04-01-109, filed 12/17/03, effective 7/1/04)

**WAC 51-51-0313 Section R313—Smoke alarms.**

~~((**R313.3 Family child day care homes.** In family child day care homes operable smoke alarms shall be located in all sleeping and napping areas. When the family child day care home has more than one story, and in family child day care homes with basements, an operable smoke alarm shall be installed on each story and in the basement. In family child day care homes where a story or basement is split into two or more levels, the smoke alarm shall be installed in the upper level, except that when the lower level contains a sleeping or napping area, an operable smoke alarm shall be located on each level. When sleeping rooms are on an upper level, the smoke alarm shall be placed at the ceiling of the upper level in close proximity to the stairway. In family child day care~~

~~homes where the ceiling height of a room open to the hallway serving the bedrooms exceeds that of the hallway by 24 inches or more, smoke alarms shall be installed in the hallway and the adjacent room. Smoke alarms shall sound an alarm audible in all areas of the building.))~~ **R313.2 Location.** Smoke alarms shall be installed in the following locations:

- ~~1. In each sleeping room.~~
  - ~~2. Outside each separate sleeping area in the immediate vicinity of the bedrooms.~~
  - ~~3. On each additional story of the dwelling, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.~~
  - ~~4. In napping areas in family child day care homes.~~
- ~~When more than one smoke alarm is required to be installed within an individual dwelling unit, the alarm devices shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in the individual unit.~~

**NEW SECTION**

**WAC 51-51-0317 Section R317—Dwelling unit separation.**

**R317.2 Townhouses.** Each townhouse shall be considered a separate building and shall be separated by fire-resistance-rated wall assemblies meeting the requirements of Section R302 for exterior walls.

EXCEPTION: A common 2-hour fire-resistance-rated wall is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. Penetrations of electrical outlet boxes shall be in accordance with Section R317.3.

**R317.2.1 Continuity.** The fire-resistance-rated wall or assembly separating townhouses shall be continuous from the foundation to the underside of the roof sheathing, deck or slab. The fire-resistance-rating shall extend the full length of the wall or assembly, including wall extensions through and separating attached enclosed accessory structures.

Where a story extends beyond the exterior wall of a story below:

1. The fire-resistance-rated wall or assembly shall extend to the outside edge of the upper story; or
2. The underside of the exposed floor-ceiling assembly shall be protected as required for projections in Section R302.

**AMENDATORY SECTION** (Amending WSR 04-01-109, filed 12/17/03, effective 7/1/04)

**WAC 51-51-0325 Section R325—Adult family ((child day care)) homes.**

**SECTION R325  
ADULT FAMILY ((CHILD DAY CARE)) HOMES**

~~((**R325 Family Child Day Care Homes.** For family child day care homes with more than six children, each floor level used for family child day care purposes shall be served by two remote means of egress. Exterior exit doors shall be~~

operable from the inside without the use of keys or any special knowledge or effort.

Basements located more than 4 feet below grade level shall not be used for family child day care homes unless one of following conditions exist:

1. Stairways from the basement open directly to the exterior of the building without entering the first floor; or

2. One of the two required means of egress discharges directly to the exterior from the basement level, and a self-closing door is installed at the top or bottom of the interior stair leading to the floor above; or

3. One of the two required means of egress is an operable window or door, approved for emergency escape or rescue, that opens directly to a public street, public alley, yard or exit court; or

4. A residential sprinkler system is provided throughout the entire building in accordance with National Fire Protection Association Standard 13d.

Floors located more than 4 feet above grade level shall not be occupied by children in family day care homes.

EXCEPTIONS: 1. Use of toilet facilities while under supervision of an adult staff person.  
2. Family child day care homes may be allowed on the second story if one of the following conditions exists:  
2.1 Stairways from the second story open directly to the exterior of the building without entering the first floor; or  
2.2 One of the two required means of egress discharges directly to the exterior from the second story level, and a self-closing door is installed at the top or bottom of the interior stair leading to the floor below; or  
2.3 A residential sprinkler system is provided throughout the entire building in accordance with National Fire Protection Association Standard 13d.

Every sleeping or napping room in a family child day care home shall have at least one operable window for emergency rescue.

EXCEPTION: Sleeping or napping rooms having doors leading to two separate means of egress, or a door leading directly to the exterior of the building.

Rooms or spaces containing a commercial type cooking kitchen, boiler, maintenance shop, janitor closet, laundry, woodworking shop, flammable or combustible storage, or painting operation shall be separated from the family child day care area by at least one hour fire resistive construction.

EXCEPTION: A fire-resistive separation shall not be required where the food preparation kitchen contains only a domestic cooking range, and the preparation of food does not result in the production of smoke or grease laden vapors.)

**R325.1 General.** This section shall apply to all newly constructed adult family homes and all existing single family homes being converted to adult family homes. This section shall not apply to those adult family homes licensed by the state of Washington department of social and health services prior to July 1, 2001.

**R325.2 Submittal Standards.** In addition to those requirements in Section 106.1, the submittal shall identify the project as a Group R-3 Adult Family Home Occupancy. A

floor plan shall be submitted identifying the means of egress and the components in the means of egress such as stairs, ramps, platform lifts and elevators. The plans shall indicate the rooms used for clients and the sleeping room classification of each room.

**R325.3 Sleeping Room Classification.** Each sleeping room in an adult family home shall be classified as:

1. Type S - where the means of egress contains stairs, elevators or platform lifts.

2. Type NS1 - where one means of egress is at grade level or a ramp constructed in accordance with R311.6 is provided.

3. Type NS2 - where two means of egress are at grade level or ramps constructed in accordance with R311.6 are provided.

**R325.4 Types of Locking Devices.** All bedroom and bathroom doors shall be openable from the outside when locked.

Every closet shall be readily openable from the inside.

**R325.5 Smoke Alarm Requirements.** All adult family homes shall be equipped with smoke alarms installed as required in Section R313. Alarms shall be installed in such a manner so that the fire warning may be audible in all parts of the dwelling upon activation of a single device.

**R325.6 Escape Windows and Doors.** Every sleeping room shall be provided with emergency escape and rescue windows as required by Section R310. No alternatives to the sill height such as steps, raised platforms or other devices placed by the openings will be approved as meeting this requirement.

**R325.7 Fire Apparatus Access Roads and Water Supply for Fire Protection.** Adult family homes shall be served by fire apparatus access roads and water supplies meeting the requirements of the local jurisdiction.

## NEW SECTION

**WAC 51-51-0326 Section R326—Family child day care homes.**

### SECTION R326 FAMILY CHILD DAY CARE HOMES

**R326 Family Child Day Care Homes.** For family child day care homes with more than six children, each floor level used for family child day care purposes shall be served by two remote means of egress. Exterior exit doors shall be operable from the inside without the use of keys or any special knowledge or effort.

Basements located more than 4 feet below grade level shall not be used for family child day care homes unless one of following conditions exist:

1. Stairways from the basement open directly to the exterior of the building without entering the first floor; or

2. One of the two required means of egress discharges directly to the exterior from the basement level, and a self-closing door is installed at the top or bottom of the interior stair leading to the floor above; or

3. One of the two required means of egress is an operable window or door, approved for emergency escape or rescue, that opens directly to a public street, public alley, yard or exit court; or

4. A residential sprinkler system is provided throughout the entire building in accordance with National Fire Protection Association Standard 13d.

Floors located more than 4 feet above grade level shall not be occupied by children in family day care homes.

EXCEPTIONS: 1. Use of toilet facilities while under supervision of an adult staff person.  
2. Family child day care homes may be allowed on the second story if one of the following conditions exists:  
2.1 Stairways from the second story open directly to the exterior of the building without entering the first floor; or  
2.2 One of the two required means of egress discharges directly to the exterior from the second story level, and a self-closing door is installed at the top or bottom of the interior stair leading to the floor below; or  
2.3 A residential sprinkler system is provided throughout the entire building in accordance with National Fire Protection Association Standard 13d.

Every sleeping or napping room in a family child day care home shall have at least one operable window for emergency rescue.

EXCEPTION: Sleeping or napping rooms having doors leading to two separate means of egress, or a door leading directly to the exterior of the building.

Rooms or spaces containing a commercial-type cooking kitchen, boiler, maintenance shop, janitor closet, laundry, woodworking shop, flammable or combustible storage, or painting operation shall be separated from the family child day care area by at least one-hour fire-resistive construction.

EXCEPTION: A fire-resistive separation shall not be required where the food preparation kitchen contains only a domestic cooking range, and the preparation of food does not result in the production of smoke or grease laden vapors.

## NEW SECTION

### **WAC 51-51-0327 Section R327—Protection against radon.**

**R327.1 Protection Against Radon.** The radon control provisions of Appendix F of this code shall apply to buildings constructed in High Radon Potential Counties (zone 1) designated in Table AF101 (1). The radon control provisions of Appendix F of this code shall also apply to all buildings constructed using the provisions of Section R408.3 Unvented crawl space compliance method.

## NEW SECTION

### **WAC 51-51-0403 Section R403—Footings.**

**R403.1 General.** All exterior walls shall be supported on continuous solid or fully grouted masonry or concrete footings, wood foundations, or other approved structural systems which shall be of sufficient design to accommodate all loads specified in Section R301 and to transmit the resulting loads to the supporting soil within the limitations determined from the characteristics of the soil. Footings shall be supported on undisturbed natural soil or engineered fill. Foundation walls

complying with Section R404 or stem walls complying with Section R403.1.3 shall be permitted to support exterior walls, exterior braced wall lines and exterior braced wall panels provided they are supported by continuous footings.

**R403.1.2 Braced Wall Panels in Seismic Design Categories D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub>.** The braced wall panels at exterior and interior walls of buildings located in Seismic Design Categories D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub> shall be supported by foundations.

EXCEPTIONS: 1. In buildings in Seismic Design Categories D<sub>0</sub> and D<sub>1</sub>, and in one-story buildings in Seismic Design Category D<sub>2</sub>, interior braced wall panels are not required to be supported by foundations, provided no building plan dimension perpendicular to the interior braced wall lines is greater than 50 feet.  
2. In two-story buildings in Seismic Design Category D<sub>2</sub>, interior braced wall panels are not required to be supported by foundations, provided all of the following conditions are met:  
2.1. No building plan dimension perpendicular to the interior braced wall lines exceeds 50 feet;  
2.2. The distances between braced wall lines do not exceed twice the building width measured parallel to the braced wall lines;  
2.3. The braced wall panels at the first story are continuously supported by floor joists, blocking or floor beams; and  
2.4. The heights of braced wall panels in under-floor spaces do not exceed 48 inches (1219 mm).

**R403.1.2.1 Foundations.** Foundations at braced wall panels shall be constructed of masonry or concrete foundation walls in accordance with Sections R402 and R404, and masonry or concrete footings in accordance with Sections R402 and R403.

EXCEPTIONS: 1. In under-floor spaces, cripple walls shall be permitted to substitute for masonry or concrete foundation walls provided they comply with the following:  
a. They are located directly below the interior braced wall panels above;  
b. They are braced in accordance with Sections R602.10.2 and R602.10.11.4 for cripple wall bracing; and  
c. They are supported by footings complying with Sections R402 and R403, except that the footing of a foundation supporting an interior braced wall panel is not required to be continuous.  
2. Footings of foundations supporting interior braced wall panels are not required to be continuous but shall be constructed beyond the ends of foundation walls, stem walls and cripple walls supporting braced wall panels for a minimum distance of 4 inches and a maximum distance of the footing thickness. The footing extension is not required at intersections with other footings.

**R403.1.3 Seismic reinforcing in Seismic Design Categories D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub>.** Concrete footings of buildings assigned to Seismic Design Categories D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub> shall comply with this section and have minimum reinforcement as specified by Section R403.1.3.1 or R403.1.3.2. Bottom reinforcement shall be located a minimum of 3 inches (76 mm) from the bottom of the footing.

Where a construction joint is created between a concrete footing and a concrete stem wall, minimum vertical reinforcement of one No. 4 bar shall be provided at not more than 4 feet (1219 mm) on center. The bars shall extend to 3 inches (76 mm) clear of the bottom of the footing, have a standard



hook, and extend into the stem wall the lesser of 2 inches (49 mm) clear of the top of the wall and 14 inches (357 mm).

Where a solidly grouted masonry stem wall is supported on a concrete footing, minimum vertical reinforcement of one No. 4 bar shall be provided at not more than 4 feet (1219 mm) on center. The bars shall extend to 3 inches (76 mm) clear of the bottom of the footing, have a standard hook, and extend into the stem wall to 2 inches (49 mm) clear of the top of the wall.

Masonry stem walls without solid grout and vertical reinforcing are not permitted.

Concrete and masonry stem walls shall comply with the requirements of Section R404 for foundation walls.

**EXCEPTION:** In detached one- and two-family dwellings of light-framed construction and three stories or less above grade, plain concrete footings supporting walls, columns or pedestals are permitted.

**R403.1.3.1 Foundation stem walls.** Foundation stem walls shall have installed a minimum of one No. 4 bar within 12 inches (305 mm) of the top of the stem wall and one No. 4 bar located 3 inches (76 mm) to 4 inches (102 mm) from the bottom of the footing.

**R403.1.4 Minimum depth.** All exterior footings shall be placed at least 12 inches (305 mm) below the undisturbed ground surface. Where applicable, the depth of footings shall also comply with Sections R403.1.4.1 through R403.1.4.2.

**R403.1.4.1 Frost protection.** Except where otherwise protected from frost, foundation walls, piers and other permanent supports of buildings and structures shall be protected from frost by one or more of the following methods:

1. Extend below the frost line specified in Table R301.2(1);
2. Construct in accordance with Section R403.3;
3. Construct in accordance with ASCE 32; or
4. Erect on solid rock.

**EXCEPTIONS:**

1. Protection of freestanding accessory structures with an area of 600 square feet (56 m<sup>2</sup>) or less and an eave height of 10 feet (3048 mm) or less shall not be required.
2. Protection of freestanding accessory structures with an area of 400 square feet (37 m<sup>2</sup>) or less, of other than light-framed construction, with an eave height of 10 feet (3048 mm) or less shall not be required.
3. Decks not supported by a dwelling need not be provided with footings that extend below the frost line.

Footings shall not bear on frozen soil unless such frozen condition is of a permanent character.

**R403.1.6 Anchorage at braced wall panels.** Where braced wall panels are supported by monolithic slabs, footings or foundations, the wood sole plates, wood sill plates or cold-formed steel bottom tracks shall be anchored to the slab cast monolithically with a footing, footing or foundation in accordance with this section.

The wood sole or sill plate shall be anchored to the monolithic slab, footing or foundation with anchor bolts spaced a maximum of 6 feet (1829 mm) on center. There shall be a minimum of two bolts per plate section with one bolt located not more than 12 inches (305 mm) and not less than seven bolt diameters from each end of the plate section. Bolts shall be at least 1/2 inch (13 mm) in diameter and shall

extend a minimum of 7 inches (178 mm) into masonry or concrete. A nut and washer shall be tightened to a snug-tight condition on each bolt to the plate.

Cold-formed steel framing systems shall be fastened to wood sill plates or anchored directly to the foundation in accordance with Section R505.3.1 or R603.3.1.

**EXCEPTIONS:**

1. Foundation anchorage, spaced as required to provide equivalent anchorage to 1/2-inch-diameter (13 mm) anchor bolts.
2. Walls 24 inches (610 mm) in total length or shorter connecting offset braced wall panels shall be anchored to the footing or foundation with a minimum of one anchor bolt located in the center third of the plate section and shall be attached to adjacent braced wall panels as specified in Figure R602.10.5 at the corners.
3. Walls 12 inches (305 mm) in total length or shorter connecting offset braced wall panels shall be permitted to be connected to the footing or foundation without anchor bolts. The wall shall be attached to adjacent braced wall panels as specified in Figure R602.10.5 at the corners.

**R403.1.6.1 Foundation anchorage in Seismic Design Categories C, D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub>.** In addition to the requirements of Section R403.1.6, the following requirements shall apply to wood light-frame structures in Seismic Design Categories D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub> and wood light-frame townhouses in Seismic Design Category C.

1. Interior braced wall sill plates shall be anchored to footings or foundations with anchor bolts spaced at not more than 6 feet (1829 mm) on center and located within 12 inches (305 mm) from the ends of each plate section when supported on a continuous foundation.

2. The maximum anchor bolt spacing shall be 4 feet (1219 mm) for buildings over two stories in height.

3. Plate washers complying with Section R602.11.1 shall be provided for all anchor bolts over the full length of required braced wall lines. Properly sized cut washers shall be permitted for anchor bolts in wall lines not containing braced wall panels or in braced wall lines.

4. Stepped cripple walls shall conform to Section R602.11.3.

5. Where wood foundations in accordance with Sections R402.1 and R404.2 are used, the force transfer shall have a capacity equal to or greater than the connections required by Section R602.11.1 or the braced wall panel shall be connected to the wood foundations in accordance with the braced wall panel-to-floor fastening requirements of Table 602.3(1).

#### NEW SECTION

#### **WAC 51-51-0404 Section R404—Foundation and retaining walls.**

**R404.1 Concrete and masonry foundation walls.** Concrete and masonry foundation walls shall be selected and constructed in accordance with the provisions of Section R404 or in accordance with ACI 318, ACI 332, NCMA TR68-A or ACI 530/ASCE 5/TMS 402 or other approved structural standards. When ACI 318, ACI 332 or ACI 530/ASCE 5/TMS 402 or the provisions of Section R404 are used to design concrete or masonry foundation walls, project drawings, typical details and specifications are not required to bear the seal of the architect or engineer responsible for the design, unless

otherwise required by the state law of the jurisdiction having authority.

Foundation walls that meet all of the following shall be considered laterally supported:

1. Full basement floor shall be 3.5 inches (89 mm) thick concrete slab poured tight against the bottom of the foundation wall.

2. Floor joists and blocking shall be connected to the sill plate at the top of the wall by the prescriptive method called out in Table R404.1(1), or; shall be connected with an approved connector with listed capacity meeting Table 404.1(1).

3. Bolt spacing for the sill plate shall be no greater than per Table R404.1(2).

4. Floor shall be blocked perpendicular to the floor joists. Blocking shall be full depth within two joist spaces of the foundation wall, and be flat-blocked with minimum 2-inch by 4-inch (51 mm by 102 mm) blocking elsewhere.

5. Where foundation walls support unbalanced load on opposite sides of the building, such as a daylight basement, the building aspect ratio, L/W, shall not exceed the value specified in Table R404.1(3). For such foundation walls, the rim board shall be attached to the sill with a 20 gage metal angle clip at 24 inches (610 mm) on center, with five 8d nails per leg, or an approved connector supplying 230 pounds per linear foot (3.36 kN/m) capacity.

EXCEPTION: Foundations constructed entirely of concrete with stem walls not exceeding 5 feet (1524 mm) in height and supporting less than 4 feet (1220 mm) of unbalanced backfill are exempt from the lateral bracing requirements of Section R404.1.

#### TABLE R404.1.1(3)

#### 10-INCH MASONRY FOUNDATION WALLS WITH REINFORCING WHERE $d > 6.75$ INCHES<sup>a</sup>

(no changes to Table R404.1.1(3) or footnotes)

**R404.3 Wood sill plates.** Wood sill plates shall be a minimum of 2-inch by 4-inch nominal lumber. Sill plate anchorage shall be in accordance with Sections R403.1.6 and R602.11.

#### NEW SECTION

#### WAC 51-51-0408 Section R408—Under-floor space.

**R408.1 Ventilation.** The under-floor space between the bottom of the floor joists and the earth under any building (except space occupied by a basement) shall have ventilation openings through foundation walls or exterior walls.

**R408.2 Openings for under-floor ventilation.** The minimum net area of ventilation openings shall not be less than 1 square foot (0.0929 m<sup>2</sup>) for each 300 square feet (28 m<sup>2</sup>) of under-floor area. In addition, a ground cover that meets the requirements of Section 502.1.6.7 of the Washington State Energy Code (chapter 51-11 WAC) shall be installed. One ventilating opening shall be within 3 feet (914 mm) of each corner of the building, except one side of the building shall be permitted to have no ventilation openings. Ventilation openings shall be covered for their height and width with any of

the following materials provided that the least dimension of the covering shall not exceed 1/4 inch (6.4 mm):

1. Perforated sheet metal plates not less than 0.070 inch (1.8 mm) thick.

2. Expanded sheet metal plates not less than 0.047 inch (1.2 mm) thick.

3. Cast-iron grill or grating.

4. Extruded load-bearing brick vents.

5. Hardware cloth of 0.035 inch (0.89 mm) wire or heavier.

6. Corrosion-resistant wire mesh, with the least dimension being 1/8 inch (3.2 mm).

#### NEW SECTION

#### WAC 51-51-0602 Section R602—Wood wall framing.

**R602.3 Design and construction.** Exterior walls of wood light-framed construction shall be designed and constructed in accordance with the provisions of this chapter and Figures R602.3(1) and R602.3(2) or in accordance with AF&PA's NDS. Components of exterior walls shall be fastened in accordance with Table R602.3(1) through R602.3(4). Exterior walls covered with foam plastic sheathing shall be braced in accordance with Section R602.10. Structural sheathing shall be fastened directly to structural framing members.

**R602.3.4 Bottom (sole) plate.** Studs shall have full bearing on a 2-inch nominal (38 mm) or larger plate or sill having a width at least equal to the width of the studs.

**R602.10 Wall bracing.** All exterior walls shall be braced in accordance with this section. In addition, interior braced wall lines shall be provided in accordance with Section 602.10.11. For buildings in Seismic Design Categories D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub>, walls shall be constructed in accordance with the additional requirements of Sections R602.10.11 through R602.11.3.

#### R602.10.2 Cripple wall bracing.

**R602.10.2.1 Seismic Design Categories Other than D<sub>2</sub>.** In Seismic Design Categories other than D<sub>2</sub>, cripple walls supporting exterior walls or interior braced wall panels as required in Section R403.1.2 and R403.1.2.1 shall be braced with an amount and type of bracing as required for the wall above in accordance with Table R602.10.1 with the following modifications for cripple wall bracing:

1. The percent bracing amount as determined from Table R602.10.1 shall be increased by 15 percent; and

2. The wall panel spacing shall be decreased to 18 feet (5486 mm) instead of 25 feet (7620 mm).

**R602.10.2.2 Seismic Design Category D<sub>2</sub>.** In Seismic Design Category D<sub>2</sub>, cripple walls supporting exterior walls or interior braced wall panels as required in Section R403.1.2 and R403.1.2.1 shall be braced in accordance with Table R602.10.1.

**R602.10.2.3 Redesignation of cripple walls.** In any Seismic Design Category, cripple walls are permitted to be redesignated as the first story walls for purposes of determining wall bracing requirements. If the cripple walls are redesignated,

the stories above the redesignated story shall be counted as the second and third stories, respectively.

#### **R602.10.5 Continuous wood structural panel sheathing.**

When continuous wood structural panel sheathing is provided in accordance with Method 3 of Section R602.10.3 on all sheathable areas of all exterior walls including areas above and below openings, braced wall panel lengths are not required to be in accordance with Section R602.10.4 provided they are in accordance with Table R602.10.5. Wood structural panel sheathing shall be installed at corners in accordance with Figure R602.10.5. The bracing percentages in Table R602.10.1 for Method 3 shall be permitted to be multiplied by a factor of 0.9 for exterior walls with a maximum opening height that does not exceed 85 percent of the wall height or a factor of 0.8 for exterior walls with a maximum opening height that does not exceed 67 percent of the wall height.

**TABLE R602.10.5**

#### **LENGTH REQUIREMENTS FOR BRACED WALL PANELS IN A CONTINUOUSLY SHEATHED WALL<sup>a,b</sup>** (no proposed changes to contents of Table R602.10.5)

For SI: 1 inch = 25.4 mm, 1 foot = 305 mm, 1 pound per square foot = 0.0479 kN/m<sup>2</sup>.

- a. Linear interpolation shall be permitted.
- b. Full-height sheathed wall segments on either side of garage openings that support roofs of light-framed construction only, with roof covering dead loads of 3 psf or less shall be permitted to have a 4:1 height-to-width ratio.
- c. Walls on either or both sides of openings in garages attached to fully sheathed dwellings shall be permitted to be built in accordance with Section R602.10.6.2 and Figure R602.10.6.2 except that a single sill plate shall be permitted and two anchor bolts shall be placed at 1/3 points. In addition, tie-down devices shall not be required and the vertical wall segment shall have a maximum 6:1 height-to-width ratio (with height being measured from top of header to the bottom of the sill plate). This option shall be permitted for the first story of two-story applications in Seismic Design Categories A through C.

**R602.10.6 Alternate braced wall panel construction methods.** Alternate braced wall panels shall be constructed in accordance with Sections R602.10.6.1 and R602.10.6.2.

**R602.10.6.1 Alternate braced wall panels.** Alternate braced wall panels constructed in accordance with one of the following provisions shall be permitted to replace each 4 feet (1219 mm) of braced wall panel as required by Section R602.10.4. The maximum height and minimum width of each panel shall be in accordance with Table R602.10.6.

1. In one-story buildings, each panel shall be sheathed on one face with 3/8-inch-minimum-thickness (9.5 mm) wood structural panel sheathing nailed with 8d common or galvanized box nails in accordance with Table R602.3(1) and blocked at all wood structural panel sheathing edges. Two anchor bolts installed in accordance with Figure R403.1(1) shall be provided in each panel. Anchor bolts shall be placed in from each end of the panel a horizontal distance of one-fourth the panel width. Each panel end stud shall have a tie-

down device fastened to the foundation, capable of providing an uplift capacity in accordance with Table R602.10.6. The tie-down device shall be installed in accordance with the manufacturer's recommendations. The panels shall be supported directly on a foundation or on floor framing supported directly on a foundation which is continuous across the entire length of the braced wall line. This foundation shall be reinforced with not less than one No. 4 bar top and bottom. When the continuous foundation is required to have a depth greater than 12 inches (305 mm), a minimum 12-inch by 12-inch (305 mm by 305 mm) continuous footing or turned down slab edge is permitted at door openings in the braced wall line. This continuous footing or turned down slab edge shall be reinforced with not less than one No. 4 bar top and bottom. This reinforcement shall be lapped 15 inches (381 mm) with the reinforcement required in the continuous foundation located directly under the braced wall line.

2. In the first story of two-story buildings, each braced wall panel shall be in accordance with Item 1 above, except that the following:

- 2.1 The wood structural panel sheathing shall be provided on both faces;
- 2.2 Sheathing edge nailing spacing shall not exceed 4 inches on center; and
- 2.3 Anchor bolts shall be placed at the center of the panel width and in from each end of the panel a horizontal distance of one-fifth the panel width (three total).

**R602.10.7 Panel joints.** All vertical joints of panel sheathing shall occur over, and be fastened to, common studs. Horizontal joints in braced wall panels shall occur over, and be fastened to, common blocking of a minimum 2 inches in nominal thickness.

**EXCEPTION:** Blocking is not required behind horizontal joints in Seismic Design Categories A and B and detached dwellings in Seismic Design Category C when constructed in accordance with Section R602.10.3, braced-wall-panel construction Method 3 and Table R602.10.1, Method 3, or where permitted by the manufacturer's installation requirements for the specific sheathing material.

**R602.10.8 Connections.** Braced wall panel bottom (sole) plates shall be fastened to the floor framing and top plates shall be connected to the framing above in accordance with Table R602.3(1). Sill plates shall be fastened to the footing, foundation or slab in accordance with Sections R403.1.6 and R602.11. Where joists are perpendicular to the braced wall lines above, blocking shall be provided under and in line with the braced wall panels. Where joists are perpendicular to braced wall lines below, blocking shall be provided over and in line with the braced wall panels. Where joists are parallel to braced wall lines above or below, a rim joist or other parallel framing member shall be provided at the wall to permit fastening per Table R602.3(1). For buildings in Seismic Design Categories D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub>, braced wall panels shall also be fastened in accordance with Section R602.11.2.

**R602.10.9 Interior braced wall support.** This section is not adopted. See Section R403.1.2.

**R602.10.10 Design of structural elements.** Where a building, or portion thereof, does not comply with one or more of the bracing requirements in Sections R602.10 through

R602.10.9, those portions shall be designed and constructed in accordance with accepted engineering practice.

**R602.10.11 Bracing in Seismic Design Categories D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub>.** Structures located in Seismic Design Categories D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub> shall have exterior and interior braced wall lines.

**R602.10.11.1 Braced wall line spacing.** Spacing between braced wall lines in each story shall not exceed 25 feet (7620 mm) on center in both the longitudinal and transverse directions.

EXCEPTION: In one- and two-story buildings two adjacent braced wall lines shall not exceed 35 feet (10,363 mm) on center in order to accommodate an area not exceeding 900 square feet (84 m<sup>2</sup>) in each dwelling unit. Spacing between all other braced wall lines shall not exceed 25 feet (7620 mm).

**R602.10.11.2 Braced wall panel location.** Exterior braced wall lines shall be provided with a braced wall panel located at each end of the braced wall line.

EXCEPTION: For braced wall panel construction Method 3 of Section R602.10.3, the braced wall panel shall be permitted to begin no more than 8 feet (2438 mm) from each end of the braced wall line provided one of the following is satisfied:

1. A minimum 24-inch-wide (610 mm) panel is applied to each side of the building corner and the two 24-inch-wide (610 mm) panels at the corner shall be attached to framing in accordance with Figure R602.10.5; or
2. The end of each braced wall panel closest to the corner shall have a tie-down device fastened to the stud at the edge of the braced wall panel closest to the corner and to the foundation or framing below. The tie-down device shall be capable of providing an uplift allowable design value of at least 1,800 pounds (8 kN). The tie-down device shall be installed in accordance with the manufacturer's recommendations.

**R602.10.11.3 Collectors.** A designed collector shall be provided if a braced wall panel is not located at each end of a braced wall line as indicated in Section R602.10.11.2 or, when using the Section R602.10.11.2 Exception, if a braced wall panel is more than 8 feet (2438 mm) from each end of a braced wall line.

**R602.10.11.4 Cripple wall bracing.** In addition to the requirements of Section R602.10.2, where interior braced wall panels occur without a foundation below, the length of parallel exterior cripple wall bracing shall be one and one-half times the length required by Table R602.10.1. Where cripple walls braced using Method 3 of Section R602.10.3 cannot provide this additional length, the capacity of the sheathing shall be increased by reducing the spacing of fasteners along the perimeter of each piece of sheathing to 4 inches (102 mm) on center.

**R602.10.11.5 Sheathing attachment.** Adhesive attachment of wall sheathing shall not be permitted in Seismic Design Categories C, D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub>.

**R602.11 Framing and connections for Seismic Design Categories D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub>.** The framing and connection details of buildings located in Seismic Design Categories D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub> shall be in accordance with Sections R602.11.1 through R602.11.3.

**R602.11.1 Wall anchorage.** Braced wall line sill plates shall be anchored to concrete or masonry foundations in accordance with Sections R403.1.6 and R602.11. For all buildings in Seismic Design Categories D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub> and townhouses in Seismic Design Category C, plate washers, a minimum of 0.229 inch by 3 inches by 3 inches (5.8 mm by 76 mm by 76 mm) in size, shall be installed between the foundation sill plate and the nut. The hole in the plate washer is permitted to be diagonally slotted with a width of up to 3/16 inch (5 mm) larger than the bolt diameter and a slot length not to exceed 1-3/4 inches (44 mm), provided a standard cut washer is placed between the plate washer and the nut.

**R602.11.2 Interior braced wall panel connections.** Interior braced wall panels shall be fastened to floor and roof framing in accordance with Table R602.3(1), to required foundations in accordance with Section R602.11.1, and in accordance with the following requirements:

1. Floor joists parallel to the top plate shall be toe-nailed to the top plate with at least 8d nails spaced a maximum of 6 inches (152 mm) on center.

2. Top plate laps shall be face-nailed with at least eight 16d nails on each side of the splice.

**R602.11.3 Stepped foundations.** Where stepped foundations occur, the following requirements apply:

1. Where the height of a required braced wall panel that extends from foundation to floor above varies more than 4 feet (1220 mm), the braced wall panel shall be constructed in accordance with Figure R602.11.3.

2. Where the lowest floor framing rests directly on a sill bolted to a foundation not less than 8 feet (2440 mm) in length along a line of bracing, the line shall be considered as braced. The double plate of the cripple stud wall beyond the segment of footing that extends to the lowest framed floor shall be spliced by extending the upper top plate a minimum of 4 feet (1219 mm) along the foundation. Anchor bolts shall be located a maximum of 1 foot and 3 feet (305 and 914 mm) from each end of the plate section at the step in the foundation.

3. Where cripple walls occur between the top of the foundation and the lowest floor framing, the bracing requirements for a story shall apply.

4. Where only the bottom of the foundation is stepped and the lowest floor framing rests directly on a sill bolted to the foundations, the requirements of Section R602.11.1 shall apply.

#### NEW SECTION

**WAC 51-51-0613 Section R613—Exterior windows and glass doors.**

**R613.4 Testing and labeling.** Exterior windows and sliding doors shall be tested by an approved independent laboratory, and bear a label identifying manufacturer, performance characteristics and approved inspection agency to indicated compliance with AAMA/WDMA/CSA 101/I.S.2/A440. Exterior side-hinged doors shall be tested and labeled as conforming to AAMA/WDMA/CSA 101/I.S.2/A440 or comply with Section R613.6.

EXCEPTION: 1. Decorative glazed openings.

2. Custom exterior windows and doors manufactured by a small business shall be exempt from all testing requirements in Section R-613 of the International Residential Code provided they meet the applicable provisions of Chapter 24 of the International Building Code.

NEW SECTION

**WAC 51-51-0806 Section R806—Roof ventilation.**

**R806.4 Conditioned attic assemblies.** This section is not adopted.

NEW SECTION

**WAC 51-51-1201 Section M1201—General.**

**M1201.1 Scope.** The provisions of Chapters 12 through 24 shall regulate the design, installation, maintenance, alteration and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions within buildings. These chapters shall also regulate those mechanical systems, system components, equipment and appliances specifically addressed in this code.

EXCEPTION: The standards for liquefied petroleum gas installations shall be the 2004 Edition of NFPA 58 (Liquefied Petroleum Gas Code) and the 2006 Edition of ANSI Z223.1/NFPA 54 (National Fuel Gas Code).

AMENDATORY SECTION (Amending WSR 04-01-109, filed 12/17/03, effective 7/1/04)

**WAC 51-51-4300 Chapter 43—Referenced standards.**

**Washington State Building Code Standard 31-2**

**STANDARD TEST METHOD FOR PARTICULATE EMISSIONS  
FROM FIREPLACES**

~~((Insert following page 524))~~

See Section R1004.1, *International Residential Code* Standard is located in *International Building Code*, Chapter 35

NEW SECTION

**WAC 51-51-60101 Appendix F radon control methods.**

**AF101.1 General.** This appendix contains requirements for new construction in jurisdictions where radon-resistant construction is required.

Inclusion of this appendix by jurisdictions shall be required in high radon potential counties as determined in Figure AF101 and as listed in Table AF101(1).

Unvented crawl spaces are not permitted in any high radon potential county. In other areas, requirements of this appendix apply to any structure constructed with unvented crawl spaces as specified in R408.3.

[FIGURE AF101 EPA MAP OF RADON ZONES LEGEND]



- ZONE 1 HIGH POTENTIAL (GREATER THAN 4 pCi/L<sup>a</sup>)[Red/Darkest]
- ZONE 2 MODERATE POTENTIAL (FROM 2 TO 4 pCi/L)[Orange/Midrange]
- ZONE 3 LOW POTENTIAL (LESS THAN 2 pCi/L)[Yellow/Lightest]

a. pCi/L standard for picocuries per liter of radon gas. EPA recommends that all homes that measure 4 pCi/L and greater be mitigated.

The United States Environmental Protection Agency and the United States Geological Survey have evaluated the radon potential in the United States and have developed a map of radon zones designed to assist building officials in deciding whether radon-resistant features are applicable in new construction.

The map assigns each of the 3,141 counties in the United States to one of three zones based on radon potential. Each zone designation reflects the average short-term radon measurement that can be expected to be measured in a building without the implementation of radon control methods. The radon zone designation of highest priority is Zone 1. Table 1 of this appendix lists the Zone 1 counties illustrated on the map. More detailed information can be obtained from state-specific booklets (EPA-402-R-93-021 through 070) available through State Radon Offices or from U.S. EPA Regional Offices.

**TABLE AF101(1) HIGH RADON POTENTIAL (ZONE 1) COUNTIES<sup>A</sup>**

**WASHINGTON:** Clark, Ferry, Okanogan, Pend Oreille, Skamania, Spokane, Stevens.

a. EPA recommends that this county listing be supplemented with other available state and local data to further understand the radon potential of Zone 1 areas.

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

NEW SECTION

**WAC 51-51-60103 Section AF103—Requirements.**

**AF103.1 General.** The following construction techniques are intended to resist radon entry and prepare the building for post-construction radon mitigation, if necessary (see Figure AF102). These techniques are required in high radon potential counties designated in Table AF101(1).

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 51-51-0101	Section R101—Title, scope and purpose.
WAC 51-51-0324	Section R324—Adult family homes.
WAC 51-51-2401	Section G2401 (101)—General.
WAC 51-51-2415	Section G2415 (404)—Piping system installation.

**WSR 07-01-091**  
**PERMANENT RULES**  
**BUILDING CODE COUNCIL**

[Filed December 19, 2006, 10:16 a.m., effective July 1, 2007]

Effective Date of Rule: July 1, 2007.

Purpose: To adopt and amend the 2006 International Building Code, chapter 51-50 WAC.

Citation of Existing Rules Affected by this Order: Repealing 16; and amending 57.

Statutory Authority for Adoption: RCW 19.27.074, 19.27.020, and chapter 70.92 RCW.

Other Authority: Chapters 19.27 and 34.05 RCW.

Adopted under notice filed as WSR 06-16-113 on August 1, 2006.

Changes Other than Editing from Proposed to Adopted Version: Table 503 Allowable heights and areas—The proposed amendment is not adopted; Table 503 in the 2006 IBC takes affect without amendment.

506.1.1 Area modifications, basements—Exception is rewritten into the body of the text; effect remains the same.

1014.2.2 Exit access, group I-2—Language is revised, exceptions deleted and subsections reorganized to clarify; effect remains the same.

707.14.2.1 Pressurization requirements—The minimum positive pressure for pressurized elevator hoistways is raised to 0.10 inches of water column and the maximum pressure is determined by elevator door closing force.

1101.2.1 Landings for walking surfaces—The proposed amendments are not adopted; the section as previously amended remains in effect.

1107.6.2.1.1 Type A units—The proposed amendment to delete the current state amendment is not adopted; the current state amendment requiring 5 percent Type A units will remain in effect.

1205.1 Lighting—The proposed amendment is not adopted; Section 1205 in the 2006 IBC takes effect without amendment.

1405.5.2 Seismic requirements—The last sentence is deleted for clarity.

Table 2902.1 Minimum plumbing fixtures—A row is added to the table for required fixtures in boarding homes licensed by the department of social and health services.

480202 Work area—The proposed amendment is not adopted; the definition of "work area" as published in the 2006 International existing building code is not amendment.

480704.1 Fire protection, scope—The exception is modified to clarify the intent.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 12, Amended 15, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 19, Amended 11, Repealed 16.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 31, Amended 26, Repealed 16.

Date Adopted: November 17, 2006.

John Neff  
Council Chair

**Chapter 51-50 WAC**

**STATE BUILDING CODE ADOPTION AND AMENDMENT OF THE ((2003)) 2006 EDITION OF THE INTERNATIONAL BUILDING CODE**

AMENDATORY SECTION (Amending WSR 05-01-014, filed 12/2/04, effective 7/1/05)

**WAC 51-50-003 International Building Code.** The ((2003)) 2006 edition of the *International Building Code*, including ((H07)) Appendix E, published by the International Code Council is hereby adopted by reference with the exceptions noted in this chapter of the Washington Administrative Code.

AMENDATORY SECTION (Amending WSR 05-01-014, filed 12/2/04, effective 7/1/05)

**WAC 51-50-005 International Building Code requirements for barrier-free accessibility.** Chapter 11 and other International Building Code requirements for barrier-free access, including ICC A117.1-2003 and Appendix E ((H07)), are adopted pursuant to chapters 70.92 and 19.27 RCW.

Pursuant to RCW 19.27.040, Chapter 11 and requirements affecting barrier-free access shall not be amended by local governments.

AMENDATORY SECTION (Amending WSR 04-01-108, filed 12/17/03, effective 7/1/04)

**WAC 51-50-007 Exceptions.** The exceptions and amendments to the International Building Code contained in the provisions of chapter 19.27 RCW shall apply in case of conflict with any of the provisions of these rules.

The provisions of this code do not apply to temporary growing structures used solely for the commercial production of horticultural plants including ornamental plants, flowers, vegetables, and fruits. "Temporary growing structure" means a structure that has the sides and roof covered with polyethylene, polyvinyl, or similar flexible synthetic material and is used to provide plants with either frost protection or increased heat retention. A temporary growing structure is not considered a building for purposes of this code.

The provisions of this code do not apply to the construction, alteration, or repair of temporary worker housing except as provided by rule adopted under chapter 70.114A RCW or chapter 37, Laws of 1998 (SB 6168). "Temporary worker housing" means a place, area, or piece of land where sleeping places or housing sites are provided by an employer for his or her employees or by another person, including a temporary

worker housing operator, who is providing such accommodations for employees, for temporary, seasonal occupancy, and includes "labor camps" under RCW 70.54.110.

Codes referenced which are not adopted through RCW 19.27.031 or chapter 19.27A RCW shall not apply unless specifically adopted by the authority having jurisdiction. The 2006 International Existing Building Code is referenced in this code as Appendix Chapter M and may be adopted by the authority having jurisdiction in accordance with Section 101.2.1.

AMENDATORY SECTION (Amending WSR 04-01-108, filed 12/17/03, effective 7/1/04)

**WAC 51-50-008 Implementation.** The International Building Code adopted under chapter 51-50 WAC shall become effective in all counties and cities of this state on July 1, ~~((2004))~~ 2007.

#### NEW SECTION

##### **WAC 51-50-0107 Temporary structures and uses.**

**107.1 General.** The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The building official is authorized to grant extensions for demonstrated cause.

EXCEPTION: The building official may authorize unheated tents and yurts under 500 square feet accommodating an R-1 Occupancy for recreational use as a temporary structure and allow them to be used indefinitely.

AMENDATORY SECTION (Amending WSR 05-24-070, filed 12/5/05, effective 7/1/06)

##### **WAC 51-50-0200 Chapter 2—Definitions.**

#### **SECTION 202—DEFINITIONS.**

**ADULT FAMILY HOME.** See Section 310.2.

**CHILD DAY CARE.** See Section 310.2.

**CHILD DAY CARE HOME, FAMILY.** See Section 310.2.

**NIGHTCLUB.** An establishment, other than a theater with fixed seating, which includes all of the following:

1. Provides live entertainment by paid performing artists or by way of recorded music conducted by a person employed or engaged to do so;
2. Has as its primary source of revenue the sale of beverages of any kind for consumption on the premises and/or cover charges;
3. Has an occupant load of 100 or more as determined by the fire code official; and
4. Includes assembly space without fixed seats considered concentrated or standing space per Table 1004.1.2.

Paid performing artists are those entertainers engaged to perform in a for-profit business establishment.

**PORTABLE SCHOOL CLASSROOM.** See Section 902.1.

**RESIDENTIAL CARE/ASSISTED LIVING FACILITIES.** See Section 310.2. This definition is not adopted.

**STORY.** That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above, including basements (also see "Mezzanine" and Section 502.1). It is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

**STORY ABOVE GRADE PLANE.** Any story having its finished floor surface entirely above grade plane, except that a basement shall be considered as a story above grade plane where the finished surface of the floor or roof next above the basement is:

1. More than 6 feet (1829 mm) above grade plane; or
2. More than 12 feet (3658 mm) above the finished ground level at any point.

AMENDATORY SECTION (Amending WSR 04-01-108, filed 12/17/03, effective 7/1/04)

##### **WAC 51-50-0308 Section 308—Institutional Group I.**

**308.2 Group I-1.** This occupancy shall include buildings, structures or parts thereof housing more than 16 persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment that provides personal care services. The occupants are capable of responding to an emergency situation without physical assistance from staff. This group shall include, but not be limited to, the following:

- Residential board and care facilities
- Assisted living facilities
- Halfway houses
- Group homes
- Congregate care facilities
- Social rehabilitation facilities
- Alcohol and drug centers
- Convalescent facilities

A facility such as the above with five or fewer persons and adult family homes licensed by the Washington state department of social and health services shall be classified as a Group R-3 or shall comply with the *International Residential Code* in accordance with Section 101.2. ~~((A facility such as above, housing at least six and not more than 16 persons, shall be classified as Group R-4.))~~

A facility such as the above providing licensed care to clients in one of the categories listed in Section ~~((313-1))~~ 310.1 regulated by either the Washington department of health or the department of social and health services shall be classified as ~~((Licensed Care Group LC))~~ Group R-2.

**308.3 Group I-2.** This occupancy shall include buildings and structures used for medical, surgical, psychiatric, nursing or custodial care on a 24-hour basis of more than five persons who are not capable of self-preservation. This group shall include, but not be limited to, the following:

- Hospitals
- Nursing homes (both intermediate-care facilities and skilled nursing facilities)
- Mental hospitals



**Detoxification facilities**

A facility such as the above with five or fewer persons shall be classified as Group R-3 or shall comply with the *International Residential Code* in accordance with Section 101.2.

A facility such as the above providing licensed care to clients in one of the categories listed in Section ~~((313.1))~~ 310.1 regulated by either the Washington department of health or the department of social and health services shall be classified as ~~((Licensed Care Group LC))~~ Group R-2.

**308.5.2 Child care facility.** A facility that provides supervision and personal care on a less than 24-hour basis for more than five children 2 1/2 years of age or less shall be classified as Group I-4.

EXCEPTIONS: 1. A child day care facility that provides care for more than five but no more than 100 children 2 1/2 years or less of age, when the rooms where such children are cared for are located on the level of exit discharge and each of these child care rooms has an exit door directly to the exterior, shall be classified as Group E.  
2. Family child day care homes licensed by the Washington state department of social and health services for the care of twelve or fewer children shall be classified as Group R-3.

**AMENDATORY SECTION** (Amending WSR 04-01-108, filed 12/17/03, effective 7/1/04)

**WAC 51-50-0310 Section 310—Residential Group R.**

**310.1 Residential Group R.** Residential Group R includes, among others, the use of a building or structure, or a portion thereof, for sleeping purposes when not classified as an Institutional Group I or ~~((Licensed Care Group LC))~~ when not regulated by the International Residential Code in accordance with Section 101.2. Residential occupancies shall include the following:

**R-1 Residential occupancies containing sleeping units** where the occupants are primarily transient in nature, including:

- Boarding houses (transient)
- Hotels (transient)
- Motels (transient)

**R-2 Residential occupancies containing sleeping units or more than two dwelling units** where the occupants are primarily permanent in nature, including:

- Apartment houses
- Boarding houses (not transient)
- Boarding homes as licensed by department of social and health services under chapter 388-78A WAC

- Convents
- Dormitories
- Fraternities and sororities

Hotels (nontransient)

Monasteries

Motels (nontransient)

Residential treatment facilities as licensed by department of health under chapter 246-337 WAC

Vacation timeshare properties

~~((Hotels (nontransient))~~

~~Motels (nontransient)))~~

**R-3 Residential occupancies** where the occupants are primarily permanent in nature and not classified as R-1, R-2, R-4 or I and where buildings do not contain more than two dwelling units as applicable in Section 101.2, including adult family homes and family child day care homes for the care of twelve or fewer children, licensed by the Washington state department of social and health services, or adult and child care facilities that provide accommodations for five or fewer persons of any age for less than 24 hours. Adult family homes and family child day care homes, or adult and child care facilities that are within a single-family home are permitted to comply with the *International Residential Code* in accordance with Section 101.2.

Foster family care homes licensed by the Washington state department of social and health services shall be permitted, as an accessory use to a dwelling, for six or fewer children including those of the resident family.

~~((R-4 Residential occupancies shall include buildings arranged for occupancy as residential care/assisted living facilities including more than five but not more than 16 occupants, excluding staff.~~

EXCEPTIONS: 1. A facility such as the above providing licensed care to clients in one of the categories listed in Section 313.1 regulated by either the Washington department of health or the department of social and health services shall be classified as Licensed Care Group LC.

2. Adult family homes, family child day care homes and foster family care homes shall be classified as Group R-3.

~~Group R-4 Occupancies shall meet the requirements for construction as defined for Group R-3 except as otherwise provided for in this code or shall comply with the International Residential Code in accordance with Section 101.2.)~~  
R-4 classification is not adopted. Any reference in this code to R-4 does not apply.

**310.2 Definitions.**

**ADULT FAMILY HOME** means a dwelling in which a person or persons provide personal care, special care, room and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services.

**CHILD DAY CARE**, shall, for the purposes of these regulations, mean the care of children during any period of a 24-hour day.

**CHILD DAY CARE HOME, FAMILY** is a child day care facility, licensed by the state, located in the dwelling of the person or persons under whose direct care and supervision the child is placed, for the care of twelve or fewer children, including children who reside at the home.

**RESIDENTIAL CARE/ASSISTED LIVING FACILITIES.** ~~((A building or part thereof housing persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment which provides personal care services that is not classified as Licensed Care Group LC. The occupants are capable of responding to an emergency situation without physical assistance from staff. This classification shall include, but not be limited to, the following: Residential board and care facilities, assisted living~~

facilities, halfway houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug abuse centers and convalescent facilities.) This definition is not adopted.

#### NEW SECTION

#### **WAC 51-50-0406 Section 406—Motor-vehicle-related occupancies.**

**406.2.6 Floor surface.** Parking surfaces shall be of concrete or similar noncombustible and nonabsorbent materials.

EXCEPTION: Asphalt parking surfaces are permitted at ground level.

AMENDATORY SECTION (Amending WSR 05-01-014, filed 12/2/04, effective 7/1/05)

#### **WAC 51-50-0407 Section 407—Group I-2.**

**407.8 Locks on exit doors.** Approved, listed locks without delayed egress shall be permitted in nursing homes or portions of nursing homes, provided that:

1. The clinical needs of one or more patients require specialized security measures for their safety.
2. The doors unlock upon actuation of the automatic sprinkler system or automatic fire detection system.
3. The doors unlock upon loss of electrical power controlling the lock or lock mechanism.
4. The lock shall be capable of being deactivated by a signal from a switch located in an approved location.
5. There is a system, such as a keypad and code, in place ~~((to inform))~~ that allows visitors, staff persons and appropriate residents ~~((how they can))~~ to exit. Instructions for exiting shall be posted within six feet of the door.

#### NEW SECTION

#### **WAC 51-50-0502 Section 502—Definitions.**

**502.1 Definitions.** The following words and terms shall, for the purposes of this chapter and as used elsewhere in this code, have the meanings shown herein.

**BASEMENT.** A story that is partly or completely below grade plane (see "Story above grade plane" in Section 202). A basement shall be considered as a story above grade plane where the finished surface of the floor or roof next above the basement is:

1. More than 6 feet (1829 mm) above grade plane; or
2. More than 12 feet (3658 mm) above the finished ground level at any point.

**STORY.** That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above, including basements (also see "Basement" and "Mezzanine").

#### NEW SECTION

#### **WAC 51-50-0506 Area modifications.**

**506.1.1 Basements.** Basements below the first story above grade plane need not be included in the total allowable area

provided each such basement does not exceed the area permitted for a building with no more than one story above grade plane.

#### NEW SECTION

#### **WAC 51-50-0509 Section 509—Special provisions.**

**509.2 Group S-2 enclosed or open parking garage with Group A, B, M, R or S above.** A building shall be considered as two separate and distinct buildings for the purpose of determining area limitations, continuity of fire walls, limitation of number of stories and type of construction, where all of the following conditions are met:

1. The buildings are separated with a horizontal assembly having a minimum 3-hour fire-resistance rating.
2. The building below the horizontal assembly is no more than one story above grade plane.
3. The building below the horizontal assembly is of Type IA construction.
4. Shaft, stairway, ramp and escalator enclosures through the horizontal assembly shall have not less than a 2-hour fire-resistance rating with opening protectives in accordance with Table 715.4.

EXCEPTION: Where the enclosure walls below the horizontal assembly have not less than a 3-hour fire-resistance rating with opening protectives in accordance with Table 715.4, the enclosure walls extending above the horizontal assembly shall be permitted to have a 1-hour fire-resistance rating, provided:

1. The building above the horizontal assembly is not required to be of Type I construction,
2. The enclosure connects less than four stories, and
3. The enclosure opening protectives above the horizontal assembly have a minimum 1-hour fire-protection rating.

5. The building above the horizontal assembly shall be permitted to have multiple Group A uses each with an occupant load of less than 300, or Group B, M, R or S uses;

6. The building below the horizontal assembly is a Group S-2 enclosed or open parking garage, used for the parking and storage of private motor vehicles.

EXCEPTIONS:

1. Entry lobbies, mechanical rooms and similar uses incidental to the operation of the building shall be permitted.
2. Multiple Group A uses, each with an occupant load of less than 300, or Group B or M uses shall be permitted in addition to those uses incidental to the operation of the building (including storage areas), provided that the entire structure below the horizontal assembly is protected throughout by an approved automatic sprinkler system.

7. The maximum building height in feet shall not exceed the limits set forth in Section 503 for the building having the smaller allowable height as measured from grade plane.

**509.3 Group S-2 enclosed parking garage with Group S-2 open parking garage above.** A Group S-2 enclosed parking garage with no more than one story above grade plane and located below a Group S-2 open parking garage shall be classified as a separate and distinct building for the purpose of determining the type of construction where the following conditions are met:

1. The allowable area of the building shall be such that the sum of the ratios of the actual area divided by the allowable area for each separate occupancy shall not exceed 1.0.

2. The Group S-2 enclosed parking garage is of Type I or II construction and is at least equal to the fire-resistance requirements of the Group S-2 open parking garage.

3. The height and number of tiers of the Group S-2 open parking garage shall be limited as specified in Table 406.3.5.

4. The floor assembly separating the Group S-2 enclosed parking garage and Group S-2 open parking garage shall be protected as required for the floor assembly of the Group S-2 enclosed parking garage. Openings between the Group S-2 enclosed parking garage and Group S-2 open parking garage, except exit openings, shall not be required to be protected.

5. The Group S-2 enclosed parking garage is used exclusively for the parking or storage of private motor vehicles, but shall be permitted to contain an office, waiting room and toilet room having a total area of not more than 1,000 square feet (93 m<sup>2</sup>), and mechanical equipment rooms incidental to the operation of the building.

**AMENDATORY SECTION** (Amending WSR 04-01-108, filed 12/17/03, effective 7/1/04)

**WAC 51-50-0707 Section 707—Shaft enclosures.**

~~((707.14.1 Elevator lobby. Elevators opening into a fire-resistance-rated corridor as required by Section 1016.1 shall be provided with an elevator lobby at each floor containing such a corridor. The lobby shall separate the elevators from the corridor by fire partitions and the required opening protection. Elevator lobbies shall have at least one means of egress complying with Chapter 10 and other provisions within this code.~~

**EXCEPTIONS:** 1. In office buildings, separations are not required from a street-floor elevator lobby provided the entire street floor is equipped with an automatic sprinkler system in accordance with Section 903.3.1.1.  
 2. Elevators not required to be located in a shaft in accordance with Section 707.2.  
 3. Where additional doors are provided in accordance with Section 3002.6. Such doors shall be tested in accordance with UL 1784 without an artificial bottom seal.  
 4. In other than Group I-3, and buildings more than four stories above the lowest level of fire department vehicle access, lobby separation is not required where the building, including the lobby and corridors leading to the lobby, is protected by an automatic sprinkler system installed throughout in accordance with Section 903.3.1.1 or 903.3.1.2.  
 5. In fully sprinklered buildings where elevator and stair shafts are pressurized in accordance with Section 909, elevator lobbies need not be provided. The pressurized stair shafts shall comply with the standards for elevator shaft pressurization in Section 909.6.3.))

**707.14.2 Enclosed elevator lobby pressurization alternative.** Where elevator hoistway pressurization is provided in lieu of required enclosed elevator lobbies, the pressurization system shall comply with this section.

**707.14.2.1 Pressurization requirements.** Elevator hoistways shall be pressurized to maintain a minimum positive pressure of 0.10 inches of water column with respect to adjacent occupied space on all floors and a maximum pressure so

as to not prevent the automatic operation of the elevator doors, as well as accounting for the stack and wind effect expected on the mean low temperature January day. This pressure shall be measured at the midpoint of each hoistway door, with all hoistway doors open at the designated primary recall level and all other hoistway doors closed. The supply air intake shall be from an outside, uncontaminated source located a minimum distance of 20 feet from any air exhaust system or outlet.

**707.14.2.2 Ducts for system.** Any duct system that is part of the pressurization system shall be protected with the same fire-resistance rating as required for the elevator shaft enclosure.

**707.14.2.3 Fan system.** The fan system provided for the pressurization system shall be as required by this section.

**707.14.2.3.1 Fire resistance.** When located within the building, the fan system that provides the pressurization shall be protected with the same fire-resistance rating required for the elevator shaft enclosure.

**707.14.2.3.2 Smoke detection.** The fan system shall be equipped with a smoke detector that will automatically shut down the fan system when smoke is detected within the system.

**707.14.2.3.3 Separate systems.** A separate fan system shall be used for each bank of elevators.

**707.14.2.3.4 Fan capacity.** The supply fan shall either be adjustable with a capacity of at least 1000-cfm (.4719 m<sup>3</sup>/s) per door, or that specified by a registered design professional to meet the requirements of a designed pressurization system.

**707.14.2.4 Standby power.** The pressurization system shall be provided with standby power from the same source as other required emergency systems for the building.

**707.14.2.5 Activation of pressurization system.** The elevator pressurization system shall be activated upon activation of the building fire alarm system or upon activation of the elevator lobby smoke detectors.

**707.14.2.6 Elevator doors.** Each elevator door shall operate properly when hoistway pressurization is in effect.

**707.14.2.7 Hoistway venting.** Hoistway venting required by Section 3004 need not be provided for pressurized elevator shafts.

**707.14.2.8 Machine rooms.** Elevator machine rooms shall be pressurized in accordance with this section unless separated from the hoistway shaft by construction in accordance with Section 707.

**707.14.2.9 Special inspection.** Special inspection for performance shall be required in accordance with Section 909.18.8. System acceptance shall be in accordance with Section 909.19.

AMENDATORY SECTION (Amending WSR 05-24-070, filed 12/5/05, effective 7/1/06)

**WAC 51-50-0903 Section 903—Automatic sprinkler systems.**

~~((903.2.1.2 Group A-2. An automatic sprinkler system shall be provided for Group A-2 Occupancies where one of the following conditions exists:~~

1. The fire area exceeds 5,000 square feet (464.5 m<sup>2</sup>);
2. The fire area has an occupant load of 100 or more;
3. The fire area is located on a floor other than the level of exit discharge.))

**903.2.1.6 Nightclub.** An automatic sprinkler system shall be provided throughout an occupancy with a nightclub. Existing nightclubs constructed prior to July 1, 2006, shall be provided with automatic sprinklers not later than December 1, 2007. The fire code official, for the application of this rule, may establish an occupant load based on the observed use of the occupancy in accordance with Table 1004.1.2.

**903.2.2 Group E.** An automatic sprinkler system shall be provided for Group E Occupancies ((as follows:

1. Throughout all Group E fire areas greater than 20,000 square feet (1858 m<sup>2</sup>) in area;
2. Throughout every portion of educational buildings below the level of exit discharge.

**EXCEPTION:** An automatic sprinkler system is not required in any fire area or area below the level of exit discharge where every classroom throughout the building has at least one exterior exit door at ground level.

3. Throughout all newly constructed Group E Occupancies having an occupant load of 50 or more for more than 12 hours per week or four hours in any one day. A minimum water supply meeting the requirements of NFPA 13 shall be required. The fire code official may reduce fire flow requirements for buildings protected by an approved automatic sprinkler system.

For the purpose of this section, additions exceeding 60 percent of the value of such building or structure, or alterations and repairs to any portion of a building or structure within a twelve-month period that exceeds 100 percent of the value of such building or structure shall be considered new construction. In the case of additions, fire walls shall define separate buildings).

**EXCEPTIONS:** 1. Portable school classrooms, provided aggregate area of any cluster or portion of a cluster(s) of portable school classrooms does not exceed 5,000 square feet (465 m<sup>2</sup>); and clusters of portable school classrooms shall be separated as required in Chapter 5 of the building code.  
2. Group E ((day-care)) occupancies with an occupant load of 50 or less.

((When not required by other provisions of this chapter, a fire extinguishing system installed in accordance with NFPA 13 may be used for increases and substitutions allowed in Section 504.2, 506.3, and Table 601 of the building code.)) **903.2.7 Group R.** An automatic fire sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.

**EXCEPTION:** Group R-1 if all of the following conditions apply:

1. The Group R fire area is no more than 500 square feet and is used for recreational use only.
2. The Group R fire area is only one story.
3. The Group R fire area does not include a basement.
4. The Group R fire area is no closer than 30 feet from another structure.
5. Cooking is not allowed within the Group R fire area.
6. The Group R fire area has an occupant load of no more than 8.
7. A hand held (portable) fire extinguisher is in every Group R fire area.

~~((903.2.10.3 Buildings over 75 feet in height. An automatic sprinkler system shall be installed throughout buildings with a floor level having an occupant load of 30 or more that is located 75 feet (22 860 mm) or more above the lowest level of fire department vehicle access.~~

**EXCEPTIONS:** 1. Airport control towers.  
2. Open parking structures.  
3. Occupancies in Group F-2.))

AMENDATORY SECTION (Amending WSR 05-24-070, filed 12/5/05, effective 7/1/06)

**WAC 51-50-0909 Section 909—Smoke control systems.**

**909.6.3 Elevator shaft pressurization.** Where elevator shaft pressurization is required to comply with Exception ((5)) 6 of Section 707.14.1, the pressurization system shall comply with ((the following)) and be maintained in accordance with 707.14.2.

~~909.6.3.1 ((Standards and testing. Elevator shafts shall be pressurized to not less than 0.10 inch water column relative to atmospheric pressure. Elevator pressurization shall be measured with the elevator cars at the designated primary recall level with the doors in the open position. The test shall be conducted at the location of the calculated maximum positive stack effect in the elevator shaft. The measured pressure shall be sufficient to provide 0.10 inch of water column as well as accounting for the stack and wind effect expected on the mean low temperature January day.~~

~~909.6.3.2))~~ **Activation.** The elevator shaft pressurization system shall be activated by a fire alarm system which shall include smoke detectors or other approved detectors located near the elevator shaft on each floor as approved by the building official and fire ((chief)) code official. If the building has a fire alarm panel, detectors shall be connected to, with power supplied by, the fire alarm panel.

~~((909.6.3.3 Separation. Elevator shaft pressurization equipment and its ductwork located within the building shall be separated from other portions of the building by construction equal to that required for the elevator shaft.~~

~~909.6.3.4 Location of intakes. Elevator shaft pressurization air intakes shall be located in accordance with Section 909.10.3. Such intakes shall be provided with smoke detectors which upon detection of smoke, shall deactivate the pressurization fan supplied by that air intake.~~

~~909.6.3.5))~~ **909.6.3.2 Power system.** The power source for the fire alarm system and the elevator shaft pressurization system shall be in accordance with Section 909.11.

~~(909.6.3.6 Hoistway venting. Hoistway venting required by Section 3004 need not be provided for pressurized elevator shafts.~~

~~909.6.3.7 Machine rooms. Elevator machine rooms required to be pressurized by Section 3006.3 need not be pressurized where separated from the hoistway shaft by construction in accordance with Section 707.~~

~~909.6.3.8 Special inspection. Special inspection for performance shall be required in accordance with Section 909.18.8. System acceptance shall be in accordance with Section 909.19.)~~

AMENDATORY SECTION (Amending WSR 05-24-070, filed 12/5/05, effective 7/1/06)

**WAC 51-50-1008 Section 1008—Doors, gates and turnstiles.**

**1008.1.2 Door swing.** Egress doors shall be side-hinged swinging.

EXCEPTIONS: 1. Private garages, office areas, factory and storage areas with an occupant load of 10 or less.  
 2. Group I-3 Occupancies used as a place of detention.  
 3. Critical or intensive care patient rooms within suites of health care facilities.  
 4. Doors within or serving a single dwelling unit in Groups R-2 and R-3 ~~((as applicable in Section 101.2)).~~  
~~((4.))~~ 5. In other than Group H Occupancies, revolving doors complying with Section 1008.1.3.1.  
~~((5.))~~ 6. In other than Group H Occupancies, horizontal sliding doors complying with Section 1008.1.3.3 are permitted as a means of egress.  
~~((6.))~~ 7. Power-operated doors in accordance with Section ~~((1008.1.3.4))~~ 1008.1.3.2.  
~~((7.))~~ 8. Doors serving a bathroom within an individual sleeping unit in Group R-1.  
9. In other than Group H Occupancies, manually operated horizontal sliding doors are permitted in a means of egress from occupied spaces with an occupant load of 10 or less.

Doors shall swing in the direction of egress travel where serving an occupant load of 50 or more persons or a Group H Occupancy.

The opening force for interior side-swinging doors without closers shall not exceed a 5-pound (22 N) force. For other side-swinging, sliding, and folding doors, the door latch shall release when subjected to a 15-pound (67 N) force. The door shall be set in motion when subjected to a 30-pound (133 N) force. The door shall swing to a full-open position when subjected to a 15-pound (67 N) force. Forces shall be applied to the latch side. ~~((Within an accessible route, at exterior doors where environmental conditions require a closing pressure greater than 8.5 pounds, power operated doors shall be used within the accessible route of travel.))~~

AMENDATORY SECTION (Amending WSR 04-01-108, filed 12/17/03, effective 7/1/04)

**WAC 51-50-1009 Section 1009—Stairways and handrails.**

~~((4009.13))~~ **1009.12 Stairways in individual dwelling units.** Stairs or ladders within an individual dwelling unit used ~~((to gain))~~ for access to areas of 200 square feet (18.6

m<sup>2</sup>) or less, and not containing the primary bathroom or kitchen, are exempt from the requirements of Section 1009.

NEW SECTION

**WAC 51-50-1014 Exit access.**

**1014.2.2 Group I-2.** Habitable rooms or suites in Group I-2 occupancies shall have an exit access door leading directly to a corridor.

EXCEPTION: Rooms with exit doors opening directly to the outside at ground level.

**1014.2.2.1 Definition.** For the purposes of this section, a suite is defined as a cluster of rooms or spaces sharing common circulation. Partitions within a suite are not required to have smoke or fire-resistance-rated construction unless required by another section of this Code.

**1014.2.3 Suites in patient sleeping areas.** Patient sleeping areas in Group I-2 Occupancies shall be permitted to be divided into suites if one of the following conditions is met:

1. The intervening room within the suite is not used as an exit access for more than eight patient beds.

2. The arrangement of the suite allows for direct and constant visual supervision by nursing personnel.

**1014.2.3.1 Area.** Suites of sleeping rooms shall not exceed 5,000 square feet (465 m<sup>2</sup>).

**1014.2.3.2 Exit access.** Any patient sleeping room, or any suite that includes patient sleeping rooms, of more than 1,000 square feet (93 m<sup>2</sup>) shall have at least two exit access doors remotely located from each other.

**1014.2.3.3 Travel distance.** The travel distance between any point in a suite of sleeping rooms and an exit access door of that suite shall not exceed 100 feet (30,480 mm).

**1014.2.4 Suites in areas other than patient sleeping areas.** Areas other than patient sleeping areas in Group I-2 Occupancies shall be permitted to be divided into suites.

**1014.2.4.1 Area.** Suites of rooms, other than patient rooms, shall not exceed 10,000 square feet (929 m<sup>2</sup>).

**1014.2.4.2 Exit access.** Any rooms or suite of rooms, other than patient sleeping rooms, of more than 2,500 square feet (232 m<sup>2</sup>) shall have at least two exit access doors remotely located from each other.

**1014.2.4.3 One intervening room.** For rooms other than patient sleeping rooms, suites of rooms are permitted to have one intervening room if the travel distance within the suite is not greater than 100 feet (30,480 mm).

**1014.2.4.4 Two intervening rooms.** For rooms other than patient sleeping rooms located within a suite, exit access travel from within the suite shall be permitted through two intervening rooms where the travel distance to the exit access door is not greater than 50 feet (15,240 mm).

**1014.2.5 Travel distance.** The travel distance between any point in a Group I-2 Occupancy patient room and an exit

access door in that room shall not exceed 50 feet (15,240 mm).

**1014.2.6 Separation.** Suites in Group I-2 Occupancies shall be separated from other portions of the building by a smoke partition complying with Section 710.

NEW SECTION

**WAC 51-50-1015 Exit and exit access doorways.**

**1015.1 (IFC 1015.1) Exits or exit access doorways from spaces.** Two exits or exit access doorways from any space shall be provided where one of the following conditions exists:

1. The occupant load of the space exceeds one of the values in Table 1015.1.

EXCEPTION: One means of egress is permitted within and from dwelling units with a maximum occupant load of 20 where the dwelling unit is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1.

2. The common path of egress travel exceeds one of the limitations of Section 1014.3.

3. Where required by Sections 1015.3, 1015.4, 1015.5, 1015.6 or 1015.6.1.

EXCEPTION: Group I-2 occupancies shall comply with Section 1014.2.2.

**TABLE 1015.1 (IFC 1015.1)  
SPACES WITH ONE MEANS OF EGRESS**

OCCUPANCY	MAXIMUM OCCUPANT LOAD
A, B, E <sup>a</sup> , F, M, U	49
H-1, H-2, H-3	3
H-4, H-5, I-1, I-3, I-4, R	10
S	29

a. Day care maximum occupant load is 10.

**1015.1.1 (IFC 1015.1.1) Three or more exits or exit access doorways.** Three exits or exit access doorways shall be provided from any space with an occupant load of 501-1,000. Four exits or exit access doorways shall be provided from any space with an occupant load greater than 1,000.

NEW SECTION

**WAC 51-50-1017 Corridors.**

**1017.1 Construction.** Corridors shall be fire-resistance rated in accordance with Table 1017.1. The corridor walls required to be fire-resistance rated shall comply with Section 708 for fire partitions.

- EXCEPTIONS:
1. A fire-resistance rating is not required for corridors in an occupancy in Group E where each room that is used for instruction has at least one door directly to the exterior and rooms for assembly purposes have at least one-half of the required means of egress doors opening directly to the exterior. Exterior doors specified in this exception are required to be at ground level.
  2. A fire-resistance rating is not required for corridors contained within a dwelling or sleeping unit in an occupancy in Group R.
  3. A fire-resistance rating is not required for corridors in open parking garages.

4. A fire-resistance rating is not required for corridors in an occupancy in Group B which is a space requiring only a single means of egress complying with Section 1015.1.

5. In Group R-2 boarding homes and residential treatment facilities licensed by Washington state, rest areas constructed as required for corridors shall be allowed to be open to the corridor provided:

- 5.1 The area does not exceed 150 square feet, excluding the corridor width;
- 5.2 The floor is separated into at least two compartments complying with Section 407.4;
- 5.3 Combustible furnishings located within the rest area shall be in accordance with the International Fire Code section 805;
- 5.4 Emergency means of egress lighting is provided as required by Section 1006 to illuminate the area.

**1017.4 Air movement in corridors.** Corridors shall not serve as supply, return, exhaust, relief or ventilation air ducts.

- EXCEPTIONS:
1. Use of a corridor as a source of makeup air for exhaust systems in rooms that open directly onto such corridors, including toilet rooms, bathrooms, dressing rooms, smoking lounges and janitor closets, shall be permitted provided that each such corridor is directly supplied with outdoor air at a rate greater than the rate of makeup air taken from the corridor.
  2. Where located within a dwelling unit, the use of corridors for conveying return air shall not be prohibited.
  3. Where located within tenant spaces of one thousand square feet (93 m<sup>2</sup>) or less in area, utilization of corridors for conveying return air is permitted.
  4. Where such air is part of an engineered smoke control system.
  5. Make up or relief air in corridors of Group I-2 Occupancies.
  6. Corridors serving residential occupancies shall be permitted to be supplied without specific mechanical exhaust subject to the following:
    - 6.1 The supply air is one hundred percent outside air; and
    - 6.2 The units served by the corridor have conforming ventilation independent of the air supplied to the corridor; and
    - 6.3 For other than high-rise buildings, the supply fan will automatically shut off upon activation of corridor smoke detectors which shall be spaced at no more than thirty feet (9,144 mm) on center along the corridor; or
    - 6.4 For high-rise buildings, corridor smoke detector activation will close required smoke/fire dampers at the supply inlet to the corridor at the floor receiving the alarm.

**1017.6 Subdivision of building spaces—Smoke barriers.** Smoke barriers complying with Section 709 shall be installed on floors other than the level of exit discharge of a Group R-2 boarding home or residential treatment facility licensed by Washington state, where a fire-resistance rated corridor is required by Table 1017.1. The smoke barrier shall subdivide the floor into at least two compartments complying with Section 407.4.

NEW SECTION

**WAC 51-50-1019 Number of exits and continuity.**

**1019.1 (IFC 1019.1) Exits from stories.** All spaces within each story shall have access to the minimum number of exits as specified in Table 1019.1 based on the occupant load of the story, except as modified in Section 1019.2. For the purposes of this chapter, occupied roofs shall be provided with exits as required for stories. The required number of exits from any

story, including basements, shall be maintained until arrival at grade or the public way.

EXCEPTION: One means of egress is permitted within and from dwelling units with a maximum occupant load of 20 where the dwelling unit is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1.

**TABLE 1019.1 (IFC 1019.1)  
MINIMUM NUMBER OF EXITS FOR OCCUPANT LOAD**

OCCUPANT LOAD (persons per story)	MINIMUM NUMBER OF EXITS (per story)
1-500	2
501-1,000	3
More than 1,000	4

**1019.2 (IFC 1019.2) Buildings with one exit.** Only one exit shall be required in buildings as specified below:

1. Buildings meeting the limitations of Table 1019.2, provided the building has not more than one level below the first story above grade plane.
2. Buildings of Group R-3 Occupancy.
3. Single-level buildings with occupied spaces at the level of exit discharge provided each space complies with Section 1015.1 as a space with one exit or exit access doorway.

**TABLE 1019.2 (IFC 1019.2)  
BUILDINGS WITH ONE EXIT**

OCCUPANCY	MAXIMUM HEIGHT OF BUILDING ABOVE GRADE PLANE	MAXIMUM OCCUPANTS (OR DWELLING UNITS) PER FLOOR AND TRAVEL DISTANCE
A, B <sup>d</sup> , E <sup>e</sup> , F, M, U	1 Story	49 occupants and 75 feet travel distance
H-2, H-3	1 Story	3 occupants and 25 feet travel distance
H-4, H-5, I, R	1 Story	10 occupants and 75 feet travel distance
S <sup>a</sup>	1 Story	29 occupants and 100 feet travel distance
B <sup>b</sup> , F, M, S <sup>a</sup>	2 Stories	30 occupants and 75 feet travel distance
R-2	2 Stories <sup>c</sup>	4 dwelling units and 50 feet travel distance

For SI: 1 foot = 304.8 mm.

- a. For the required number of exits for open parking structures, see Section 1019.1.1.
- b. For the required number of exits for air traffic control towers, see Section 412.1.
- c. Buildings classified as Group R-2 equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2 and provided with emergency escape and rescue openings in accordance with Section 1026 shall have a maximum height of three stories above grade plane.

- d. Buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 with an occupancy in Group B shall have a maximum travel distance of 100 feet.
- e. Day care maximum occupant load is 10.

**AMENDATORY SECTION** (Amending WSR 05-24-070, filed 12/5/05, effective 7/1/06)

**WAC 51-50-1101 Section 1101—General.**

**1101.2 Design.** Buildings and facilities shall be designed and constructed to be accessible in accordance with this code and ICC A117.1, except those portions of ICC A117.1 amended by this section.

**1101.2.1 (ICC A117.1 Section 403) Landings for walking surfaces.** The maximum rise for any run is 30 inches (762 mm). Landings shall be provided at the top and bottom of any run. Landings shall be level and have a minimum dimension measured in the direction of travel of not less than 60 inches (1525 mm).

**1101.2.2 (ICC A117.1 Section 403.5) Clear width of accessible route.** Clear width of an accessible route shall comply with ICC A117.1 Table 403.5. For exterior routes of travel, the minimum clear width shall be 44 inches (1118 mm).

**1101.2.3 (ICC A117.1 Section ((404.2.9)) 404.2.8) Door-opening force.** Fire doors shall have the minimum opening force allowable by the appropriate administrative authority. The ((maximum)) force for pushing ((open)) or pulling open doors other than fire doors shall be as follows:

1. Interior hinged door: 5.0 pounds (22.2 N) maximum
2. Interior sliding or folding doors: 5.0 pounds (22.2 N) maximum
3. Exterior hinged, sliding or folding door: 10 pounds (44.4 N) maximum.

EXCEPTION: Interior or exterior automatic doors complying with Section 404.3 of ICC ANSI A117.1.

((At exterior doors where environmental conditions require a closing pressure greater than 8.5 pounds, power operated doors shall be used within the accessible route of travel.))

These forces do not apply to the force required to retract latch bolts or disengage other devices that hold the door in a closed position.

**1101.2.4 (ICC A117.1 Section 407.4.6.2.2) Arrangement of elevator car buttons.** This section is not adopted.

~~((1101.2.5 (ICC A117.1 Sections 603.4 and 604.11) Coat hooks, shelves, dispensers, and other fixtures. Coat hooks provided shall accommodate a forward reach or side reach complying with ICC A117.1 Section 308. Where provided, shelves shall be installed so that the top of the shelf is 40 inches (1015 mm) maximum above the floor or ground. Drying equipment, towel or other dispensers, and disposal fixtures shall be located 40 inches (1015 mm) maximum above the floor or ground to any rack, operating controls, receptacle or dispenser.))~~ **1101.2.5 (ICC A117.1 603.4) Coat hooks and shelves.** Coat hooks shall be located within one of the reach ranges specified in Section 308. Shelves shall be

installed so the top of the shelf is 40 inches (1015 mm) minimum and 42 inches maximum above the floor.

**1101.2.6 (ICC A117.1 604.11) Coat hooks and shelves.** Coat hooks provided within toilet compartments shall be located within one of the reach ranges specified in Section 308. Shelves shall be installed so the top of the shelf is 40 inches (1015 mm) minimum and 42 inches maximum above the floor.

**1101.2.7 (ICC ANSI A117.1 606.7) Operable parts.** Operable parts on drying equipment, towel or cleansing product dispensers, and disposal fixtures shall comply with Table 606.7, except the maximum reach height shall be 40 inches (1015 mm) for reach depths less than 6 inches.

~~(1101.2.6)~~ **1101.2.8 (ICC A117.1 Section 604.6) Flush controls.** ~~((Hand operated flush controls for water closets shall be mounted not more than 44 inches (1118 mm) above the floor.))~~ Flush controls shall be hand operated or automatic. Hand operated flush controls shall comply with Section 309, except the maximum height above the floor shall be 44 inches. Flush controls shall be located on the open side of the water closet.

EXCEPTION: In ambulatory accessible compartments complying with Section 604.9, flush controls shall be permitted to be located on either side of the water closet.

**1101.2.9 (ICC A117.1 Section 703.6.3.1) International Symbol of Accessibility.** Where the International Symbol of Accessibility is required, it shall be proportioned complying with ICC A117.1 Figure ~~((703.7.2.1))~~ 703.6.3.1. All interior and exterior signs depicting the International Symbol of Accessibility shall be white on a blue background.

~~(1101.2.11)~~ **1101.2.10 (ICC A117.1 Section 404.3.5) Control switches.** ~~((Control switches shall be mounted 32 to 40 inches above the floor and not less than 18 inches nor more than 36 inches horizontally from the nearest point of travel of the moving doors.))~~ Manually operated control switches shall comply with Section 309, except they shall be placed 32 inches minimum (815 mm) and 40 inches maximum (1015 mm) above the floor. The clear floor space adjacent to the control switch shall be located beyond the arc of the door swing and centered on the control switch.

AMENDATORY SECTION (Amending WSR 04-01-108, filed 12/17/03, effective 7/1/04)

**WAC 51-50-1106 Section 1106—Parking and passenger loading facilities.**

**1106.3 ((Outpatient medical care facilities.** For Group I-1 and I-2 Occupancies providing outpatient medical care facilities, 10 percent, but not less than one, of the parking spaces provided accessory to such occupancies shall be accessible.)) **Group I-1 and I-2 outpatient facilities.** Ten percent, but not less than one, of patient and visitor parking spaces provided to serve Group I-1 and I-2 outpatient facilities shall be accessible.

**1106.4 ((Inpatient and outpatient medical care facilities.** For Group I-1 and I-2 units and facilities specializing in the treatment of persons with mobility impairments on either an

inpatient or outpatient basis, 20 percent, but not less than one, of the parking spaces provided accessory to such units and facilities shall be accessible.)) **Rehabilitation facilities and outpatient physical therapy facilities.** Twenty percent, but not less than one, of the portion of patient and visitor parking spaces serving rehabilitation facilities specializing in treating conditions that affect mobility and outpatient physical therapy facilities shall be accessible.

**1106.6 Location.** Accessible parking spaces shall be located on the shortest accessible route of travel from adjacent parking to an accessible building entrance. ~~((Accessible parking spaces shall be dispersed among the various types of parking facilities provided.))~~ In parking facilities that do not serve a particular building, accessible parking spaces shall be located on the shortest route to an accessible pedestrian entrance to the parking facility. Where buildings have multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located near the accessible entrances. Wherever practical, the accessible route ~~((of travel))~~ shall not cross lanes of vehicular traffic. Where crossing traffic lanes is necessary, the route ~~((of travel))~~ shall be designated and marked as a crosswalk.

EXCEPTION: 1. In multilevel parking structures, van accessible parking spaces are permitted on one level.  
2. Accessible parking spaces shall be permitted to be located in different parking facilities if substantially equivalent or greater accessibility is provided in terms of distance from an accessible entrance or entrances, parking fee and user convenience.

~~((1106.7.4 Sheltered entrance.~~ In Group I-2 Occupancies, at least one accessible entrance that complies with Section 1105 shall be under shelter. Every such entrance shall include a passenger loading zone that complies with Section 1106.7.))

AMENDATORY SECTION (Amending WSR 04-01-108, filed 12/17/03, effective 7/1/04)

**WAC 51-50-1107 Section 1107—Dwelling units and sleeping units.**

**1107.6 Group R.** ~~((Occupancies in Group R shall be provided with accessible features))~~ Accessible units, Type A units and Type B units shall be provided in Group R Occupancies in accordance with Sections 1107.6.1 through 1107.6.4. Accessible and Type A units shall be apportioned among efficiency dwelling units, single bedroom units and multiple bedroom units, in proportion to the numbers of such units in the building. ~~((Accessible hotel guest rooms shall be apportioned among the various classes of sleeping accommodations.))~~

**1107.6.2.1.1 Type A units.** In ~~((occupancies in))~~ Group R-2 Occupancies containing more than 10 dwelling units or sleeping units, at least 5 percent, but not less than one, of the units shall be a Type A unit. All units on a site shall be considered to determine the total number of units and the required number of Type A units. Type A units shall be dispersed among the various classes of units.

EXCEPTIONS: 1. The number of Type A units is permitted to be reduced in accordance with Section 1107.7.



2. Existing structures on a site shall not contribute to the total number of units on a site.

**1107.6.2.2 Group R-2 other than apartment houses, monasteries and convents.** In Group R-2 Occupancies, other than apartment houses, monasteries and convents, Accessible units and Type B units shall be provided in accordance with Sections 1107.6.2.2.1 and 1107.6.2.2.2. Accessible units shall be dispersed among the various classes of units.

AMENDATORY SECTION (Amending WSR 04-01-108, filed 12/17/03, effective 7/1/04)

**WAC 51-50-1204 Section 1204—Temperature control.**

**1204.1 Equipment and systems.** Interior spaces intended for human occupancy shall be provided with active or passive space-heating systems capable of maintaining a minimum indoor temperature of 68°F (20°C) at a point 3 feet (914 mm) above the floor on the design heating day.

EXCEPTION: 1. Interior spaces where the primary purpose is not associated with human comfort.  
2. Group R-1 Occupancies not more than 500 square feet.

**1204.2.1 Definitions.** For the purposes of this section only, the following definitions apply.

**DESIGNATED AREAS** are those areas designated by a county to be an urban growth area in chapter 36.70A RCW and those areas designated by the U.S. Environmental Protection Agency as being in nonattainment for particulate matter.

**SUBSTANTIALLY REMODELED** means any alteration or restoration of a building exceeding 60 percent of the appraised value of such building within a 12-month period. For the purpose of this section, the appraised value is the estimated cost to replace the building and structure in-kind, based on current replacement costs.

**1204.2.2 Primary heating source.** Primary heating sources in all new and substantially remodeled buildings in designated areas shall not be dependent upon wood stoves.

**1204.2.3 Solid fuel burning devices.** No used solid fuel burning device shall be installed in new or existing buildings unless such device is United States Environmental Protection Agency certified or a pellet stove either certified or exempt from certification by the United States Environmental Protection Agency.

EXCEPTION: Antique wood cook stoves and heaters manufactured prior to 1940.

AMENDATORY SECTION (Amending WSR 05-01-014, filed 12/2/04, effective 7/1/05)

**WAC 51-50-1405 Section 1405—Installation of wall coverings.**

**1405.5.2 Seismic requirements.** Anchored masonry veneer located in Seismic Design Category C, D, E, or F shall conform to the requirements of Section 6.2.2.10, except Section ((6.2.2.10.2.2)) 6.2.2.10.3.2, of ACI 530/ASCE 5/TMS 402.

NEW SECTION

**WAC 51-50-1602 Section 1602—Definitions and notations.**

**BALCONY, EXTERIOR.** This definition is not adopted.

**DECK.** This definition is not adopted.

NEW SECTION

**WAC 51-50-1607 Section 1607—Live loads.**

**IBC Table 1607.1 MINIMUM UNIFORMLY DISTRIBUTED LIVE LOADS AND MINIMUM CONCENTRATED LIVE LOADS**

OCCUPANCY OR USE	UNIFORM (psf)	CONCENTRATED (psf)
5. (Reserved)		————
9. Decks <sup>h</sup> and Balconies	Same as occupancy served	————
28. Residential		
One- and two-family dwellings		
Uninhabitable attics without storage <sup>i</sup>	10	
Uninhabitable attics with limited storage <sup>i, j</sup>	20	
Habitable attics and sleeping areas	30	————
All other areas	40	
Hotels and multifamily dwellings		
Private rooms and corridors serving them	40	
Public rooms and corridors serving them	100	

AMENDATORY SECTION (Amending WSR 04-01-108, filed 12/17/03, effective 7/1/04)

**WAC 51-50-1702 Section 1702—Definitions.**

**1702.1 General.**

~~((**STRUCTURAL OBSERVATION.** The visual observation of the structural system by a registered design professional for general conformance to the approved construction documents. Structural observation does not include or waive the responsibility for the inspection required by Section 109, 1704, or other sections of this code.))~~ **SMALL BUSINESS.** Any business entity (including a sole proprietorship, corporation, partnership or other legal entity) which is owned and operated independently from all other businesses, which has the purpose of making a profit, and which has fifty or fewer employees, or which has a million dollars or less per year in gross sales, of window and door products.

NEW SECTION**WAC 51-50-1714 Section 1714—Preconstruction load tests.**

**1714.5 Exterior window and door assemblies.** The design pressure rating of exterior windows and doors in buildings shall be determined in accordance with Section 1714.5.1 or 1714.5.2.

EXCEPTION: 1. Structural wind load design pressures for window units smaller than the size tested in accordance with Section 1714.5.1 or 1714.5.2 shall be permitted to be higher than the design value of the tested unit provided such higher pressures are determined by accepted engineering analysis. All components of the small unit shall be the same as the tested unit. Where such calculated design pressures are used, they shall be validated by an additional test of the window unit having the highest allowable design pressure. 2. Custom exterior windows and doors manufactured by a small business shall be exempt from all testing requirements in Section 1714 of the International Building Code provided they meet the applicable provisions of Chapter 24 of the International Building Code.

NEW SECTION**WAC 51-50-2106 Section 2106—Seismic design.**

**2106.1.1 Basic seismic-force-resisting system.** Buildings relying on masonry shear walls as part of the basic seismic-force-resisting system shall comply with Section 1.14.2.2 of ACI 530/ASCE 5/TMS 402 or with Section 2106.1.1.1, 2106.1.1.2, or 2106.1.1.3.

EXCEPTION: Special reinforced masonry shear walls are not required to comply with Section 1.14.2.2.5(a) of ACI 530/ASCE 5/TMS 420 (MSJC-05), provided the masonry resists the calculated shear without shear reinforcement.

AMENDATORY SECTION (Amending WSR 05-01-014, filed 12/2/04, effective 7/1/05)

**WAC 51-50-2900 Chapter 29—Plumbing systems.****SECTION 2901—PLUMBING CODE.**

Plumbing systems shall comply with the Plumbing Code.

**SECTION 2902—GENERAL.****2902.1 Number of fixtures.**

**2902.1.1 Requirements.** Plumbing fixtures shall be provided in the minimum number shown in Table 2902.1 and in this chapter. Where the proposed occupancy is not listed in Table 2902.1, the building official shall determine fixture requirements based on the occupancy which most nearly resembles the intended occupancy.

Plumbing fixtures need not be provided for unoccupied buildings or facilities.

**2902.1.2 Private offices.** Fixtures only accessible to private offices shall not be counted to determine compliance with this section.

**2902.1.3 Occupancy load distribution.** The occupant load shall be divided equally between the sexes, unless data approved by the building official indicates a different distribution of the sexes.

**2902.1.4 Food preparation areas.** In food preparation, serving and related storage areas, additional fixture requirements may be dictated by health codes.

**2902.1.5 Other requirements.** For other requirements for plumbing facilities, see Section ~~(s 419.15 and)~~ 1210 and Chapter 11.

**2902.2 Access to fixtures.**

**2902.2.1 Location.** Plumbing fixtures shall be located in each building or conveniently in a building adjacent thereto on the same property.

**2902.2.1.1 Toilet rooms.** Toilet rooms shall not open directly into a room used for the preparation of food for service to the public or residents of Group R-2 boarding homes and residential treatment facilities licensed by Washington state.

**2902.2.2 Multiple tenants.** Access to toilets serving multiple tenants shall be through a common use area and not through an area controlled by a tenant.

**2902.2.3 Multistory buildings.** Required fixtures shall not be located more than one vertical story above or below the area served.

**2902.3 Separate facilities.**

**2902.3.1 Requirements.** Separate toilet facilities shall be provided for each sex.

EXCEPTION: In occupancies serving 15 or fewer persons, one toilet facility designed for use by no more than one person at a time shall be permitted for use by both sexes.

**2902.3.2 Food service establishments.** When customers and employees share the same facilities, customers accessing the facilities are excluded from food preparation and storage areas.

**2902.4 Pay facilities.** Required facilities shall be free of charge. Where pay facilities are installed, they shall be in addition to the minimum required facilities.

**2902.5** is not adopted.

**2902.6** is not adopted.

**SECTION 2903—SPECIAL PROVISIONS.**

**2903.1 Dwelling units.** Dwelling units shall be provided with a kitchen sink.

**2903.2 Water closet space requirements.** The water closet stool in all occupancies shall be located in a clear space not less than 30 inches (762 mm) in width, with a clear space in front of the stool of not less than 24 inches (610 mm).

**2903.3 Water.** Each required sink, lavatory, bathtub and shower stall shall be equipped with hot and cold running water necessary for its normal operation.

**2903.4 Drinking fountains.**

**2903.4.1 Number.** Occupant loads over 30 shall have one drinking fountain for the first 150 occupants, then one per each additional 500 occupants.

EXCEPTIONS: 1. Sporting facilities with concessions serving drinks shall have one drinking fountain for each 1000 occupants.  
 2. A drinking fountain need not be provided in a drinking or dining establishment.

**2903.4.2 Multistory buildings.** Drinking fountains shall be provided on each floor having more than 30 occupants in schools, dormitories, auditoriums, theaters, offices and public buildings.

**2903.4.3 Penal institutions.** Penal institutions shall have one drinking fountain on each cell block floor and one on each exercise floor.

**2903.4.4 Location.** Drinking fountains shall not be located in toilet rooms.

TABLE 2902.1—MINIMUM PLUMBING FIXTURES<sup>1,2,4,6</sup>

TYPE OF BUILDING OR OCCUPANCY <sup>8</sup>	WATER CLOSETS (fixtures per person)		LAVATORIES <sup>5</sup> (fixtures per person)		BATHTUB OR SHOWER (fixtures per person)
	MALE <sup>3</sup>	FEMALE	MALE	FEMALE	
For the occupancies listed below, use 30 square feet (2.79 m <sup>2</sup> ) per occupant for the minimum number of plumbing fixtures.					
<b>Group A</b> <b>Assembly places—</b> Conference rooms, dining rooms, drinking establishments, exhibit rooms, gymnasiums, lounges, stages and similar uses including restaurants classified as Group B Occupancies	1:1-25 2:26-75 3:76-125 4:126-200 5:201-300 6:301-400 Over 400, add one fixture for each additional 200 males or 150 females	1:1-25 2:26-75 3:76-125 4:126-200 5:201-300 6:301-400	One per 2 water closets		
For the assembly occupancies listed below, use the number of fixed seating or, where no fixed seating is provided, use 15 square feet (1.39 m <sup>2</sup> ) per occupant for the minimum number of plumbing fixtures.					
Assembly places— <sup>9</sup> Theaters, auditoriums, convention halls, dance floors, lodge rooms, casinos, and such places which have limited time for fixture use (intermissions)	1:1-100 2:101-200 3:201-400 Over 400, add one fixture for each additional 250 males or 50 females	One per 25 Up to 400	1:1-200 2:201-400 3:401-750 Over 750, add one fixture for each additional 500 persons	1:1-200 2:201-400 3:401-750	
Assembly places— Stadiums, arena and other sporting facilities where fixture use is not limited to intermissions	1:1-100 2:101-200 3:201-400 Over 400, add one fixture for each additional 300 males or 100 females	One per 50 Up to 400	1:1-200 2:201-400 3:401-750 Over 750, add one fixture for each additional 500 persons	1:1-200 2:201-400 3:401-750	
For the assembly occupancies listed below, use the number of fixed seating or, where no fixed seating is provided, use 30 square feet (2.79 m <sup>2</sup> ) per occupant for the minimum number of plumbing fixtures.					
Worship places Principal assembly area Educational & activity unit	One per 150 One per 125	One per 75 One per 75	One per 2 water closets One per 2 water closets		
For the occupancies listed below, use 200 square feet (18.58 m <sup>2</sup> ) per occupant for the minimum number of plumbing fixtures.					
<b>Group B</b> and other clerical or administrative employee accessory use	1:1-15 2:16-35 3:36-55 Over 55, add one for each additional 50 persons	1:1-15 2:16-35 3:36-55	One per 2 water closets		
For the occupancies listed below, use 100 square feet ( 9.3 m <sup>2</sup> ) per student for the minimum number of plumbing fixtures.					

TABLE 2902.1—MINIMUM PLUMBING FIXTURES<sup>1,2,4,6</sup>

TYPE OF BUILDING OR OCCUPANCY <sup>8</sup>	WATER CLOSETS (fixtures per person)		LAVATORIES <sup>5</sup> (fixtures per person)		BATHTUB OR SHOWER (fixtures per person)
	MALE <sup>3</sup>	FEMALE	MALE	FEMALE	
<b>Group E</b>					
Schools - for staff use	1:1-15	1:1-15	One per 2 water closets		
All schools (One staff per 20 students)	2:16-35	2:16-35			
	3:36-55	3:36-55			
	Over 55, add one fixture for each additional 40 persons				
Schools - for student use	1:1-20	1:1-20	1:1-20	1:1-20	
Day care	2:21-50	2:21-50	2:21-50	2:21-50	
	Over 50, add one fixture for each additional 50 persons		Over 50, add one fixture for each additional 50 persons		
Elementary	One per 30	One per 25	One per 2 water closets		
Secondary	One per 40	One per 30	One per 2 water closets		
For the occupancies listed below, use 50 square feet (4.65 m <sup>2</sup> ) per occupant for the minimum number of plumbing fixtures.					
<b>Education facilities other than Group E</b>					
Others (colleges, universities, adult centers, etc.)	One per 40	One per 25	One per 2 water closets		
For the occupancies listed below, use 2,000 square feet (185.8 m <sup>2</sup> ) per occupant for the minimum number of plumbing fixtures.					
<b>Group F and Group H</b>					
Workshop, foundries and similar establishments, and hazardous occupancies	1:1-10	1:1-10	One per 2 water closets		One shower for each 15 persons exposed to excessive heat or to skin contamination with irritating materials
	2:11-25	2:11-25			
	3:26-50	3:26-50			
	4:51-75	4:51-75			
	5:76-100	5:76-100			
	Over 100, add one fixture for each additional 30 persons				
For the occupancies listed below, use the designated application and 200 square feet (18.58 m <sup>2</sup> ) per occupant of the general use area for the minimum number of plumbing fixtures.					
<b>Group I<sup>7</sup></b>					
Hospital waiting rooms	One per room (usable by either sex)		One per room		
Hospital general use areas	1:1-15	1:1-15	One per 2 water closets		
	2:16-35	3:16-35			
	3:36-55	3:36-55			
	Over 55, add one fixture for each additional 40 persons				
Hospital patient rooms:					
Single Bed	One adjacent to and directly accessible from		One per toilet room		One per toilet room
Isolation	One adjacent to and directly accessible from		One per toilet room		One per toilet room
Multibed	One per 4 patients		One per 4 patients		One per 8 patients
Long-term	One per 4 patients		One per 4 patients		One per 15 patients
Jails and reformatories					

TABLE 2902.1—MINIMUM PLUMBING FIXTURES<sup>1,2,4,6</sup>

TYPE OF BUILDING OR OCCUPANCY <sup>8</sup>	WATER CLOSETS (fixtures per person)		LAVATORIES <sup>5</sup> (fixtures per person)		BATHTUB OR SHOWER (fixtures per person)
	MALE <sup>3</sup>	FEMALE	MALE	FEMALE	
Cell	One per cell		One per cell		
Exercise room	One per exercise room		One per exercise room		
Other institutions (on each occupied floor)	One per 25	One per 25	One per 2 water closets		One per 8
<del>(Group LC</del>	<del>For Group LC Occupancies, the minimum number of plumbing fixtures is specified in Section 419.15-.)</del>				
For the occupancies listed below, use 200 square feet (18.58 m <sup>2</sup> ) per occupant for the minimum number of plumbing fixtures.					
<b>Group M</b>					
Retail or wholesale stores	1:1-50 2:51-100 3:101-400 4:201-300 5:301-400 Over 400, add one fixture for each additional 300 males or 150 females	1:1-50 2:51-100 3:101-200 4:201-300 5:301-400	One per 2 water closets		
For Group R Occupancies containing dwelling units or guest rooms, use the table below. For dormitories, use 200 square feet (18.58 m <sup>2</sup> ) per occupant for the minimum number of plumbing fixtures.					
<b>Group R</b>					
Dwelling units	One per dwelling unit		One per dwelling unit		One per dwelling unit
Hotel, motel, and boarding house guest rooms	One per guest room		One per guest room		One per guest room
<u>Boarding homes licensed by the department of social and health services</u>	<u>One per 8</u>	<u>One per 8</u>	<u>One per 8</u>	<u>One per 8</u>	<u>One per 12</u>
Dormitories	One per 10 Over 10, add one fixture for each additional 25 males and over 8, add one for each additional 20 females	One per 8	One per 12 Over 12, add one fixture for each additional 20 males and one for each additional 15 females	One per 12	One per 8 For females, add one additional unit per each additional 30. Over 150 persons, add one additional unit per each additional 20 persons
For the occupancies listed below, use 5,000 square feet (464.5 m <sup>2</sup> ) per occupant for the minimum number of plumbing fixtures.					
<b>Group S</b>					
Warehouses	1:1-10 2:11-25 3:26-50 4:51-75 5:76-100 Over 100, add one for each 30 persons	1:1-10 2:11-25 3:26-50 4:51-75 5:76-100	One per 40 occupants of each sex		One shower for each 15 persons exposed to excessive heat or to skin contamination with poisonous, infectious or irritating materials

<sup>1</sup>The figures shown are based on one fixture being the minimum required for the number of persons indicated or any fraction thereof.

<sup>2</sup>For occupancies not shown, see Section 2902.1.1.

<sup>3</sup>Where urinals are provided, one water closet less than the number specified may be provided for each urinal installed, except the num-

ber of water closets in such cases shall not be reduced to less than one quarter (25%) of the minimum specified. For men's facilities serving 26 or more persons, not less than one urinal shall be provided.

<sup>4</sup>For drinking fountains, see Section 2903.4.

<sup>5</sup>Twenty-four inches (610 mm) of wash sink or 18 inches (457 mm) of a circular basin, when provided with water outlets for such space, shall be considered equivalent to one lavatory.

<sup>6</sup>For when a facility may be usable by either sex, see Section 2902.3.1.

<sup>7</sup>See WAC 246-320 for definitions, other fixtures and equipment for hospitals.

<sup>8</sup>When a space is accessory to or included as a part of a different occupancy group per Chapter 3, the area per occupant for the minimum plumbing fixture number is to be determined by its own specific use or purpose, not by that of the building's occupancy group.

<sup>9</sup>In multiplex movie theaters, where shows are scheduled at different times, the number of occupants for toilet fixture use may be based upon one-half (50%) of the total in all the auditoriums, but no less than the number in the largest auditorium.

AMENDATORY SECTION (Amending WSR 04-01-108, filed 12/17/03, effective 7/1/04)

**WAC 51-50-3001 Section 3001—General.**

~~((SECTION 3001—GENERAL, is not adopted.~~

~~Elevators and conveying systems are regulated by chapter 296-96 WAC.)~~ **3001.1 Scope.** This chapter governs the design, construction, installation, alteration and repair of elevators and conveying systems and their components.

**3001.2 Referenced standards.** Except as otherwise provided for in this code, the design, construction, installation, alteration, repair and maintenance of elevators and conveying systems and their components shall conform to ASME A17.1, ASME A90.1, ASME B20.1, ALI ALCTV, and ASCE 24 for construction in flood hazard areas established in Section 1612.3.

**3001.3 Accessibility.** Passenger elevators required to be accessible by Chapter 11 shall conform to ICC A117.1.

**3001.4 Change in use.** A change in use of an elevator from freight to passenger, passenger to freight, or from one freight class to another freight class shall comply with Part XII of ASME A17.1.

AMENDATORY SECTION (Amending WSR 04-01-108, filed 12/17/03, effective 7/1/04)

**WAC 51-50-3004 Section 3004—Hoistway venting.**

CFM = BTU output of elevator machine room equipment / [1.08 x (acceptable machine room temp - make up air temp)]

EXCEPTION: For buildings four stories or less, natural or mechanical means may be used in lieu of an independent ventilation or air-conditioning system to keep the equipment space ambient air temperature and humidity in the range specified by the elevator equipment manufacturer.

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

NEW SECTION

**WAC 51-50-3103 Temporary structures.**

**3103.1 General.** The provisions of this section shall apply to structures erected for a period of less than one hundred eighty days. Tents and other membrane structures erected for a period of less than one hundred eighty days shall comply with

**3004.3 Area of vents.** Except as provided for in Section 3004.3.1, the area of the vents shall not be less than 3 1/2 percent of the area of the hoistway (~~((not))~~ nor less than 3 square feet (0.28 m<sup>2</sup>) for each elevator car, and not less than 3 1/2 percent nor less than 0.5 square feet (0.047 m<sup>3</sup>) for each dumbwaiter car in the hoistway, whichever is greater. ~~((Vents shall be capable only of manual operation or controlled by a manual switch mounted in an approved location.))~~ The total required vent area shall be equipped with dampers that remain powered closed until activated open by the fire alarm system panel. The dampers shall open upon loss of power.

~~((3004.5 Plumbing and mechanical systems, is not adopted.))~~

AMENDATORY SECTION (Amending WSR 04-01-108, filed 12/17/03, effective 7/1/04)

**WAC 51-50-3006 Section 3006—Machine rooms.**

~~((3006.3 Pressurization, is not adopted.~~

~~3006.5 Shunt trip, is not adopted.~~

~~3006.6 Plumbing systems, is not adopted.))~~ **3006.2 Venting.** Machinery spaces, machine rooms, control spaces, and control rooms that contain solid-state equipment for elevator operation shall be provided with an independent ventilation or air-conditioning system to protect against the overheating of the electrical equipment. Ventilation systems shall use outdoor make up air. The system shall service the equipment space only, and shall be capable of maintaining the temperature and humidity within the range established by the manufacturer's specifications. Where no manufacturer specifications are available, the equipment space temperature shall be maintained at no less than fifty-five degrees Fahrenheit and no more than ninety degrees Fahrenheit.

The cooling load for the equipment shall include the BTU output of the elevator operation equipment as specified by the manufacturer based on one hour of continuous operation. The outdoor design temperature for ventilation shall be from the 0.5% column for summer from the Puget Sound Chapter of ASHRAE publication "Recommended Outdoor Design Temperatures, Washington State." The following formula shall be used to calculate flow rate for ventilation:

the International Fire Code. Those erected for a longer period of time shall comply with applicable sections of this code.

EXCEPTION: The building official may authorize unheated tents and yurts under five hundred square feet accommodating an R-1 Occupancy for recreational use as a temporary structure and allow them to be used indefinitely.

NEW SECTION

**WAC 51-50-3109 Section 3109—Swimming pool enclosures and safety devices.**

**3109.3 Public swimming pools.** This section is not adopted. Public swimming pool barriers are regulated by WAC 246-260-031(4).

AMENDATORY SECTION (Amending WSR 04-01-108, filed 12/17/03, effective 7/1/04)

**WAC 51-50-3409 Section 3409—Accessibility for existing buildings.**

~~((3409.5 Alterations. A building, facility or element that is altered shall comply with the applicable provisions in Chapter 11 and ICC A117.1 unless technically infeasible. Where compliance with the section is technically infeasible, the alteration shall provide access to the maximum extent technically feasible. Where alterations would increase the number of public pay telephones to four, with at least one in the interior, or where the facility has four or more public pay telephones and one or more is altered; at least one interior text telephone shall be provided.~~

**EXCEPTIONS:** 1. The altered element or space is not required to be on an accessible route, unless required by Section 3409.6.  
2. Accessible means of egress required by Chapter 10 are not required to be provided in existing buildings and facilities.  
3. In alterations, accessibility to raised or sunken dining areas, or to all parts of outdoor seating areas is not required provided that the same services and amenities are provided in an accessible space usable by the general public and not restricted to use by people with disabilities.))

**((3409.6) 3409.7 Alterations affecting an area containing a primary function.** Where an alteration affects the accessibility to, or contains an area of primary function, the route to the primary function area shall be accessible. The accessible route to the primary function area shall include toilet facilities, telephones or drinking fountains serving the area of primary function.

**EXCEPTIONS:** 1. The costs of providing the accessible route are not required to exceed 20 percent of the costs of the alteration affecting the area of primary function.  
2. This provision does not apply to alterations limited solely to windows, hardware, operating controls, electrical outlets and signs.  
3. This provision does not apply to alterations limited solely to mechanical systems, electrical systems, installation or alteration of fire protection systems and abatement of hazardous materials.  
4. This provision does not apply to alterations undertaken for the primary purpose of increasing the accessibility of an existing building, facility or element.

~~((3409.7 Scoping for alterations. The provisions of Sections 3409.7.1 through 3409.7.11 shall apply to alterations to existing buildings and facilities. Where an escalator or new stairway is planned or installed requiring major structural changes, then a means of vertical transportation (e.g., elevator, platform lift) shall be provided in accordance with this chapter.~~

**3409.7.2 Elevators.** Altered elements of existing elevators shall comply with ASME A17.1 and ICC A117.1. Such elements shall also be altered in elevators programmed to respond to the same hall call control as the altered elevator. Elevators shall comply with chapter 296-96 WAC.

**3409.7.3 Platform lifts.** Platform (wheelchair) lifts complying with ICC A117.1 and installed in accordance with ASME A18.1 shall be permitted as a component of an accessible route. Platform lifts shall comply with chapter 296-96 WAC.

**3409.7.7 Dwelling or sleeping units.** Where I-1, I-2, I-3, R-1, R-2 or R-4 dwelling or sleeping units are being altered or added, the requirements of Section 1107 for Accessible or Type A units and Chapter 9 for accessible alarms apply only to the quantity of spaces being altered or added. At least one sleeping room for each 25 sleeping rooms, or fraction thereof, being added or altered, shall have telephones and visible notification devices complying with Appendix E Section E104.3.4, as well as visible alarms.

**3409.7.9) 3409.8.9 Toilet rooms.** Where it is technically infeasible to alter existing toilet and bathing facilities to be accessible, an accessible unisex toilet or bathing facility is permitted. The unisex facility shall be located on the same floor and in the same area as the existing facility. The number of toilet facilities and water closets required by the State Building Code is permitted to be reduced by one, in order to provide accessible features.

NEW SECTION

**WAC 51-50-480000 Appendix Chapter M.**

**INTERNATIONAL EXISTING BUILDING CODE 2006 EDITION**

NEW SECTION

**WAC 51-50-480101 Section 101—General.**

**101.4 Applicability.** When requested by the permit applicant, this code shall apply to the repair, alteration, change of occupancy and relocation of buildings existing on the date of adoption of this code, regardless of occupancy, subject to the criteria of Sections 101.4.1 and 101.4.2. When compliance with this code has not been requested, compliance with the International Building, Fire and Mechanical Codes (as applicable) shall be demonstrated.

**101.4.2 Buildings previously occupied.** The legal occupancy of any building existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the International Fire Code, or the International Property Maintenance Code, or as deemed necessary by the code official to mitigate an unsafe building. For the purpose of this section, "unsafe building" is not to be construed as mere lack of compliance with the current code.

**101.5 Compliance methods.** The repair, alteration, change of occupancy, addition or relocation of all existing buildings shall comply with one of the methods listed in Sections 101.5.1 through 101.5.3 as selected by the applicant. Application of a method shall be the sole basis for assessing the compliance of work performed under a single permit unless otherwise approved by the code official. Sections 101.5.1 through 101.5.3 shall not be applied in combination with each other.

**EXCEPTION:** Subject to the approval of the code official, alterations complying with the laws in existence at the time the building or the affected portion of the building was built shall be considered in compliance with the provisions of this code unless the building is undergoing more than a

limited structural alteration as defined in Section 807.5.3. New structural members added as part of the alteration shall comply with the International Building Code. Alterations of existing buildings in flood hazard areas shall comply with Section 601.3.

**101.7 Appendices.** The code official is authorized to require rehabilitation and retrofit of buildings, structures, or individual structural members in accordance with the appendices of this code if such appendices have been individually adopted. Where Appendix A, Guidelines for the Seismic Retrofit of Existing Buildings, is specifically referenced in the text of this code, it becomes part of this code without any specific adoption by the local jurisdiction.

NEW SECTION

**WAC 51-50-480102 Section 102—Applicability.**

**102.4.1 Fire prevention.** The provisions of the International Fire Code shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation except as specifically provided for in this code.

NEW SECTION

**WAC 51-50-480302 Section 302—Additions, alterations or repairs.**

**302.1 Existing buildings or structures.** Additions or alterations to any building or structure shall comply with the requirements of the *International Building Code* for new construction except as specifically provided in this code. Additions or alterations shall not be made to an existing building or structure that will cause the existing building or structure to be in violation of any provisions of the *International Building Code*. An existing building plus additions shall comply with the height and area provisions of the *International Building Code*. Portions of the structure not altered and not affected by the alteration are not required to comply with the code requirements for a new structure.

NEW SECTION

**WAC 51-50-480305 Section 305—Change of occupancy.**

**[B] 305.1 Conformance.** No change shall be made in the use or occupancy of any building that would place the building in a different division of the same group of occupancy or in a different group of occupancies, unless such building is made to comply with the requirements of the *International Building Code* for such division or group of occupancy. Subject to the approval of the building official, the use or occupancy of existing buildings shall be permitted to be changed and the building is allowed to be occupied for purposes in other groups without conforming to all the requirements of the

*International Building Code* for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use. The hazard tables of Chapter 9 may be used to demonstrate the relative fire and life risk of the existing and the new proposed uses.

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

NEW SECTION

**WAC 51-50-480405 Section 405—Alteration—Level 3.**

**405.1 Scope.** Level 3 alterations apply where the work area exceeds 50% of the floor area of the building.

NEW SECTION

**WAC 51-50-480506 Section 506—Structural.**

**506.1.1.2 IBC level seismic forces.** When seismic forces are required to meet the *International Building Code* level, they shall be one of the following:

1. One hundred percent of the values in the *International Building Code*. The *R*-factor used for analysis in accordance with Chapter 16 of the *International Building Code* shall be the *R*-factor specified for structural systems classified as "ordinary" in accordance with Table 12.2-1 of ASCE 7, unless it can be demonstrated that the structural system satisfies the proportioning and detailing requirements for systems classified as "intermediate" or "special."
2. Those associated with the BSE-1 and BSE-2 Earthquake Hazard Levels defined in ASCE 41. Where ASCE 41 is used, the corresponding performance levels shall be those shown in Table 506.1.1.2.

**TABLE 506.1.1.2  
ASCE 41 AND ASCE 31 PERFORMANCE LEVELS**

OCCUPANCY CATEGORY (BASED ON IBC TABLE 1604.5)	PERFORMANCE LEVEL FOR USE WITH ASCE 31 AND WITH ASCE 41 BSE-1 EARTHQUAKE HAZARD LEVEL	PERFORMANCE LEVEL FOR USE WITH ASCE 41 BSE-2 EARTHQUAKE HAZARD LEVEL
I	Life Safety (LS)	Collapse Prevention (CP)
II	Life Safety (LS)	Collapse Prevention (CP)
III	Note a	Note a
IV	Immediate Occupancy (IO)	Life Safety (LS)

- a. Performance levels for Occupancy Category III shall be taken as halfway between the performance levels specified for Occupancy Category II and IV. Where seismic forces are permitted to meet reduced *International Building Code* levels, the performance level for Occupancy Category III shall be Life Safety (LS). Where seismic forces are required to meet the *International Building Code* levels, performance levels for Occupancy Category III shall be taken as follows: Acceptance criteria shall be taken as twenty-five percent more restrictive than the acceptance criteria specified for Occupancy Category II performance levels, but need not be more restrictive than the acceptance criteria specified for Occupancy Category IV performance levels.



**506.1.1.3 Reduced IBC level seismic forces.** When seismic forces are permitted to meet reduced *International Building Code* levels, they shall be one of the following:

1. Seventy-five percent of the forces prescribed in the *International Building Code*. The *R*-factor used for analysis in accordance with Chapter 16 of the *International Building Code* shall be the *R*-factor as specified in Section 506.1.1.2 of this code.

2. In accordance with the applicable chapters in Appendix A of this code as specified in Items 2.1 through 2.5 below. Structures or portions of structures that comply with the requirements of the applicable chapter in Appendix A shall be deemed to comply with the requirements for reduced *International Building Code* force levels.

2.1. The seismic evaluation and design of unreinforced masonry bearing wall buildings in Occupancy Category I or II are permitted to be based on the procedures specified in Appendix Chapter A1.

2.2. Seismic evaluation and design of the wall anchorage system in reinforced concrete and reinforced masonry wall buildings with flexible diaphragms in Occupancy Category I or II are permitted to be based on the procedures specified in Appendix Chapter A2.

2.3. Seismic evaluation and design of cripple walls and sill plate anchorage in residential buildings of light-frame wood construction in Occupancy Category I or II are permitted to be based on the procedures specified in Appendix Chapter A3.

2.4. Seismic evaluation and design of soft, weak or open-front wall conditions in multiunit residential buildings of wood construction in Occupancy Category I or II are permitted to be based on the procedures specified in Appendix Chapter A4.

2.5. Seismic evaluation and design of concrete buildings and concrete with masonry infill buildings in all occupancy categories are permitted to be based on the procedures specified in Appendix Chapter A5.

3. In accordance with ASCE 31 based on the applicable performance level as shown in Table 506.1.1.2.

4. Those associated with the BSE-1 Earthquake Hazard Level defined in ASCE 41 and the performance level as shown in Table 506.1.1.2. Where ASCE 41 is used, the design spectral response acceleration parameters  $S_{XS}$  and  $S_{XI}$  shall not be taken less than seventy-five percent of the respective design spectral response acceleration parameters  $S_{DS}$  and  $S_{DI}$  defined by the *International Building Code* and its reference standards.

#### NEW SECTION

##### **WAC 51-50-480704 Section 704—Fire protection.**

**704.1 Scope.** The requirements of this section shall be limited to work areas in which Level 2 alterations are being performed, and where specified they shall apply throughout the floor on which the work areas are located or otherwise beyond the work area.

**EXCEPTION:** For Level 2 alteration projects in which the fire protection requirements constitute an excessive burden, the fire protection requirements may be modified or waived by the fire code official.

**704.2 Automatic sprinkler systems.** Automatic sprinkler systems shall be provided in accordance with the requirements of Sections 704.2.1 through 704.2.5. Installation requirements shall be in accordance with the International Fire Code and NFPA 13 or NFPA 13R.

#### NEW SECTION

##### **WAC 51-50-480807 Section 807—Structural.**

**807.5.1 Evaluation and analysis.** An engineering evaluation and analysis that establishes the structural adequacy of the altered structure shall be prepared by a registered design professional and submitted to the code official. For structures assigned to Seismic Design Category D, the registered design professional shall submit to the code official a seismic evaluation report of the existing building based on one of the procedures specified in Section 506.1.1.3. This seismic evaluation report shall not be required for buildings in compliance with the benchmark building provisions of ASCE 31, Section 3.2.

**807.5.2 Substantial structural alteration.** Any building or structure undergoing substantial improvement shall have an evaluation and analysis to demonstrate that the altered building or structure complies with the *International Building Code* for wind loading and with reduced *International Building Code* level seismic forces as specified in Section 507.1.1.3 for seismic loading. For seismic considerations, the analysis shall be based on one of the procedures specified in Section 507.1.1.1.

**807.5.3 Limited structural alteration.** Where any building or structure undergoes less than substantial improvement, the evaluation and analysis shall demonstrate that the altered building or structure complies with the loads applicable at the time the building was constructed.

#### NEW SECTION

##### **WAC 51-50-480912 Section 912—Change of occupancy classification.**

**912.1.1 Compliance with Chapter 8.** The requirements of Chapter 8 shall be applicable throughout the building for the new occupancy classification based on the separation conditions set forth in Sections 912.1.1.1 and 912.1.1.2. All existing buildings with a change of occupancy classification shall comply with the seismic provisions of Section 907.3.

#### NEW SECTION

##### **WAC 51-50-481101 Chapter 11—Historic buildings—Section 1101—General.**

**1101.1 Scope.** It is the intent of this chapter to provide means for the preservation of historic buildings as defined in Chapter 2. It is the purpose of this chapter to encourage cost-effective preservation of original or restored architectural elements and features and to provide a historic building that will result in a reasonable degree of safety, based on accepted life and fire safety practices, compared to the existing building. Historical buildings shall comply with the provisions of this

chapter relating to their repair, alteration, relocation and change of occupancy.

**1101.2 Report.** A historic building undergoing repair, alteration, or change of occupancy shall be investigated and evaluated. If it is intended that the building meet the requirements of this chapter, a written report shall be prepared and filed with the code official by a registered design professional when such a report is necessary in the opinion of the code official. Such report shall be in accordance with Chapter 1 and shall identify each required safety feature that is in compliance with this chapter and where compliance with other chapters of these provisions would be damaging to the contributing historic features. In Seismic Design Category D or higher, a structural evaluation describing, at minimum, a complete load path and other earthquake-resistant features shall be prepared. In addition, the report shall describe each feature that is not in compliance with these provisions and shall demonstrate how the intent of these provisions is complied with in providing an equivalent level of safety.

#### NEW SECTION

##### **WAC 51-50-481102 Section 1102—Repairs.**

**1102.4 Chapter 5 compliance.** Historic buildings undergoing repairs shall comply with all of the applicable requirements of Chapter 5, except as specifically permitted in this chapter.

**1102.5 Replacement.** Replacement of existing or missing features using original materials shall be permitted. Partial replacement for repairs that match the original in configuration, height, and size shall be permitted. Such replacements shall not be required to meet the materials and methods requirements of Section 501.2.

EXCEPTION: Replacement glazing in hazardous locations shall comply with the safety glazing requirements of Chapter 24 of the *International Building Code*.

#### NEW SECTION

##### **WAC 51-50-481103 Section 1103—Fire safety.**

**1103.7 One-hour fire-resistant assemblies.** Where one-hour fire-resistance-rated construction is required by these provisions, it need not be provided, regardless of construction or occupancy, where the existing wall and ceiling finish is wood lath or metal lath and plaster.

**1103.9 Stairway railings.** Historically significant stairways shall be accepted without complying with the handrail and guard requirements. Existing handrails and guards at all stairs shall be permitted to remain, provided they are not structurally dangerous.

#### NEW SECTION

##### **WAC 51-50-481104 Alterations.**

**1104.1 Accessibility requirements.** The provisions of Section 605 shall apply to buildings and facilities designated as historic structures that undergo alterations, unless technically infeasible. Where compliance with the requirements for

accessible routes, ramps, entrances, or toilet facilities would threaten or destroy the historic significance of the building or facility, as determined by the professional responsible for the historical documentation of the project, the alternative requirements of Sections 1104.1.1 through 1104.1.4 for that element shall be permitted.

#### NEW SECTION

##### **WAC 51-50-481105 Section 1105—Change of occupancy.**

**1105.10 One-hour fire-resistant assemblies.** Where one-hour fire-resistance-rated construction is required by these provisions, it need not be provided, regardless of construction or occupancy, where the existing wall and ceiling finish is wood lath or metal lath and plaster.

**1105.14 Natural light.** When it is determined by the professional responsible for the historical documentation of the project that compliance with the natural light requirements of Section 911.1 will lead to loss of historic character or historic materials in the building, the existing level of natural lighting shall be considered acceptable.

#### NEW SECTION

##### **WAC 51-50-481106 Section 1106—Structural.**

**1106.1 General.** Historic buildings shall comply with the applicable structural provisions for the work as classified in Chapter 5.

EXCEPTION: The code official shall be authorized to accept existing floors and approve operational controls that limit the live load on any such floor.

#### NEW SECTION

##### **WAC 51-50-481301 Chapter 13—Performance compliance methods.**

###### **Section 1301 General.**

**1301.4.1 Structural analysis.** The owner shall have a structural analysis of the existing building made to determine adequacy of structural systems for the proposed alteration, addition, or change of occupancy. The analysis shall demonstrate that the altered building or structure complies with the requirements of Chapter 16 of the *International Building Code*.

EXCEPTION: The reduced *International Building Code* level seismic forces as specified in Section 506.1.1.3 shall be permitted to be used for this analysis.

#### NEW SECTION

##### **WAC 51-50-481500 Chapter 15—Referenced standards.**

ASCE	American Society of Civil Engineers
Standard	
Reference	
Number	Title

**41-06 Seismic Rehabilitation of Existing Buildings**

**NFPA National Fire Protection Association**

Standard Reference

Number Title

**13-02 Installation of Sprinkler Systems**

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 51-50-0302 Section 302—Classification.
- WAC 51-50-0313 Section 313—Licensed Care Group LC.
- WAC 51-50-0419 Section 419—Group LC.
- WAC 51-50-1010 Section 1010—Ramps.
- WAC 51-50-1024 Section 1024—Assembly.
- WAC 51-50-1103 Section 1103—Scoping requirements.
- WAC 51-50-1104 Section 1104—Accessible route.
- WAC 51-50-1105 Section 1105—Accessible entrances.
- WAC 51-50-1109 Section 1109—Other features and facilities.
- WAC 51-50-1605 Section 1605—Load combinations.
- WAC 51-50-1709 Section 1709—Structural observations.
- WAC 51-50-2107 Section 2107—Working stress design.
- WAC 51-50-2406 Section 2406—Safety glazing.
- WAC 51-50-3002 Section 3002—Hoistway enclosures.
- WAC 51-50-3003 Section 3003—Emergency operations.
- WAC 51-50-3005 Section 3005—Conveying systems.

Purpose: To adopt and amend the 2006 International Mechanical Code, chapter 51-52 WAC.

Citation of Existing Rules Affected by this Order: Repealing 1; and amending 10.

Statutory Authority for Adoption: RCW 19.27.190 and 19.27.020.

Other Authority: Chapters 19.27 and 34.05 RCW.

Adopted under notice filed as WSR 06-16-110 on August 1, 2006.

Changes Other than Editing from Proposed to Adopted Version: The exception to Section 601 was modified. New language for exception 5 now reads, "Make up or relief air in corridors of Group I-2 occupancies."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 2, Amended 6, Repealed 1.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 3, Amended 10, Repealed 1.

Date Adopted: November 17, 2006.

John Neff  
Council Chair

AMENDATORY SECTION (Amending WSR 04-01-104, filed 12/17/03, effective 7/1/04)

**WAC 51-52-003 International Mechanical Code.** The ((2003)) 2006 edition of the *International Mechanical Code* published by the International Code Conference is hereby adopted by reference with the exceptions noted in this chapter of the Washington Administrative Code (WAC).

AMENDATORY SECTION (Amending WSR 04-01-104, filed 12/17/03, effective 7/1/04)

**WAC 51-52-008 Implementation.** The International Mechanical Code adopted by chapter 51-52 WAC shall become effective in all counties and cities of this state on July 1, ((2004)) 2007.

AMENDATORY SECTION (Amending WSR 04-01-104, filed 12/17/03, effective 7/1/04)

**WAC 51-52-0101 Section 101—General.**

**101.2 Scope.** This code shall regulate the design, installation, maintenance, alteration and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related processes within buildings. This code shall also regulate those mechanical systems, system components, equipment and appliances

**WSR 07-01-092**

**PERMANENT RULES**

**BUILDING CODE COUNCIL**

[Filed December 19, 2006, 10:16 a.m., effective July 1, 2007]

Effective Date of Rule: July 1, 2007.

specifically addressed herein. The installation of fuel gas distribution piping and equipment, fuel gas-fired appliances and fuel gas-fired appliance venting systems shall be regulated by the *International Fuel Gas Code*.

EXCEPTIONS: 1. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the *International Residential Code*.

2. ~~((Mechanical systems in existing buildings undergoing repair, alterations, or additions, and change of occupancy shall be permitted to comply with the *International Existing Building Code*.~~

3.)) The standards for liquefied petroleum gas installations shall be the ((2001)) 2004 Edition of NFPA 58 (Liquefied Petroleum Gas Code) and the ((2002)) 2006 Edition of ANSI Z223.1/NFPA 54 (National Fuel Gas Code).

~~((101.5 Other authorities. In addition to the International Mechanical Code, provisions of chapter 480-93 WAC regarding gas pipeline safety may also apply to single meter installations serving more than one building. The provisions of chapter 480-93 WAC are enforced by the Washington utilities and transportation commission.))~~

AMENDATORY SECTION (Amending WSR 04-01-104, filed 12/17/03, effective 7/1/04)

**WAC 51-52-0202 Section 202—General definitions.**

UNUSUALLY TIGHT CONSTRUCTION. Construction meeting the following requirements:

1. Walls exposed to the ((outside)) outdoor atmosphere having a continuous water vapor retarder with a rating of 1 perm (57 ng/s·m<sup>2</sup>·Pa) or less with openings gasketed or sealed; and
2. Operable windows and doors meeting the air leakage requirements of the *International Energy Conservation Code*, Section 502.1.4; and
3. Caulking or sealants are applied to areas such as joints around window and door frames, between sole plates and floors, between wall-ceiling joints, between wall panels, at penetrations for plumbing, electrical and gas lines, and at other openings; or
4. Buildings built in compliance with the 1986 or later editions of the Washington State Energy Code, chapter 51-11 WAC, Northwest Energy Code, or Super Good Cents weatherization standards or equivalent.

AMENDATORY SECTION (Amending WSR 05-01-015, filed 12/2/04, effective 7/1/05)

**WAC 51-52-0401 Section 401—General.**

~~((401.5.2))~~ **401.4.2 Exhaust openings.** Outdoor exhaust openings shall be located in accordance with Chapter 5. Exhaust air shall not be directed onto walkways.

AMENDATORY SECTION (Amending WSR 05-01-015, filed 12/2/04, effective 7/1/05)

**WAC 51-52-0403 Section 403—Mechanical ventilation.**

**403.2 Outdoor air required.** The minimum ventilation rate of outdoor air shall be determined in accordance with Section 403.3.

EXCEPTIONS:

1. Where the registered design professional demonstrates that an engineered ventilation system design will prevent the maximum concentration of contaminants from exceeding that obtainable by the rate of outdoor air ventilation determined in accordance with Section 403.3, the minimum required rate of outdoor air shall be reduced in accordance with such engineered system design.
2. Alternate systems designed in accordance with ASHRAE Standard 62.1-2004 Section 6.2, Ventilation Rate Procedure, shall be permitted.

**403.2.1 Recirculation of air.** The air required by Section 403.3 shall not be recirculated. Air in excess of that required by Section 403.3 shall not be prohibited from being recirculated as a component of supply air to building spaces, except that:

1. Ventilation air shall not be recirculated from one dwelling to another or to dissimilar occupancies.
2. Supply air to a swimming pool and associated deck areas shall not be recirculated unless such air is dehumidified to maintain the relative humidity of the area at 60 percent or less. Air from this area shall not be recirculated to other spaces where 10 percent or more of the resulting supply air-stream consists of air recirculated from these spaces.

3. Where mechanical exhaust is required by Note b in Table 403.3, recirculation of air from such spaces shall be prohibited. All air supplied to such spaces shall be exhausted, including any air in excess of that required by Table 403.3.

(Item 4 is not adopted.)

**403.3 Ventilation rate.** Ventilation systems shall be designed to have the capacity to supply the minimum outdoor airflow rate determined in accordance with Table 403.3 based on the occupancy of the space and the occupant load or other parameter as stated therein. The occupant load utilized for design of the ventilation system shall not be less than the number determined from the estimated maximum occupant load rate indicated in Table 403.3. Ventilation rates for occupancies not represented in Table 403.3 shall be determined by an approved engineering analysis. The ventilation system shall be designed to supply the required rate of ventilation air continuously during the period the building is occupied, except as otherwise stated in other provisions of the code.

**EXCEPTION:** Where occupancy density is known and documented in the plans, the outside air rate may be based on the design occupant density. Under no circumstance shall the occupancies used result in outside air less than one-half that resulting from application of Table 403.3 estimated maximum occupancy rates.

**Table 403.3**  
**Required Outdoor Ventilation Air**

<b><u>Occupancy Classification</u></b>	<b><u>Estimated Maximum Occupant Load, Persons per 1,000 Square Feet<sup>a</sup></u></b>	<b><u>Outdoor Air (Cubic feet per minute (cfm) per person) Unless Noted<sup>c</sup></u></b>
<b><u>Correctional facilities</u></b>		
<u>Cells</u>		
<u>without plumbing fixtures</u>	<u>20</u>	<u>20</u>
<u>with plumbing fixtures<sup>a</sup></u>	<u>20</u>	<u>20</u>
<u>Dining halls</u>	<u>100</u>	<u>15</u>
<u>Guard stations</u>	<u>40</u>	<u>15</u>
<b><u>Dry cleaners, laundries</u></b>		
<u>Coin-operated dry cleaner</u>	<u>20</u>	<u>15</u>
<u>Coin-operated laundries</u>	<u>20</u>	<u>15</u>
<u>Commercial dry cleaner</u>	<u>30</u>	<u>30</u>
<u>Commercial laundry</u>	<u>10</u>	<u>25</u>
<u>Storage, pick up</u>	<u>30</u>	<u>35</u>
<b><u>Education</u></b>		
<u>Auditoriums</u>	<u>150</u>	<u>15</u>
<u>Classrooms</u>	<u>50</u>	<u>15</u>
<u>Corridors</u>	=	<u>0.10 cfm/ft<sup>2</sup></u>
<u>Laboratories</u>	<u>30</u>	<u>20</u>
<u>Libraries</u>	<u>20</u>	<u>15</u>
<u>Locker rooms</u>	=	<u>0.50 cfm/ft<sup>2</sup></u>
<u>Music rooms</u>	<u>50</u>	<u>15</u>
<u>Smoking lounges<sup>b,g</sup></u>	<u>70</u>	<u>60</u>
<u>Training shops</u>	<u>30</u>	<u>20</u>
<b><u>Food and beverage service</u></b>		
<u>Bars, cocktail lounges</u>	<u>100</u>	<u>30</u>
<u>Cafeteria, fast food</u>	<u>100</u>	<u>20</u>
<u>Dining rooms</u>	<u>70</u>	<u>20</u>
<u>Kitchens (cooking)<sup>f,g</sup></u>	<u>20</u>	<u>15</u>
<b><u>Hospitals, nursing and convalescent homes</u></b>		
<u>Autopsy rooms<sup>b</sup></u>	=	<u>0.50 cfm/ft<sup>2</sup></u>
<u>Medical procedure rooms</u>	<u>20</u>	<u>15</u>
<u>Operating rooms</u>	<u>20</u>	<u>30</u>
<u>Patient rooms</u>	<u>10</u>	<u>25</u>
<u>Physical therapy</u>	<u>20</u>	<u>15</u>
<u>Recovery and ICU</u>	<u>20</u>	<u>15</u>
<b><u>Hotels, motels, resorts and dormitories</u></b>		
<u>Assembly rooms</u>	<u>120</u>	<u>15</u>
<u>Bathrooms<sup>a</sup></u>	=	<u>35</u>
<u>Bedrooms</u>	=	<u>30 cfm per room</u>
<u>Conference rooms</u>	<u>50</u>	<u>20</u>
<u>Dormitory sleeping areas</u>	<u>20</u>	<u>15</u>
<u>Gambling casinos</u>	<u>120</u>	<u>30</u>
<u>Living rooms</u>	=	<u>30 cfm per room</u>
<u>Lobbies</u>	<u>30</u>	<u>15</u>

**Table 403.3**  
**Required Outdoor Ventilation Air**

<u>Occupancy Classification</u>	<u>Estimated Maximum Occupant Load, Persons per 1,000 Square Feet<sup>a</sup></u>	<u>Outdoor Air (Cubic feet per minute (cfm) per person) Unless Noted<sup>c</sup></u>
<b>Offices</b>		
<u>Conference rooms</u>	50	20
<u>Office spaces</u>	7	20
<u>Reception areas</u>	60	15
<u>Telecommunication centers and data entry</u>	60	20
<b>Private dwellings, single and multiple</b>		
<u>Garages, common for multiple units<sup>b</sup></u>	=	1.5 cfm/ft <sup>2</sup>
<u>Garages, separate for each dwelling</u>	=	100 cfm per car
<u>Kitchens<sup>g</sup></u>	=	100 cfm intermittent or 25 cfm continuous
<u>Living areas<sup>c</sup></u>	Based upon number of bedrooms. First bedroom: 2; each additional: 1	0.35 air changes per hour <sup>a</sup> or 15 cfm per person, whichever is greater
<u>Toilet rooms and bathrooms<sup>g</sup></u>	=	Mechanical exhaust capacity of 50 cfm intermittent or 20 cfm continuous
<b>Public spaces</b>		
<u>Corridors and utilities</u>	=	0.05 cfm/ft <sup>2</sup>
<u>Elevator car<sup>g</sup></u>	=	1.00 cfm/ft <sup>2</sup>
<u>Locker rooms</u>	=	0.5 cfm/ft <sup>2</sup>
<u>Shower rooms (per shower head)<sup>g</sup></u>	=	50 cfm intermittent or 20 cfm continuous
<u>Smoking lounges<sup>b</sup></u>	70	60
<u>Toilet rooms<sup>g</sup></u>	=	75 cfm per water closet or urinal
<b>Retail stores, sales floors and showroom floors</b>		
<u>Basement and street</u>	=	0.30 cfm/ft <sup>2</sup>
<u>Dressing rooms</u>	=	0.20 cfm/ft <sup>2</sup>
<u>Malls and arcades</u>	=	0.20 cfm/ft <sup>2</sup>
<u>Shipping and receiving</u>	=	0.15 cfm/ft <sup>2</sup>
<u>Smoking lounges<sup>b</sup></u>	70	60
<u>Storage rooms</u>	=	0.15 cfm/ft <sup>2</sup>
<u>Upper floors</u>	=	0.20 cfm/ft <sup>2</sup>
<u>Warehouses</u>	=	0.05 cfm/ft <sup>2</sup>
<b>Specialty shops</b>		
<u>Automotive motor-fuel-dispensing stations</u>	=	1.5 cfm/ft <sup>2</sup>
<u>Barber</u>	25	15
<u>Beauty</u>	25	25
<u>Clothiers, furniture</u>	=	0.30 cfm/ft <sup>2</sup>
<u>Embalming room<sup>b</sup></u>	=	2.0 cfm/ft <sup>2</sup>
<u>Florist</u>	8	15
<u>Hardware, drug, fabrics</u>	8	15

**Table 403.3**  
**Required Outdoor Ventilation Air**

<u>Occupancy Classification</u>	<u>Estimated Maximum Occupant Load, Persons per 1,000 Square Feet<sup>a</sup></u>	<u>Outdoor Air (Cubic feet per minute (cfm) per person) Unless Noted<sup>c</sup></u>
<u>Nail salon<sup>b,i</sup></u>	=	<u>50 cfm intermittent or 20 cfm continuous per station</u>
<u>Pet shops</u>	=	<u>1.00 cfm/ft<sup>2</sup></u>
<u>Reducing salons</u>	<u>20</u>	<u>15</u>
<u>Supermarkets</u>	<u>8</u>	<u>15</u>
<b><u>Sports and amusement</u></b>		
<u>Ballrooms and discos</u>	<u>100</u>	<u>25</u>
<u>Bowling alleys (seating areas)</u>	<u>70</u>	<u>25</u>
<u>Game rooms</u>	<u>70</u>	<u>25</u>
<u>Ice arenas</u>	=	<u>0.50 cfm/ft<sup>2</sup></u>
<u>Playing floors (gymnasiums)</u>	<u>30</u>	<u>20</u>
<u>Spectator areas</u>	<u>150</u>	<u>15</u>
<u>Swimming pools (pool and deck area)</u>	=	<u>0.50 cfm/ft<sup>2</sup></u>
<b><u>Storage</u></b>		
<u>Repair garages, enclosed parking garage<sup>d</sup></u>	=	<u>1.5 cfm/ft<sup>2</sup></u>
<u>Warehouses</u>	=	<u>0.05 cfm/ft<sup>2</sup></u>
<b><u>Theaters</u></b>		
<u>Auditoriums</u>	<u>150</u>	<u>15</u>
<u>Lobbies</u>	<u>150</u>	<u>20</u>
<u>Stages, studios</u>	<u>70</u>	<u>15</u>
<u>Ticket booths</u>	<u>60</u>	<u>20</u>
<b><u>Transportation</u></b>		
<u>Platforms</u>	<u>100</u>	<u>15</u>
<u>Vehicles</u>	<u>150</u>	<u>15</u>
<u>Waiting rooms</u>	<u>100</u>	<u>15</u>
<b><u>Workrooms</u></b>		
<u>Bank vaults</u>	<u>5</u>	<u>15</u>
<u>Darkrooms</u>	=	<u>0.50 cfm/ft<sup>2</sup></u>
<u>Duplicating, printing</u>	=	<u>0.50 cfm/ft<sup>2</sup></u>
<u>Meat processing<sup>e</sup></u>	<u>10</u>	<u>15</u>
<u>Pharmacy</u>	<u>20</u>	<u>15</u>
<u>Photo studios</u>	<u>10</u>	<u>15</u>

For SI: 1 cubic foot per minute = 0.0004719 m<sup>3</sup>/s, 1 ton = 908 kg, 1 cubic foot per minutes per square foot = 0.00508 m<sup>3</sup>/(s•m<sup>2</sup>), °C = [(°F) -32]/1.8, 1 square foot = 0.0929 m<sup>2</sup>.

- a. Based upon net floor area.
- b. Mechanical exhaust required and the recirculation of air from such spaces as permitted by Section 403.2.1 is prohibited (see Section 403.2.1, Items 1 and 3).
- c. Spaces unheated or maintained below 50°F are not covered by these requirements unless the occupancy is continuous.
- d. Ventilation systems in enclosed parking garages shall comply with Section 404.
- e. Where the ventilation rate is expressed in cfm/ft<sup>2</sup>, such rate is based upon cubic feet per minute per square foot of the floor area being ventilated.
- f. The sum of the outdoor and transfer air from adjacent spaces shall be sufficient to provide an exhaust rate of not less than 1.5 cfm/ft<sup>2</sup>.
- g. Transfer air permitted in accordance with Section 403.2.2.
- h. Reserved.
- i. The required exhaust system shall capture the contaminants and odors at their source.

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

AMENDATORY SECTION (Amending WSR 05-01-015, filed 12/2/04, effective 7/1/05)

**WAC 51-52-0501 Section 501—General.**

~~((501.5))~~ **501.2 Exhaust discharge.** The air removed by every mechanical exhaust system shall be discharged outdoors at a point where it will not cause a nuisance and not less than the distances specified in Section 501.2.1. The air shall be discharged to a location from which it cannot again be readily drawn in by a ventilating system. Air shall not be exhausted into an attic or crawlspace.

**EXCEPTIONS:**

1. Whole-house cooling attic fans shall be permitted to discharge into the attic space of dwelling units having private attics.
2. Commercial cooking recirculating systems.

~~((Termination point/exhaust outlet.))~~ **501.2.1 Location of exhaust outlets.** The termination point ~~((of))~~ of exhaust outlets ~~((for exhaust ducts discharging to the atmosphere))~~ and ducts discharging to the outdoors shall be located with the following minimum distances:

1. **For ducts conveying explosive or flammable vapors, fumes or dusts:** 30 feet (9144 mm) from the property line; 10 feet (3048 mm) from operable openings into the building; 6 feet (1829 mm) from exterior walls and roofs; 30 feet (9144 mm) from combustible walls and operable openings into the building which are in the direction of the exhaust discharge; 10 feet (3048 mm) above adjoining grade.

2. **For other product-conveying outlets:** 10 feet (3048 mm) from ~~((the))~~ property lines; 3 feet (914 mm) from exterior walls and roofs; 10 feet (3048 mm) from operable openings into the building; 10 feet (3048 mm) above adjoining grade.

3. **For environmental air duct exhaust:** 3 feet (914 mm) from ~~((the))~~ property lines, 3 feet (914 mm) from operable openings into the building for all occupancies other than Group U, and 10 feet (3048 mm) from a mechanical air intake. ~~((This includes environmental air regulated by Sections 504 and 505, but does not include enclosed parking garage exhaust outlets regulated by Section 404.))~~

**EXCEPTIONS:**

1. The separation between an air intake and exhaust outlet on a single listed package HVAC unit.
2. Exhaust from environmental air systems other than garages may be discharged into an open parking garage.
3. Except for Group I occupancies, where ventilation system design circumstances require building HVAC air to be relieved, such as during economizer operation, such air may be relieved into an open or enclosed parking garage within the same building.

**4. For specific systems:** For clothes dryer exhaust, see Section 504.4; for kitchen hoods, see Section 506.3; and for subslab soil exhaust systems, see Section 512.4.

NEW SECTION

**WAC 51-52-0504 Section 504—Clothes dryer exhaust.**

**504.6.3 Protection required.** Plates or clips shall be placed where nails or screws from finish or other work are likely to penetrate the clothes dryer exhaust duct. Plates or clips shall be placed on the finished face of all framing members where

there is less than 1-1/4 inches (32 mm) between the duct and the finished face of the framing material. The plate or clip shall be steel not less than 1/16 inch (1.59 mm) in thickness and of sufficient width to protect the duct.

NEW SECTION

**WAC 51-52-0506 Section 506—Commercial kitchen hood ventilation system ducts and exhaust equipment.**

**506.3.3.1 Grease duct test.** Prior to the use or concealment of any portion of a grease duct system, a leakage test shall be performed. Ducts shall be considered to be concealed where installed in shafts or covered by coatings or wraps that prevent the duct work from being visually inspected on all sides. The permit holder shall be responsible to provide the necessary equipment and perform the grease duct leakage test. A light test or an approved equivalent test method shall be performed to determine that all welded and brazed joints are liquid tight. A light test shall be performed by passing a lamp having a power rating of not less than 100 watts through the entire section of duct work to be tested. The lamp shall be open so as to emit light equally in all directions perpendicular to the duct walls.

A test shall be performed for the entire duct system, including the hood-to-duct connection. The duct work shall be permitted to be tested in sections, provided that every joint is tested.

AMENDATORY SECTION (Amending WSR 04-01-104, filed 12/17/03, effective 7/1/04)

**WAC 51-52-0601 Section 601—General.**

**601.2 Air movement in egress elements.** ~~((Exit access))~~ Corridors shall not serve as supply, return, exhaust, relief or ventilation air ducts.

**EXCEPTIONS:**

1. Use of a corridor as a source of makeup air for exhaust systems in rooms that open directly onto such corridors, including toilet rooms, bathrooms, dressing rooms, smoking lounges and janitor closets, shall be permitted provided that each such corridor is directly supplied with outdoor air at a rate greater than the rate of makeup air taken from the corridor.
2. Where located within a dwelling unit, the use of corridors for conveying return air shall not be prohibited.
3. Where located within tenant spaces of one thousand square feet (93 m<sup>2</sup>) or less in area, utilization of corridors for conveying return air is permitted.
4. Where such air is part of an engineered smoke control system.
5. ~~((Corridors conforming to the International Building Code in Group I occupancies.))~~ Make up or relief air in corridors of Group I-2 occupancies.
6. Corridors serving residential occupancies shall be permitted to be supplied without specific mechanical exhaust subject to the following:
  - 6.1 The supply air is one hundred percent outside air; and
  - 6.2 The units served by the corridor have conforming ventilation independent of the air supplied to the corridor; and
  - 6.3 For other than high-rise buildings, the supply fan will automatically shut off upon activation of corridor smoke detectors which shall be spaced at no more than thirty feet (9,144 mm) on center along the corridor; or



6.4 For high-rise buildings, corridor smoke detector activation will close required smoke/fire dampers at the supply inlet to the corridor at the floor receiving the alarm.

~~((601.3 Contamination prevention. Exhaust ducts under positive pressure, chimneys, and vents shall not extend into or pass through ducts or plenums.~~

EXCEPTION: Exhaust ducts conveying environmental air shall be permitted to pass through a duct or plenum provided that:

1. The duct is maintained under sufficient negative pressure to prevent leakage of the exhaust air to the surrounding duct or plenum; or
2. If maintained under a positive pressure with respect to the surrounding duct or plenum, the exhaust duct will be sealed to prevent leakage; or
3. The surrounding air stream is an exhaust air stream not intended for recirculation to the building and cross-contamination of the two air streams will not create a hazardous condition.)

AMENDATORY SECTION (Amending WSR 04-01-104, filed 12/17/03, effective 7/1/04)

**WAC 51-52-1000 Chapter 10—Boilers, water heaters and pressure vessels.**

SECTIONS 1003 THROUGH 1011, are not adopted.

Boilers and Unfired Pressure Vessels are regulated by chapter 70.79 RCW and chapter 296-104 WAC, and may be further regulated by the local jurisdiction.

NEW SECTION

**WAC 51-52-21101 Section 101—General.**

**101.2 Scope.** This code shall apply to the installation of fuel gas piping systems, fuel gas utilization equipment, gaseous hydrogen systems and regulated accessories in accordance with Section 101.2.1 through 101.2.5.

EXCEPTIONS: 1. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the *International Residential Code*.

2. The standards for liquefied petroleum gas installations shall be the 2004 Edition of NFPA 58 (Liquefied Petroleum Gas Code) and the 2006 Edition of ANSI Z223.1/NFPA 54 (National Fuel Gas Code).

AMENDATORY SECTION (Amending WSR 04-01-104, filed 12/17/03, effective 7/1/04)

**WAC 51-52-22006 Chapter 6—Gas piping installation.**

~~((6.1.3 Protection Against Corrosion. Metallic gas piping in contact with earth or other material that could corrode the piping shall be protected against corrosion in an approved manner, and cathodically protected in accordance with NACE RP-01-69. When dissimilar metals are joined underground, an insulating coupling or fitting shall be used. Piping shall not be laid in contact with cinders. Uncoated threaded or socket welded joints shall not be used in piping in contact with soil or where internal or external crevice corrosion is known to occur.))~~

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 51-52-21404 Section 404—Piping system installation.

**WSR 07-01-093  
PERMANENT RULES  
BUILDING CODE COUNCIL**

[Filed December 19, 2006, 10:17 a.m., effective July 1, 2007]

Effective Date of Rule: July 1, 2007.

Purpose: To adopt and amend the 2006 International Fire Code, chapter 51-54 WAC.

Citation of Existing Rules Affected by this Order: Repealing 1; and amending 11.

Statutory Authority for Adoption: RCW 19.27.031 and 19.27.074.

Other Authority: Chapters 19.27 and 34.05 RCW.

Adopted under notice filed as WSR 06-16-114 on August 1, 2006.

Changes Other than Editing from Proposed to Adopted Version: New section 1106.5.1 "except during refueling" was added to the end to prohibit refuelers from remaining close to an aircraft when not refueling.

Section 508.3 was changed to limit exceptions to R-1 instead of R and included the "only for recreation" at the end of the sentence.

Section 903.2.7 "for recreational use only" was added to condition #1.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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Date Adopted: November 17, 2006.

John Neff  
Council Chair

AMENDATORY SECTION (Amending WSR 04-01-105, filed 12/17/03, effective 7/1/04)

**WAC 51-54-003 International Fire Code.** The ((2003)) 2006 edition of the International Fire Code, published by the International Code Council is hereby adopted

by reference with the following additions, deletions, and exceptions.

**AMENDATORY SECTION** (Amending WSR 04-01-105, filed 12/17/03, effective 7/1/04)

**WAC 51-54-008 Implementation.** The International Fire Code adopted by chapter 51-54 WAC shall become effective in all counties and cities of this state on July 1, ((2004)) 2007.

**AMENDATORY SECTION** (Amending WSR 05-24-071, filed 12/5/05, effective 7/1/06)

**WAC 51-54-0200 Chapter 2—Definitions.**

**SECTION 202 GENERAL DEFINITIONS.**

**ADULT FAMILY HOME** means a dwelling in which a person or persons provide personal care, special care, room and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services.

**CHILD DAY CARE**, shall, for the purposes of these regulations, mean the care of children during any period of a 24-hour day.

**ELECTRICAL CODE** is the National Electrical Code, promulgated by the National Fire Protection Association, as adopted in chapter 296-46 WAC, or the locally adopted Electrical Code.

**FAMILY CHILD DAY CARE HOME** is a child day care facility, licensed by the state, located in the dwelling of the person or persons under whose direct care and supervision the child is placed, for the care of twelve or fewer children, including children who reside at the home.

**NIGHTCLUB.** An establishment, other than a theater with fixed seating, which includes all of the following:

1. Provides live entertainment by paid performing artists or by way of recorded music conducted by a person employed or engaged to do so;
2. Has as its primary source of revenue the sale of beverages of any kind for consumption on the premises and/or cover charges;
3. Has an occupant load of 100 or more as determined by the fire code official; and
4. Includes assembly space without fixed seats considered concentrated or standing space per Table 1004.1.2.

Paid performing artists are those entertainers engaged to perform in a for-profit business establishment.

**EDUCATIONAL GROUP E.** Educational Group E Occupancy includes, among others, the use of a building or structure, or a portion thereof, by six or more persons at any one time for educational purposes through the 12th grade. Religious educational rooms and religious auditoriums, which are accessory to churches in accordance with Section 302.2 of the IBC and have occupant loads of less than 100, shall be classified as Group A-3 Occupancies.

**Day Care.** The use of a building or structure, or portion thereof, for educational, supervision or personal care services

for more than five children older than 2 1/2 years of age, shall be classified as a Group E Occupancy.

**EXCEPTION:** Family child day care homes licensed by the Washington state department of social and health services for the care of twelve or fewer children shall be classified as Group R3.

**INSTITUTIONAL GROUP I.** Institutional Group I Occupancy includes, among others, the use of a building or structure, or a portion thereof, in which people, cared for or living in a supervised environment and having physical limitations because of health or age, are harbored for medical treatment or other care or treatment, or in which people are detained for penal or correctional purposes or in which the liberty of the occupants is restricted. Institutional occupancies shall be classified as Group I-1, I-2, I-3 or I-4.

**Group I-1.** This occupancy shall include buildings, structures or parts thereof housing more than 16 persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment that provides personal care services. The occupants are capable of responding to an emergency situation without physical assistance from staff. This group shall include, but not be limited to, the following:

- Residential board and care facilities
- Assisted living facilities
- Halfway houses
- Group homes
- Congregate care facilities
- Social rehabilitation facilities
- Alcohol and drug centers
- Convalescent facilities

A facility such as the above with five or fewer persons and adult family homes licensed by the Washington state department of social and health services shall be classified as a Group R-3 or shall comply with the *International Residential Code* in accordance with Section 101.2. ((A facility such as above, housing at least six and not more than 16 persons, shall be classified as Group R-4.))

A facility such as the above providing licensed care to clients in one of the categories listed in IBC Section ((313.1)) 310.1 regulated by either the Washington department of health or the department of social and health services shall be classified as ((Licensed Care)) Group ((LC)) R-2.

**Group I-2.** This occupancy shall include buildings and structures used for medical, surgical, psychiatric, nursing or custodial care on a 24-hour basis of more than five persons who are not capable of self-preservation. This group shall include, but not be limited to, the following:

- Hospitals
- Nursing homes (both intermediate-care facilities and skilled nursing facilities)
- Mental hospitals
- Detoxification facilities

A facility such as the above with five or fewer persons shall be classified as Group R-3 or shall comply with the *International Residential Code* in accordance with Section 101.2.

A facility such as the above providing licensed care to clients in one of the categories listed in IBC Section ((313.1)) 310.1 regulated by either the Washington department of

health or the department of social and health services shall be classified as ~~((Licensed Care))~~ Group ~~((LC))~~ **R-2**.

**Group I-3.** (Remains as printed in the IFC.)

**Group I-4. Day care facilities.** This group shall include buildings and structures occupied by persons of any age who receive custodial care for less than 24 hours by individuals other than parents or guardians, relatives by blood marriage, or adoption, and in a place other than the home of the person cared for. A facility such as the above with five or fewer persons shall be classified as Group R-3 or shall comply with the *International Residential Code*. Places of worship during religious functions are not included.

**Adult care facility.** A facility that provides accommodations for less than 24 hours for more than five unrelated adults and provides supervision and personal care services shall be classified as Group I-4.

EXCEPTION: Where the occupants are capable of responding to an emergency situation without physical assistance from the staff, the facility shall be classified as Group A-3.

**Child care facility.** A facility that provides supervision and personal care on a less than 24-hour basis for more than five children 2 1/2 years of age or less shall be classified as Group I-4.

EXCEPTIONS: 1. A child day care facility that provides care for more than five but no more than 100 children 2 1/2 years or less of age, when the rooms where such children are cared for are located on the level of exit discharge and each of these child care rooms has an exit door directly to the exterior, shall be classified as Group E.  
2. Family child day care homes licensed by the Washington state department of social and health services for the care of 12 or fewer children shall be classified as Group R3.

**RESIDENTIAL GROUP R.** Residential Group R includes, among others, the use of a building or structure, or a portion thereof, for sleeping purposes when not classified as an Institutional Group I or Licensed Care Group LC. Residential occupancies shall include the following:

**R-1** Residential occupancies where the occupants are primarily transient in nature, including:

Boarding houses (transient)  
Hotels (transient)  
Motels (transient)

**R-2** Residential occupancies containing sleeping units or more than two dwelling units where the occupants are primarily permanent in nature, including:

Apartment houses  
Boarding houses (not transient)

Boarding homes as licensed by the department of social and health services under chapter 388-78A WAC

Convents  
Dormitories  
Fraternities and sororities

Hotels (nontransient)

Motels (nontransient)

Monasteries

Residential treatment facilities as licensed by the department of health under chapter 246-337 WAC

Vacation timeshare properties

~~((Hotels (nontransient)~~

~~Motels (nontransient)))~~

**R-3** Residential occupancies where the occupants are primarily permanent in nature and not classified as R-1, R-2, R-4 or I and where buildings do not contain more than two dwelling units as applicable in Section 101.2, including adult family homes and family child day care homes for the care of 12 or fewer children, licensed by the Washington state department of social and health services, or adult and child care facilities that provide accommodations for five or fewer persons of any age for less than 24 hours. Adult family homes and family child day care homes, or adult and child care facilities that are within a single-family home are permitted to comply with the *International Residential Code* in accordance with Section 101.2.

Foster family care homes licensed by the Washington state department of social and health services shall be permitted, as an accessory use to a dwelling, for six or fewer children including those of the resident family.

~~((R-4 Residential occupancies shall include buildings arranged for occupancy as residential care/assisted living facilities including more than five but not more than 16 occupants, excluding staff.~~

EXCEPTION: Adult family homes, family child day care homes and foster family care homes shall be classified as Group R-3.

~~Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3 except as otherwise provided for in this code or shall comply with the *International Residential Code* in accordance with Section 101.2.))~~ **R-4 classification is not adopted. Any reference in this code to R-4 does not apply.**

~~((LICENSED CARE GROUP LC. Licensed Care Group LC includes the use of a building, structure, or portion thereof, for the business of providing licensed care to clients in one of the following categories regulated by either the Washington department of health or the department of social and health services:~~

- ~~1. Adult residential rehabilitation facility.~~
- ~~2. Alcoholism intensive inpatient treatment service.~~
- ~~3. Alcoholism detoxification service.~~
- ~~4. Alcoholism long-term treatment service.~~
- ~~5. Alcoholism recovery house service.~~
- ~~6. Boarding home.~~
- ~~7. Group care facility.~~
- ~~8. Group care facility for severely and multiple handicapped children.~~
- ~~9. Residential treatment facility for psychiatrically impaired children and youth.~~

EXCEPTION: Where the care provided at an alcoholism detoxification service is acute care similar to that provided in a hospital, the facility shall be classified as a Group I-2 Occupancy.)

**AMENDATORY SECTION** (Amending WSR 05-01-016, filed 12/2/04, effective 7/1/05)

**WAC 51-54-0300 Chapter 3—General precautions against fire.**

**307.2.1 Authorization.** Where required by state or local law or regulations, open burning shall only be permitted with prior approval from the state or local air and water quality

management authority, provided that all conditions specified in the authorization are followed. See also chapter 173-425 WAC.

~~(307.3.2)~~ **307.4.2 Recreational fires.** Recreational fires shall not be conducted within 25 feet of a structure or combustible material. Conditions which could cause a fire to spread within 25 feet of a structure shall be eliminated prior to ignition. See also chapter 173-425 WAC.

**308.3.1 Open-flame cooking devices.** This section is not adopted.

**308.3.1.1 Liquefied-petroleum-gas-fueled cooking devices.** This section is not adopted.

**308.3.4 Aisles and exits.** Candles shall be prohibited in areas where occupants stand, or in an aisle or exit.

EXCEPTION: Candles used in religious ceremonies. See RCW 19.27.031(3).

**308.3.5 Religious ceremonies.** Participants in religious ceremonies shall not be precluded from carrying hand-held candles.

~~(308.3.7 Group A Occupancies. Open flame devices shall not be used in a Group A Occupancy.~~

EXCEPTIONS: 1. Open flame devices are allowed to be used in the following situations:  
 1.1 Where necessary for ceremonial or religious purposes in accordance with Section 308.5.  
 1.2 On stages and platforms as a necessary part of a performance in accordance with Section 308.6, provided approved precautions are taken to prevent ignition of a combustible material or injury to occupants.  
 1.3 Where candles on tables are securely supported on substantial noncombustible bases and the candle flames are protected provided approved precautions are taken to prevent ignition of a combustible material or injury to occupants.  
 2. Heat producing equipment complying with Chapter 6 and the International Mechanical Code.  
 3. Gas lights are allowed to be used provided adequate precautions satisfactory to the fire code official are taken to prevent ignition of combustible materials.)

AMENDATORY SECTION (Amending WSR 05-01-016, filed 12/2/04, effective 7/1/05)

**WAC 51-54-0400 Chapter 4—Emergency planning and preparedness.**

**401.2 Approval.** Where required by the fire code official, fire safety plans, emergency procedures, and employee training programs shall be approved.

**404.2 Where required.** A fire safety and evacuation plan shall be prepared and maintained in accordance with this chapter for the following occupancies and buildings when required by the fire code official.

1. Group A having an occupant load of 100 or more.
2. Group B buildings having an occupant load of 500 or more persons or more than 100 persons above or below the lowest level of exit discharge.
3. Group E.
- ~~(3-)~~ 4. Group H.
- ~~(4-)~~ 5. Group I.

~~(5-)~~ 6. Group R-1.

~~(6-)~~ 7. Group ((R-4)) R-2 college and university buildings.

~~(7-Group LC-)~~

8. High-rise buildings.

9. Group M buildings having an occupant load of 500 or more persons or more than 100 persons above or below the lowest level of exit discharge.

10. Covered malls exceeding 50,000 sf in aggregate floor area.

11. Underground buildings.

12. Buildings with an atrium and having an occupancy in Group A, E, or M.

**404.4 Maintenance.** Fire safety and evacuation plans shall be reviewed by the owner or occupant annually or as necessitated by changes in staff assignments, occupancy, or the physical arrangement of the building.

**408.11.1.1 ((Approval)) Submittal.** The lease plan shall be submitted to the fire code official, and shall be maintained on-site for immediate reference by responding fire service personnel.

**408.11.1.2 Revisions.** The lease plan shall be reviewed ~~((by the owner or occupant))~~ and revised annually or as often as necessary to keep them current. Modifications or changes in occupancies shall not be made without prior approval of the fire code official and building official.

AMENDATORY SECTION (Amending WSR 04-01-105, filed 12/17/03, effective 7/1/04)

**WAC 51-54-0500 Chapter 5—Fire service features.**

**SECTION 503 FIRE APPARATUS ACCESS ROADS.**

**503.1 Where required.** Fire apparatus access roads shall be provided and maintained in accordance with locally adopted street, road, and access standards.

**503.1.1 Buildings and facilities,** is not adopted.

**503.1.2 Additional access,** is not adopted.

**503.1.3 High-piled storage,** is not adopted.

**503.2 Specifications.** This section is not adopted.

**503.3 Marking.** This section is not adopted.

**503.4 Obstruction of fire apparatus access roads.** This section is not adopted.

**508.3 Fire flow requirements for buildings or portions of buildings and facilities shall be determined by an approved method.**

EXCEPTION: Fire flow is not required for structures under 500 square feet with a B, U or R-1 occupancy where structures are at least 30 feet from any other structure and are used only for recreation.

AMENDATORY SECTION (Amending WSR 05-01-016, filed 12/2/04, effective 7/1/05)

**WAC 51-54-0800 Chapter 8—Interior finish, decorative materials and furnishings.**

**801.1 Scope.** The provisions of this chapter shall govern interior finish, interior trim, furniture, furnishings, decorative materials and decorative vegetation in buildings. Sections 803 through 808 of this code shall be applicable to existing buildings. Section 803 of the International Building Code and Sections 804 through 808 of this code shall be applicable to new buildings.

~~((804.1.1))~~ **806.1.1 Restricted occupancies.** Natural cut trees shall be prohibited in Group I-1, I-2, I-3, I-4, ~~((E-C and R-4 occupancies))~~ and R-2 Occupancies providing licensed care to clients in one of the categories listed in IBC Section 310.1 regulated by either the Washington department of health or the department of social and health services.

~~((804.1.2))~~ **806.1.2 Support devices.** The support device that holds the tree in an upright position shall be of a type that is stable and that meets all of the following criteria:

1. The device shall hold the tree securely and be of adequate size to avoid tipping over of the tree.
2. The device shall be capable of containing a minimum supply of water in accordance with Table ~~((804.1.2))~~ **806.1.2**.
3. The water level, when full, shall cover the tree stem at least 2 inches (51 mm). The water level shall be maintained above the fresh cut and checked at least once daily.

~~((804.1.3))~~ **806.1.3 Dryness.** The tree shall be removed from the building whenever the tree ~~((is determined to be dry by needle pliability, discoloration or other approved means as approved))~~ needles or leaves fall off readily when a tree branch is shaken or if the needles are brittle and break when bent between the thumb and the index finger, or whenever determined necessary by the fire code official. The tree shall be checked daily for dryness.

**Table ~~((804.1.2))~~ 806.1.2—Support Stand Water Capacity**

Tree Stem Diameter (inches)	Minimum Support Stand Water Capacity (gallons)	Typical Daily Water Transpiration Amount (gallons)
Up to 4	1	1/4 to 1
4 to 6	1 1/2	1 1/4 to 1 1/2
7 to 8	2	1 3/4 to 2
9 to 12	3	2 1/4 to 3
13 and over	4	Over 3

AMENDATORY SECTION (Amending WSR 05-24-071, filed 12/5/05, effective 7/1/06)

**WAC 51-54-0900 Chapter 9—Fire protection systems.**

**902.1 Definitions.**

**PORTABLE SCHOOL CLASSROOM.** A structure, transportable in one or more sections, which requires a chassis to be trans-

ported, and is designed to be used as an educational space with or without a permanent foundation. The structure shall be trailerable and capable of being demounted and relocated to other locations as needs arise.

~~((903.2.1.2 Group A-2. An automatic sprinkler system shall be provided for Group A-2 Occupancies where one of the following conditions exists:~~

1. The fire area exceeds 5,000 square feet (464.5 m<sup>2</sup>).
2. The fire area has an occupant load of 100 or more.
3. The fire area is located on a floor other than the level of exit discharge.)

**903.2.1.6 Nightclub.** An automatic sprinkler system shall be provided throughout an occupancy with a nightclub. Existing nightclubs constructed prior to July 1, 2006, shall be provided with automatic sprinklers not later than December 1, 2007. The fire code official, for the application of this rule, may establish an occupant load based on the observed use of the occupancy in accordance with Table 1004.1.2.

**903.2.2 Group E.** An automatic sprinkler system shall be provided for Group E Occupancies ~~((as follows:~~

1. Throughout all Group E fire areas greater than 20,000 square feet (1858 m<sup>2</sup>) in area.
2. Throughout every portion of educational buildings below the level of exit discharge.

**EXCEPTION:** An automatic sprinkler system is not required in any fire area or area below the level of exit discharge where every classroom throughout the building has at least one exterior exit door at ground level.

3. Throughout all newly constructed Group E Occupancies having an occupant load of 50 or more for more than 12 hours per week or four hours in any one day. A minimum water supply meeting the requirements of NFPA 13 shall be required. The fire code official may reduce fire flow requirements for buildings protected by an approved automatic sprinkler system.

For the purpose of this section, additions exceeding 60 percent of the value of such building or structure, or alterations and repairs to any portion of a building or structure within a twelve-month period that exceeds 100 percent of the value of such building or structure shall be considered new construction. In the case of additions, fire walls shall define separate buildings).

- EXCEPTIONS:**
1. Portable school classrooms, provided aggregate area of any cluster or portion of a cluster(s) of portable school classrooms does not exceed 5,000 square feet (465 m<sup>2</sup>); and clusters of portable school classrooms shall be separated as required in Chapter 5 of the building code.
  2. Group E ~~((Day-Care))~~ Occupancies with an occupant load of 50 or less.

~~((When not required by other provisions of this chapter, a fire extinguishing system installed in accordance with NFPA 13 may be used for increases and substitutions allowed in Section 504.2, 506.3, and Table 601 of the building code.~~

**903.2.10.3 Buildings over 75 feet in height.** An automatic sprinkler system shall be installed throughout buildings with a floor level having an occupant load of 30 or more that is

located 75 feet (22 860 mm) or more above the lowest level of fire department vehicle access.

EXCEPTIONS: 1. Airport control towers.  
2. Open parking structures.  
3. Occupancies in Group F-2.))

**903.2.7 Group R.** An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.

EXCEPTION: Group R-1 if all of the following conditions apply:  
1. The Group R fire area is no more than 500 square feet and is used for recreational use only.  
2. The Group R fire area is on only one story.  
3. The Group R fire area does not include a basement.  
4. The Group R fire area is no closer than 30 feet from another structure.  
5. Cooking is not allowed within the Group R fire area.  
6. The Group R fire area has an occupant load of no more than 8.  
7. A hand held (portable) fire extinguisher is in every Group R fire area.

**909.6.3 Elevator shaft pressurization.** Where elevator shaft pressurization is required to comply with Exception ((5)) 6 of IBC Section 707.14.1, the pressurization system shall comply with ((the following)) and be maintained in accordance with IBC 707.14.2.

**909.6.3.1 ((Standards and testing.** ~~Elevator shafts shall be pressurized to not less than 0.10 inch water column relative to atmospheric pressure. Elevator pressurization shall be measured with the elevator cars at the designated primary recall level with the doors in the open position. The test shall be conducted at the location of the calculated maximum positive stack effect in the elevator shaft. The measured pressure shall be sufficient to provide 0.10 inch of water column as well as accounting for the stack and wind effect expected on the mean low temperature January day.~~

**909.6.3.2)) Activation.** The elevator shaft pressurization system shall be activated by a fire alarm system which shall include smoke detectors or other approved detectors located near the elevator shaft on each floor as approved by the building official and fire ((chief)) code official. If the building has a fire alarm panel, detectors shall be connected to, with power supplied by, the fire alarm panel.

~~((909.6.3.3 Separation.~~ Elevator shaft pressurization equipment and its ductwork located within the building shall be separated from other portions of the building by construction equal to that required for the elevator shaft.

**909.6.3.4 Location of intakes.** Elevator shaft pressurization air intakes shall be located in accordance with Section 909.10.3. Such intakes shall be provided with smoke detectors which upon detection of smoke, shall deactivate the pressurization fan supplied by that air intake.

~~909.6.3.5))~~ **909.6.3.2 Power system.** The power source for the fire alarm system and the elevator shaft pressurization system shall be in accordance with Section 909.11.

~~((909.6.3.6 Hoistway venting.~~ Hoistway venting required by IBC Section 3004 need not be provided for pressurized elevator shafts.

~~**909.6.3.7 Machine rooms.** Elevator machine rooms required to be pressurized by IBC Section 3006.3 need not be pressurized where separated from the hoistway shaft by construction in accordance with IBC Section 707.~~

~~**909.6.3.8 Special inspection.** Special inspection for performance shall be required in accordance with Section 909.18.8. System acceptance shall be in accordance with Section 909.19.))~~

AMENDATORY SECTION (Amending WSR 04-01-105, filed 12/17/03, effective 7/1/04)

### WAC 51-54-1000 Chapter 10—Means of egress.

**1008.1.2 Door swing.** Egress doors shall be side-hinged swinging.

Exceptions:

1. Private garages, office areas, factory and storage areas with an occupant load of 10 or less.
2. Group I-3 Occupancies used as a place of detention.
3. Critical or intensive care patient rooms within suites of health care facilities.
4. Doors within or serving a single dwelling unit in Groups R-2 and R-3 as applicable in Section 101.2.
- 4.)) 5. In other than Group H Occupancies, revolving doors complying with Section 1008.1.3.1.
- 5.)) 6. In other than Group H Occupancies, horizontal sliding doors complying with Section 1008.1.3.3 are permitted in a means of egress.
- 6.)) 7. Power-operated doors in accordance with Section ((1008.1.3.1)) 1008.1.3.2.
8. Doors serving a bathroom within an individual sleeping unit in Group R-1.
9. In other than Group H Occupancies, manually operated horizontal sliding doors are permitted in a means of egress from spaces with an occupant load of 10 or less.

Doors shall swing in the direction of egress travel where serving an occupant load of 50 or more persons or a Group H Occupancy.

The opening force for interior side-swinging doors without closers shall not exceed a 5-pound (22 N) force. For other side-swinging, sliding, and folding doors, the door latch shall release when subjected to a 15-pound (67 N) force. The door shall be set in motion when subjected to a 30-pound (133 N) force. The door shall swing to a full-open position when subjected to a 15-pound (67 N) force. Forces shall be applied to the latch side. ~~((Within an accessible route, at exterior doors where environmental conditions require a closing pressure greater than 8.5 pounds, power-operated doors shall be used within the accessible route of travel.~~

~~**1009.13** Stairs or ladders within an individual dwelling unit used to gain access to areas of 200 square feet (18.6 m<sup>2</sup>) or less, and not containing the primary bathroom or kitchen, are exempt from the requirements of Section 1009.~~

~~**1010.8 Handrails.** Ramps with a rise greater than 6 inches (152 mm) shall have handrails on both sides complying with Section 1009.11. At least one handrail shall extend in the direction of ramp run not less than 12 inches (305 mm) horizontally beyond the top and bottom of the ramp runs.~~

~~**1024.11 Assembly aisle walking surfaces.** Aisles with a slope not exceeding one unit vertical in eight units horizontal (12.5-percent slope) shall consist of a ramp having a slip-~~

resistant walking surface. Aisles with a slope exceeding one unit vertical in eight units horizontal (12.5 percent slope) shall consist of a series of risers and treads that extends across the full width of aisles and complies with Sections 1024.11.1 through 1024.11.3.

EXCEPTION: When provided with fixed seating, aisles in Group A-1 Occupancies shall be permitted to have a slope not steeper than one unit vertical in five units horizontal (20 percent slope).

**1024.13 Handrails.** Ramped aisles having a slope exceeding one unit vertical in 15 units horizontal (6.7 percent slope) and aisle stairs shall be provided with handrails located either at the side or within the aisle width.

EXCEPTIONS: 1. Handrails are not required for ramped aisles having a gradient no greater than one unit vertical in five units horizontal (20 percent slope) and seating on both sides. 2. Handrails are not required if, at the side of the aisle, there is a guard that complies with the graspability requirements of handrails.)

**1009.12 Stairways in individual dwelling units.** Stairs or ladders within an individual dwelling unit used for access to areas of 200 square feet (18.6 m<sup>2</sup>) or less, and not containing the primary bathroom or kitchen, are exempt from the requirements of Section 1009.

**1014.2.2 Group I-2.** Habitable rooms or suites in Group I-2 Occupancies shall have an exit access door leading directly to a corridor.

EXCEPTION: Rooms with exit doors opening directly to the outside at ground level.

**1014.2.2.1 Definition.** For the purposes of this section, a suite is defined as a cluster of rooms or spaces sharing common circulation. Partitions within a suite are not required to have smoke or fire-resistance-rated construction unless required by another section of this Code.

**1014.2.3 Suites in patient sleeping areas.** Patient sleeping areas in Group I-2 Occupancies shall be permitted to be divided into suites if one of the following conditions is met:

1. The intervening room within the suite is not used as an exit access for more than eight patient beds.
2. The arrangement of the suite allows for direct and constant visual supervision by nursing personnel.

**1014.2.3.1 Area.** Suites of sleeping rooms shall not exceed 5,000 square feet (465 m<sup>2</sup>).

**1014.2.3.2 Exit access.** Any patient sleeping room, or any suite that includes patient sleeping rooms, of more than 1,000 square feet (93 m<sup>2</sup>) shall have at least two exit access doors remotely located from each other.

**1014.2.3.3 Travel distance.** The travel distance between any point in a suite of sleeping rooms and an exit access door of that suite shall not exceed 100 feet (30,480 mm).

**1014.2.4 Suites in areas other than patient sleeping areas.** Areas other than patient sleeping areas in Group I-2 Occupancies shall be permitted to be divided into suites.

**1014.2.4.1 Area.** Suites of rooms, other than patient rooms, shall not exceed 10,000 square feet (929 m<sup>2</sup>).

**1014.2.4.2 Exit access.** Any rooms or suite of rooms, other than patient sleeping rooms, of more than 2,500 square feet (232 m<sup>2</sup>) shall have at least two exit access doors remotely located from each other.

**1014.2.4.3 One intervening room.** For rooms other than patient sleeping rooms, suites of rooms are permitted to have one intervening room if the travel distance within the suite is not greater than 100 feet (30,480 mm).

**1014.2.4.4 Two intervening rooms.** For rooms other than patient sleeping rooms located within a suite, exit access travel from within the suite shall be permitted through two intervening rooms where the travel distance to the exit access door is not greater than 50 feet (15,240 mm).

**1014.2.5 Travel distance.** The travel distance between any point in a Group I-2 Occupancy patient room and an exit access door in that room shall not exceed 50 feet (15,240 mm).

**1014.2.6 Separation.** Suites in Group I-2 Occupancies shall be separated from other portions of the building by a smoke partition complying with Section 710.

**1015.1 (IFC 1015.1) Exits or exit access doorways from spaces.** Two exits or exit access doorways from any space shall be provided where one of the following conditions exists:

1. The occupant load of the space exceeds one of the values in Table 1015.1.

EXCEPTION: One means of egress is permitted within and from dwelling units with a maximum occupant load of 20 where the dwelling unit is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1.

2. The common path of egress travel exceeds one of the limitations of Section 1014.3.

3. Where required by Sections 1015.3, 1015.4, 1015.5, 1015.6 or 1015.6.1.

EXCEPTION: Group I-2 Occupancies shall comply with Section 1014.2.2.

**TABLE 1015.1 (IFC 1015.1)  
SPACES WITH ONE MEANS OF EGRESS**

OCCUPANCY	MAXIMUM OCCUPANT LOAD
A, B, E <sup>a</sup> , F, M, U	49
H-1, H-2, H-3	3
H-4, H-5, I-1, I-3, I-4, R	10
S	29

a. Day care maximum occupant load is 10.

**1015.1.1 (IFC 1015.1.1) Three or more exits or exit access doorways.** Three exits or exit access doorways shall be provided from any space with an occupant load of 501-1,000. Four exits or exit access doorways shall be provided from any space with an occupant load greater than 1,000.

**1017.1 Construction.** Corridors shall be fire-resistance rated in accordance with Table 1017.1. The corridor walls required to be fire-resistance rated shall comply with Section 708 for fire partitions.

- EXCEPTIONS:**
1. A fire-resistance rating is not required for corridors in an occupancy in Group E where each room that is used for instruction has at least one door directly to the exterior and rooms for assembly purposes have at least one-half of the required means of egress doors opening directly to the exterior. Exterior doors specified in this exception are required to be at ground level.
  2. A fire-resistance rating is not required for corridors contained within a dwelling or sleeping unit in an occupancy in Group R.
  3. A fire-resistance rating is not required for corridors in open parking garages.
  4. A fire-resistance rating is not required for corridors in an occupancy in Group B which is a space requiring only a single means of egress complying with Section 1015.1.
  5. In Group R-2 boarding homes and residential treatment facilities licensed by Washington state, rest areas constructed as required for corridors shall be allowed to be open to the corridor provided:
    - 5.1 The area does not exceed 150 square feet, excluding the corridor width;
    - 5.2 The floor is separated into at least two compartments complying with Section 407.4;
    - 5.3 Combustible furnishings located within the rest area shall be in accordance with the International Fire Code, Section 805;
    - 5.4 Emergency means of egress lighting is provided as required by Section 1006 to illuminate the area.

**1017.6 Subdivision of building spaces—Smoke barriers.** Smoke barriers complying with Section 709 shall be installed on floors other than the level of exit discharge of a Group R-2 boarding home or residential treatment facility licensed by Washington state, where a fire-resistance rated corridor is required by Table 1017.1 The smoke barrier shall subdivide the floor into at least two compartments complying with Section 407.4.

**1019.1 (IFC 1019.1) Exits from stories.** All spaces within each story shall have access to the minimum number of exits as specified in Table 1019.1 based on the occupant load of the story, except as modified in Section 1019.2. For the purposes of this chapter, occupied roofs shall be provided with exits as required for stories. The required number of exits from any story, including basements, shall be maintained until arrival at grade or the public way.

**EXCEPTION:** One means of egress is permitted within and from dwelling units with a maximum occupant load of 20 where the dwelling unit is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1.

**TABLE 1019.1 (IFC 1019.1)  
MINIMUM NUMBER OF EXITS FOR OCCUPANT LOAD**

<u>OCCUPANT LOAD (persons per story)</u>	<u>MINIMUM NUMBER OF EXITS (per story)</u>
<u>1-500</u>	<u>2</u>
<u>501-1,000</u>	<u>3</u>
<u>More than 1,000</u>	<u>4</u>

**1019.2 (IFC 1019.2) Buildings with one exit.** Only one exit shall be required in buildings as specified below:

1. Buildings meeting the limitations of Table 1019.2, provided the building has not more than one level below the first story above grade plane.
2. Buildings of Group R-3 Occupancy.

3. Single-level buildings with occupied spaces at the level of exit discharge provided each space complies with Section 1015.1 as a space with one exit or exit access doorway.

**TABLE 1019.2 (IFC 1019.2)  
BUILDINGS WITH ONE EXIT**

<u>OCCUPANCY</u>	<u>MAXIMUM HEIGHT OF BUILDING ABOVE GRADE PLANE</u>	<u>MAXIMUM OCCU- PANTS (OR DWELL- ING UNITS) PER FLOOR AND TRAVEL DISTANCE</u>
<u>A, B<sup>d</sup>, E<sup>e</sup>, F, M, U</u>	<u>1 Story</u>	<u>49 occupants and 75 feet travel dis- tance</u>
<u>H-2, H-3</u>	<u>1 Story</u>	<u>3 occupants and 25 feet travel distance</u>
<u>H-4, H-5, I, R</u>	<u>1 Story</u>	<u>10 occupants and 75 feet travel dis- tance</u>
<u>S<sup>a</sup></u>	<u>1 Story</u>	<u>29 occupants and 100 feet travel dis- tance</u>
<u>B<sup>b</sup>, F, M, S<sup>a</sup></u>	<u>2 Stories</u>	<u>30 occupants and 75 feet travel dis- tance</u>
<u>R-2</u>	<u>2 Stories<sup>c</sup></u>	<u>4 dwelling units and 50 feet travel distance</u>

For SI: 1 foot = 304.8 mm.

- a. For the required number of exits for open parking structures, see Section 1019.1.1.
- b. For the required number of exits for air traffic control towers, see Section 412.1.
- c. Buildings classified as Group R-2 equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2 and provided with emergency escape and rescue openings in accordance with Section 1026 shall have a maximum height of three stories above grade plane.
- d. Buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 with an occupancy in Group B shall have a maximum travel distance of 100 feet.
- e. Day care maximum occupant load is 10.

**NEW SECTION**

**WAC 51-54-1100 Aircraft-fueling vehicles.**

**1106.5.1 Positioning of aircraft fuel-servicing vehicles.** Aircraft-fueling vehicles shall not be located, parked or permitted to stand in a position where such units would obstruct egress from an aircraft should a fire occur during fuel-transfer operations. Tank vehicles shall not be located, parked or permitted to stand under any portion of an aircraft except during refueling.

**AMENDATORY SECTION** (Amending WSR 05-01-016, filed 12/2/04, effective 7/1/05)

**WAC 51-54-4600 Chapter 46—Marinas.**

**SECTION 4601**



**4601.1 Scope.** Marina facilities shall be in accordance with this chapter.

**4601.1.1 Plans and approvals.** Plans for marina fire-protection facilities shall be approved prior to installation. The work shall be subject to final inspection and approval after installation.

**4601.1.2 Permits.** Permits are required to use open-flame devices for maintenance or repair on vessels, floats, piers or wharves.

#### SECTION 4602—DEFINITIONS.

**4602.1 Definitions.** The following words and terms shall, for the purpose of this chapter and as used elsewhere in this code, have the meanings shown herein.

**COVERED BOAT MOORAGE** is a pier or system of floating or fixed access ways to which vessels on water may be secured and any portion of which are covered by a roof.

**DRAFT CURTAIN** is a structure arranged to limit the spread of smoke and heat along the underside of the ceiling or roof.

**FLOAT** is a floating structure normally used as a point of transfer for passengers and goods, or both, for mooring purposes.

**GRAVITY-OPERATED DROP OUT VENTS** are automatic smoke and heat vents containing heat-sensitive glazing designed to shrink and drop out of the vent opening when exposed to fire.

**MARINA** is any portion of the ocean or inland water, either naturally or artificially protected, for the mooring, servicing or safety of vessels and shall include artificially protected works, the public or private lands ashore, and structures or facilities provided within the enclosed body of water and ashore for the mooring or servicing of vessels or the servicing of their crews or passengers.

**PIER** is a structure built over the water, supported by pillars or piles, and used as a landing place, pleasure pavilion or similar purpose.

**VESSEL** is watercraft of any type, other than seaplanes on the water, used or capable of being used as a means of transportation. Included in this definition are nontransportation vessels such as houseboats and boathouses.

**WHARF** is a structure or bulkhead constructed of wood, stone, concrete or similar material built at the shore of a harbor, lake or river for vessels to lie alongside of, and piers or floats to be anchored to.

#### SECTION 4603—GENERAL PRECAUTIONS.

**4603.1 Combustible debris.** Combustible debris and rubbish shall not be deposited or accumulated on land beneath marina structures, piers or wharves.

**4603.2 Sources of ignition.** Open-flame devices used for lighting or decoration on the exterior of a vessel, float, pier or wharf shall be approved.

**4603.3 Flammable or combustible liquid spills.** Spills of flammable or combustible liquids at or upon the water shall be reported immediately to the fire department or jurisdictional authorities.

**4603.4 Rubbish containers.** Containers with tight-fitting or self-closing lids shall be provided for the temporary storage of combustible trash or rubbish.

**4603.5 Electrical equipment.** Electrical equipment shall be installed and used in accordance with its listing and Section 605 as required for wet, damp and hazardous locations.

#### SECTION 4604—FIRE-PROTECTION EQUIPMENT.

**4604.1 General.** Marinas, piers, wharves, floats with facilities for mooring or servicing five or more vessels, and marine motor vehicle fuel-dispensing stations shall be equipped with fire-protection equipment in accordance with Section 4604.

**4604.2 Standpipes.** Marinas shall be equipped throughout with Class I manual, dry standpipe systems in accordance with NFPA 303. Systems shall be provided with outlets located such that no point on the marina pier or float system exceeds 150 feet from a standpipe outlet.

**4604.2.1 Identification of standpipe outlets.** Standpipe outlet locations shall be clearly identified by a flag or other approved means designed to be readily visible from the pier accessing the float system.

**4604.3 Access and water supply.** Piers and wharves shall be provided with fire apparatus access roads and water-supply systems with on-site fire hydrants when required and approved by the fire code official. At least one fire hydrant capable of providing the required fire flow shall be provided within an approved distance of standpipe supply connections.

**4604.4 Portable fire extinguishers.** ~~((One fire extinguisher for ordinary (moderate) hazard type, shall be provided at each required hose station.))~~ One 4A40BC fire extinguisher shall be provided at each standpipe outlet. Additional fire extinguishers, suitable for the hazards involved, shall be provided and maintained in accordance with Section 906.

**4604.5 Communications.** A telephone not requiring a coin to operate or other approved, clearly identified means to notify the fire department shall be provided on the site in a location approved by the code official.

**4604.6 Equipment staging areas.** Space shall be provided on all float systems for the staging of emergency equipment. Staging areas shall provide a minimum of 4 feet wide by 10 feet long clear area exclusive of walkways and shall be located at each standpipe outlet. Staging areas shall be provided with barriers having a minimum height of 4" and maximum space between the bottom barrier edge and surface of the staging area of 2" on the outboard sides to prevent loss of equipment overboard. A sign reading "Fire Equipment Staging Area - Keep Clear" shall be provided at each staging area to prevent obstruction.

**4604.7 Smoke and heat vents.** Approved automatic smoke and heat vents shall be provided in covered boat moorage areas exceeding 2,500 sq. ft. (232 m<sup>2</sup>) in area, excluding roof overhangs.

**EXCEPTION:** Smoke and heat vents are not required in areas protected by automatic sprinklers.

**4604.7.1 Design and installation.** Where smoke and heat vents are required they shall be installed near the roof peak, evenly distributed and arranged so that at least one vent is over each covered berth. The effective vent area shall be calculated using a ratio of one square foot of vent to every fifteen square feet of covered berth area (1:15). Each vent shall provide a minimum opening size of 4 ft. x 4 ft.

**4604.7.1.1 Smoke and heat vents.** Smoke and heat vents shall operate automatically by actuation of a heat-responsive device rated at between 100°F (56°C) above ambient.

EXCEPTION: Gravity-operated drop out vents.

**4604.7.1.2 Gravity-operated drop out vents.** Gravity-operated drop out vents shall fully open within 5 minutes after the vent cavity is exposed to a simulated fire represented by a time-temperature gradient that reaches an air temperature of 500°F (260°C) within 5 minutes.

**4604.8 Draft curtains.** Draft curtains shall be provided in covered boat moorage areas exceeding 2,500 sq. ft. (232 m<sup>2</sup>) in area, excluding roof overhangs.

EXCEPTION: Draft curtains are not required in areas protected by automatic sprinklers.

**4604.8.1 Draft curtain construction.** Draft curtains shall be constructed of sheet metal, gypsum board or other approved materials that provide equivalent performance to resist the passage of smoke. Joints and connections shall be smoke tight.

**4604.8.2 Draft curtain location and depth.** The maximum area protected by draft curtains shall not exceed 2,000 sq. ft. (186 m<sup>2</sup>) or two slips or berths, whichever is smaller. Draft curtains shall not extend past the piling line. Draft curtains shall have a minimum depth of 4 feet and shall not extend closer than 8 feet (2438 mm) to the walking surface of the pier.

#### SECTION 4605—MARINE MOTOR VEHICLE FUEL-DISPENSING STATIONS.

**4605.1 Fuel dispensing.** Marine motor vehicle fuel-dispensing stations shall be in accordance with Chapter 22.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 51-54-1500	Chapter 15—Flammable finishes.
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#### WSR 07-01-094

#### PERMANENT RULES

#### BUILDING CODE COUNCIL

[Filed December 19, 2006, 10:18 a.m., effective July 1, 2007]

Effective Date of Rule: July 1, 2007.

Purpose: To adopt and amend the 2006 Edition of the Uniform Plumbing Code, chapters 51-56 and 51-57 WAC.

Citation of Existing Rules Affected by this Order:  
Amending 13.

Statutory Authority for Adoption: RCW 19.27.190 and 19.27.020.

Other Authority: Chapters 19.27 and 34.05 RCW.

Adopted under notice filed as WSR 06-16-111 on August 1, 2006.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 1, Amended 5, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 7, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 11, Repealed 0.

Date Adopted: November 17, 2006.

John Neff  
Council Chair

**AMENDATORY SECTION** (Amending WSR 04-01-110, filed 12/17/03, effective 7/1/04)

**WAC 51-56-003 Uniform Plumbing Code.** The ((2003)) 2006 edition of the Uniform Plumbing Code, published by the International Association of Plumbing and Mechanical Officials, is hereby adopted by reference with the following additions, deletions and exceptions: Provided that chapters 12 and 15 of this code are not adopted. Provided further, that those requirements of the Uniform Plumbing Code relating to venting and combustion air of fuel fired appliances as found in chapter 5 and those portions of the code addressing building sewers are not adopted.

**AMENDATORY SECTION** (Amending WSR 04-01-110, filed 12/17/03, effective 7/1/04)

**WAC 51-56-008 Implementation.** The Uniform Plumbing Code adopted by chapter 51-56 WAC shall become effective in all counties and cities of this state on July 1, ((2004)) 2007, unless local government residential amendments have been approved by the state building code council.

**AMENDATORY SECTION** (Amending WSR 04-01-110, filed 12/17/03, effective 7/1/04)

#### WAC 51-56-0200 Chapter 2—Definitions.

**205.0 Certified Backflow Assembly Tester -** A person certified by the Washington state department of health under chapter 246-292 WAC to inspect (for correct installation and approval status) and test (for proper operation) approved backflow assemblies.

**210.0 Hot Water** - This definition is not adopted.

**218.0 Plumbing System** - Includes all potable water, building supply and distribution pipes, all plumbing fixtures and traps, all drainage and vent pipe(s), and all building drains including their respective joints and connection, devices, receptors, and appurtenances within the property lines of the premises and shall include potable water piping, potable water treating or using equipment, medical gas and medical vacuum systems, and water heaters: Provided, That no certification shall be required for the installation of a plumbing system within the property lines and outside a building.

AMENDATORY SECTION (Amending WSR 04-01-110, filed 12/17/03, effective 7/1/04)

**WAC 51-56-0300 Chapter 3—General regulations.**

**301.1.3 Standards.** Standards listed or referred to in this chapter or other chapters cover materials which will conform to the requirements of this code, when used in accordance with the limitations imposed in this or other chapters thereof and their listing. Where a standard covers materials of various grades, weights, quality, or configurations, there may be only a portion of the listed standard which is applicable. Design and materials for special conditions or materials not provided for herein are allowed to be used by special permission of the authority having jurisdiction after the authority having jurisdiction has been satisfied as to their adequacy in accordance with Section 301.2.

**311.4** Except as hereinafter provided in Sections 908.0, 909.0, 910.0, and Appendix L, Section L 6.0, ~~7.0 and 8.0~~, no vent pipe shall be used as a soil or waste pipe, nor shall any soil or waste pipe be used as a vent.

**313.6** No water, soil, or waste pipe shall be installed or permitted outside of a building or in an exterior wall unless, where necessary, adequate provision is made to protect such pipe from freezing. All hot and cold water pipes installed outside the conditioned space shall be insulated to a minimum R-3.

**313.7** All pipe penetrating floor/ceiling assemblies and fire-resistance rated walls or partitions shall be protected in accordance with the requirements of the building code.

~~((314.5.1 In Seismic Design Categories C, D, E and F, unless east iron piping in sizes 5 inches and larger suspended in exposed locations over public or high traffic areas, pipe over 4 feet in length shall be provided with support on both sides of the coupling.))~~

AMENDATORY SECTION (Amending WSR 04-01-110, filed 12/17/03, effective 7/1/04)

**WAC 51-56-0400 Chapter 4—Plumbing fixtures and fixture fittings.**

**402.0 Water-Conserving Fixtures and Fittings.**

**402.1** The purpose of this section shall be to implement water conservation performance standards in accordance with RCW 19.27.170.

**402.2 Application.** This section shall apply to all new construction and all remodeling involving replacement of plumbing fixtures and fittings in all residential, hotel, motel, school, industrial, commercial use, or other occupancies determined by the council to use significant quantities of water. Plumbing fixtures, fittings and appurtenances shall conform to the standards specified in this section and shall be provided with an adequate supply of potable water to flush and keep the fixtures in a clean and sanitary condition without danger of backflow or cross-connection.

**402.3 Water Efficiency Standards.**

**402.3.1 Standards for Vitreous China Plumbing Fixtures.**

**402.3.1.1** The following standards shall be adopted as plumbing materials, performance standards, and labeling standards for water closets and urinals. Water closets and urinals shall meet either the ANSI/ASME standards or the CSA standard.

ANSI/ASME A112.19.2M-1998	Vitreous China Plumbing Fixtures
ANSI/ASME A112.19.6-1995	Hydraulic Requirements for Water Closets and Urinals
CSA B45	CSA Standards on Plumbing Fixtures

**402.3.1.2** The maximum water use allowed in gallons per flush (gpf) or liters per flush (lpf) for any of the following water closets shall be the following:

Tank-type toilets	1.6 gpf/6.0 lpf
Flushometer-valve toilets	1.6 gpf/6.0 lpf
Flushometer-tank toilets	1.6 gpf/6.0 lpf
Electromechanical hydraulic toilets	1.6 gpf/6.0 lpf

**EXCEPTIONS:**

1. Water closets located in day care centers, intended for use by young children may have a maximum water use of 3.5 gallons per flush or 13.25 liters per flush.
2. Water closets with bed pan washers may have a maximum water use of 3.5 gallons per flush or 13.25 liters per flush.
3. Blow out bowls, as defined in ANSI/ASME A112.19.2M, Section 5.1.2.3 may have a maximum water use of 3.5 gallons per flush or 13.25 liters per flush.

**402.3.1.3** The maximum water use allowed for any urinal shall be 1.0 gallons per flush or 3.78 liters per flush.

**402.3.1.4** No urinal or water closet that operates on a continuous flow or continuous flush basis shall be permitted.

**402.3.1.5** This section does not apply to fixtures installed before the effective date of this Section, that are removed and relocated to another room or area of the same building after the effective date of this Section.

**402.3.2 Standards for Plumbing Fixture Fittings.**

**402.3.2.1** The following standards are adopted as plumbing material, performance requirements, and labeling standards for plumbing fixture fittings. Faucets, aerators, and shower heads shall meet either the ANSI/ASME standard or the CSA standard.

ANSI/ASME A112.18.1M-1996 Plumbing Fixture Fittings  
 CSA B125 Plumbing Fittings

**402.3.2.2** The maximum water use allowed for any shower head is 2.5 gallons per minute or 9.5 liters per minute.

EXCEPTION: Emergency use showers shall be exempt from the maximum water usage rates.

**402.3.2.3** The maximum water use allowed in gallons per minute (gpm) or liters per minute (lpm) for any of the following faucets and replacement aerators is the following:

Lavatory faucets	2.5 gpm/9.5 lpm
Kitchen faucets	2.5 gpm/9.5 lpm
Replacement aerators	2.5 gpm/9.5 lpm
Public lavatory faucets other than metering	0.5 gpm/1.9 lpm

**402.4 Metering Valves.** Lavatory faucets located in restrooms intended for use by the general public shall be equipped with a metering valve designed to close by spring or water pressure when left unattended (self-closing).

EXCEPTIONS: 1. Where designed and installed for use by persons with a disability.  
 2. Where installed in day care centers, for use primarily by children under 6 years of age.

**402.5 Implementation.**

**402.5.1** The standards for water efficiency and labeling contained within Section 402.3 shall be in effect as of July 1, 1993, as provided in RCW 19.27.170 and amended July 1, 1998.

**402.5.2** No individual, public or private corporation, firm, political subdivision, government agency, or other legal entity, may, for purposes of use in the state of Washington, distribute, sell, offer for sale, import, install, or approve for installation any plumbing fixtures or fittings unless the fixtures or fittings meet the standards as provided for in this Section.

Section(s) 402.6 (~~through 402.9 are~~) is not adopted.

~~(412.2)~~ **411.2 Location of Floor Drains.** Floor drains shall be installed in the following areas:

~~(412.2.1)~~ **411.2.1** Toilet rooms containing two (2) or more water closets or a combination of one (1) water closet and one (1) urinal, except in a dwelling unit. The floor shall slope toward the floor drains.

~~(412.2.2)~~ **411.2.2** Laundry rooms in commercial buildings and common laundry facilities in multifamily dwelling buildings.

~~(413.0)~~ **412.0 Minimum Number of Required Fixtures.** For minimum number of plumbing fixtures required, see Building Code chapter 29 and Table 2902.1.

Sections ~~(413.4)~~ **412.1** through ~~(413.7)~~ **412.7** and Table 4-1 are not adopted.

AMENDATORY SECTION (Amending WSR 04-01-110, filed 12/17/03, effective 7/1/04)

**WAC 51-56-0500 Chapter 5—Water heaters.**

**501.0 General.** The regulations of this chapter shall govern the construction, location, and installation of fuel burning and other water heaters heating potable water. The minimum capacity for water heaters shall be in accordance with the first hour rating listed in Table 5-1. See the Mechanical Code for combustion air and installation of all vents and their connectors. All design, construction, and workmanship shall be in conformity with accepted engineering practices, manufacturer's installation instructions, and applicable standards and shall be of such character as to secure the results sought to be obtained by this Code. No water heater shall be hereinafter installed which does not comply in all respects with the type and model of each size thereof approved by the authority having jurisdiction. A list of accepted gas equipment standards is included in Table 14-1.

TABLE 5-1<sup>1,3</sup>

Number of Bathrooms	1 to 1.5				2 to 2.5				3 to 3.5			
	1	2	3	4	2	3	4	5	3	4	5	6
Number of Bedrooms												
First Hour Rating <sup>2</sup> , Gallons	42	54	54	54	54	67	67	80	67	80	80	80

Notes: <sup>1</sup>The first hour rating is found on the "Energy Guide" label.  
<sup>2</sup>Nonstorage and solar water heaters shall be sized to meet the appropriate first hour rating as shown in the table.  
<sup>3</sup>For replacement water heaters, see Section 101.4.1.1.1.

- 502.2 Chimney** – Delete definition.
- 502.3 Chimney, Factory-Built** – Delete definition.
- 502.4 Chimney, Masonry** – Delete definition.
- 502.5 Chimney, Metal** – Delete definition.
- 502.7 Direct Vent Appliance** – Delete definition.
- 502.8 Flue Collar** – Delete definition.
- 502.9 Gas Vent, Type B** – Delete definition.

**502.10 Gas Vent, Type L** – Delete definition.

~~(502.11)~~ **502.12 Vent** – Delete definition.

~~(502.12)~~ **502.13 Vent Connector** – Delete definition.

~~(502.13)~~ **502.14 Venting System** – Delete definition.

**504.1 Inspection of Chimneys or Vents.** Delete paragraph.

~~(505.1 Prohibited Locations.~~ Water heaters which depend on the combustion of fuel for heat shall not be installed in a room used or designed to be used for sleeping purposes, bathroom, clothes closets or in a closet or other confined space opening into a bath or bedroom.

EXCEPTIONS: 1. Direct vent water heaters.

~~2. Water heaters installed in a closet that has a weather-stripped solid door with an approved door closing device, and designed exclusively for the water heater and where all air for combustion and ventilation is supplied from the outdoors.~~

~~3. Water heaters of the automatic storage type installed as a replacement in a bathroom, when specifically approved, properly vented and supplied with adequate combustion air.~~

~~Where not prohibited by other regulations, water heaters may be located under a stairway or landing.)~~

**505.1 Location.** Water heater installation in bedrooms and bathrooms shall comply with one of the following:

(1) Fuel-burning water heaters may be installed in a closet located in the bedroom or bathroom provided the closet is equipped with a listed, gasketed door assembly and a listed self-closing device. The self-closing door assembly shall meet the requirements of Section 505.1.1. The door assembly shall be installed with a threshold and bottom door seal and shall meet the requirements of Section 505.1.2. All combustion air for such installations shall be obtained from the outdoors in accordance with the International Mechanical Code. The closet shall be for the exclusive use of the water heater.

(2) Water heater shall be of the direct vent type.

**506.2** All storage-type water heaters deriving heat from fuels or types of energy other than gas, shall be provided with, in addition to the primary temperature controls, an over-temperature safety protection device constructed, listed, and installed in accordance with nationally recognized applicable standards for such devices and a combination temperature and pressure relief valve.

**507.0 Combustion Air.** For issues relating to combustion air, see the Mechanical Code.

Sections 507.1 through 507.10 are not adopted.

Sections 508.6 through 508.9 are not adopted.

508.12 Delete entire section.

508.18 Venting of Flue Gases - Delete entire section.

Sections 508.20 through 508.24.5 are not adopted.

~~(509.0 Access and Working Space.~~

~~509.1 Every water heater installation shall be accessible for inspection, repair, or replacement. The appliance space shall be provided with an opening or doorway of sufficient size to remove the water heater. In no case shall such opening or doorway be less than 24 inches in width. Such access shall be continuous and shall be one or any combination of the following means:~~

~~(1) By an opening or door, and passageway not less than 2 feet in width and large enough to permit removal of the water heater, but not less than 30 inches in height. Stairways and ramps leading to or part of such passageways shall comply with the building code.~~

~~(2) Every attic, roof, mezzanine, or platform more than 8 feet above the ground or floor level shall be made accessible by a stairway or ladder permanently fastened to the building. Such a ladder or stairway shall not be more than 18 feet in~~

~~length between landings and not less than 14 inches in width. Such a ladder shall have rungs spaced not more than 14 inches center to center and not less than 6 inches from the face of the wall. Each stile is to extend 30 inches above the surface to be reached, or as high as possible, if height is limited. Permanent ladders for water heater access need not be provided at parapets or walls less than 30 inches in height.~~

~~EXCEPTION: A portable ladder may be used for access for water heaters in attics on the single-story portion of a Group R or U Occupancy.~~

~~(3) By a trap door or opening and passageway not less than 30 inches by 30 inches, but in no case smaller than the water heater. The passageway shall be continuous from the trap door or opening to the water heater. The trap door or opening shall be located not more than 20 feet from the water heater.~~

~~(4) Every passageway to an attic water heater shall have an unobstructed solid continuous flooring not less than 24 inches wide from the trap door or opening to the water heater. If the trap door or opening is more than 8 feet above the floor, a stairway or ladder permanently fastened to the building shall be provided. Such stairway or ladder shall lead directly to the edge of the trap door or opening and shall comply with the provisions of this section.~~

~~EXCEPTION: A portable ladder may be used for access for water heaters in attics on the single-story portion of a Group R or U Occupancy.~~

~~(5) By an unobstructed catwalk not less than 24 inches wide. Access to the catwalk shall be by ladder or stairs complying with the provisions of this section.~~

~~509.2 Attic and underfloor water heater locations shall be provided with an electric outlet and lighting fixture at or near the water heater. The lighting fixture shall be controlled by a switch located adjacent to the opening or trap door.~~

~~509.3 An unobstructed solidly floored working surface not less than 30 inches in depth and width shall be provided immediately in front of the firebox access opening. A door opening into such space shall not be considered an obstruction.~~

~~Sections 509.3.1 through 509.3.4 are not adopted.~~

~~Sections 510.1 through 511.2.25 are not adopted.)~~

~~510.0 Venting of Equipment. Delete entire section.~~

~~511.0 Sizing of Category I Venting Systems. Delete entire section.~~

~~512.0 Direct Vent Equipment. Delete entire section.~~

~~Chapter 5, Part II is not adopted.~~

~~AMENDATORY SECTION (Amending WSR 04-01-110, filed 12/17/03, effective 7/1/04)~~

~~WAC 51-56-0600 Chapter 6—Water supply and distribution.~~

~~603.0 Cross-Connection Control. Cross-connection control shall be provided in accordance with the provisions of this chapter. Devices or assemblies for protection of the public~~

water system must be models approved by the department of health under WAC 246-290-490. The authority having jurisdiction shall coordinate with the local water purveyor where applicable in all matters concerning cross-connection control within the property lines of the premises.

No person shall install any water operated equipment or mechanism, or use any water treating chemical or substance, if it is found that such equipment, mechanism, chemical or substance may cause pollution or contamination of the domestic water supply. Such equipment or mechanism may be permitted only when equipped with an approved backflow prevention device or assembly.

**603.1 Approval of Devices or Assemblies.** Before any device or assembly is installed for the prevention of backflow, it shall have first been approved by the authority having jurisdiction. Devices or assemblies shall be tested for conformity with recognized standards or other standards acceptable to the authority having jurisdiction that are consistent with the intent of this code.

All devices or assemblies installed in a potable water supply system for protection against backflow shall be maintained in good working condition by the person or persons having control of such devices or assemblies. Such devices or assemblies shall be tested in accordance with Section 603.3.3 and WAC 246-290-490. If found to be defective or inoperative, the device or assembly shall be replaced or repaired. No device or assembly shall be removed from use or relocated or other device or assembly substituted, without the approval of the authority having jurisdiction.

Testing shall be performed by a Washington state department of health certified backflow assembly tester.

**603.3.3** For devices and assemblies other than those regulated by the Washington department of health in conjunction with the local water purveyor for the protection of public water systems, the authority having jurisdiction shall ensure that the premise owner or responsible person shall have the backflow prevention assembly tested by a Washington state department of health certified backflow assembly tester:

- (1) At the time of installation, repair or relocation; and
- (2) At least on an annual schedule thereafter, unless more frequent testing is required by the authority having jurisdiction.

**603.4.6.1** Potable water supplies to systems having no pumps or connections for pumping equipment, and no chemical injection or provisions for chemical injection, shall be protected from backflow by one of the following devices:

- (1) Atmospheric vacuum breaker.
- (2) Pressure vacuum breaker.
- (3) Spill-resistant pressure vacuum breaker.
- (4) Reduced pressure backflow preventer.

~~((4))~~ (5) A double check valve may be allowed when approved by the water purveyor and the authority having jurisdiction.

~~((5) A spill proof pressure vacuum breaker may be allowed when approved by the water purveyor and the authority having jurisdiction.~~

~~603.4.11))~~ **603.4.10 Potable Water Make Up Connections to Steam or Hot Water Boilers** shall be protected by an air gap or a reduced pressure principle backflow preventer.

~~((603.4.13))~~ **603.4.12 Potable Water Supply to Carbonators** shall be protected by a listed reduced pressure principle backflow preventer as approved by the authority having jurisdiction for the specific use.

**603.4.14 Backflow preventers shall not be located in any area containing fumes or aerosols that are toxic, poisonous, infectious, or corrosive.**

~~((603.4.18.1))~~ **603.4.16.1** Except as provided under Sections ~~((603.4.18.2))~~ **603.4.16.2** and ~~((603.4.18.3))~~ **603.4.16.3**, potable water supplies to fire protection systems that are normally under pressure, including but not limited to standpipes and automatic sprinkler systems, except in one or two family residential flow-through or combination sprinkler systems piped in materials approved for potable water distribution systems, shall be protected from back-pressure and back-siphonage by one of the following testable devices:

1. Double check valve assembly.
2. Double check detector assembly.
3. Reduced pressure backflow preventer.
4. Reduced pressure detector assembly.

Potable water supplies to fire protection systems that are not normally under pressure shall be protected from backflow and shall meet the requirements of the appropriate standard(s) referenced in Table 14-1.

~~((604.1 Water distribution pipe, building supply water pipe and fittings shall be of brass, copper, cast iron, CPVC, galvanized malleable iron, galvanized wrought iron, galvanized steel, PEX or other approved materials. Except as provided in Section 604.14, asbestos cement, PE, PVC, PEX-AL-PEX or PE-AL-PE water pipe manufactured to recognized standards may be used for cold water building supply distribution systems outside a building. PEX-AL-PEX water pipe, tubing, and fittings, manufactured to recognized standards may be used for hot and cold water distribution systems within a building. Other products not listed in this section are acceptable for their intended use, provided that such materials or distribution systems are listed and approved in accordance with nationally recognized standards. All materials used in the water supply system, except valves and similar devices shall be of like material, except where otherwise approved by the authority having jurisdiction.))~~ **603.4.23 Potable Water Supply to Swimming Pools, Spas and Hot Tubs** shall be protected by an airgap or a reduced pressure principle backflow preventer when:

- (1) The unit is equipped with a submerged fill line; or
- (2) The potable water supply is directly connected to the unit circulation system.

~~((604.14))~~ **604.15** Plastic water service piping may terminate within a building, provided the connection to the potable water distribution system shall be made as near as is practical to the point of entry and shall be accessible. Barbed insert fittings with hose clamps are prohibited as a transition fitting within the building.

**608.5** Relief valves located inside a building shall be provided with a drain, not smaller than the relief valve outlet, of galvanized steel, hard drawn copper piping and fittings, CPVC, or listed relief valve drain tube with fittings which will not reduce the internal bore of the pipe or tubing (straight lengths as opposed to coils) and shall extend from the valve to the outside of the building with the end of the pipe not more than two (2) feet (610 mm) nor less than six (6) inches (152 mm) above the ground or the flood level of the area receiving the discharge and pointing downward. Such drains may terminate at other approved locations. No part of such drain pipe shall be trapped or subject to freezing. The terminal end of the drain pipe shall not be threaded.

EXCEPTION: Replacement water heating equipment shall only be required to provide a drain pointing downward from the relief valve to extend between two feet (610 mm) and six inches (152 mm) from the floor. No additional floor drain need be provided.

~~((609.10.2 Mechanical Devices. When listed mechanical devices are used, the manufacturer's specifications as to location and method of installation shall be followed.))~~

**610.4** Systems within the range of Table 6-5 may be sized from that table or by the method set forth in Section 610.5.

Listed parallel water distribution systems shall be installed in accordance with their listing.

AMENDATORY SECTION (Amending WSR 02-01-114, filed 12/18/01, effective 7/1/02)

**WAC 51-56-0700 Chapter 7—Sanitary drainage.**

**701.1.2** ABS and PVC DWV piping installations shall be installed in accordance with IS 5((;)) and IS 9((; and Appendix M "Firestop Protection for DWV and Stormwater Application.")). Except for individual single family dwelling units, materials exposed within ducts or plenums shall have a flame-spread index of not more than 25 and a smoke developed index of not more than 50, when tested in accordance with the Test for Surface-Burning Characteristics of the Building Materials (See the Building Code standards based on ASTM E-84 and ANSI/UL 723).

**704.3** ~~((Delete entire section.))~~ Except where specifically required to be connected indirectly to the drainage system, or when first approved by the authority having jurisdiction, all plumbing fixtures, drains, appurtenances, and appliances shall be directly connected to the drainage system of the building or premises.

**710.3** The minimum size of any pump or any discharge pipe from a sump having a water closet connected thereto shall be not less than two (2) inches (52 mm).

Sections 710.3.1 through 710.3.3 are not adopted.

**CHAPTER 7, PART II—BUILDING SEWERS**

**Part II Building Sewers.** Delete all of Part II (Sections 713 through 723, and Tables 7-7 and 7-8).

AMENDATORY SECTION (Amending WSR 02-01-114, filed 12/18/01, effective 7/1/02)

**WAC 51-56-0800 Chapter 8—Indirect wastes.**

~~((810.4 Strainers. Every indirect waste interceptor receiving discharge containing particles that would clog the receptor drain shall have a readily removable dome strainer.))~~

AMENDATORY SECTION (Amending WSR 02-01-114, filed 12/18/01, effective 7/1/02)

**WAC 51-56-0900 Chapter 9—Vents.**

**903.1.2** ABS and PVC DWV piping installations shall be installed in accordance with IS 5((;)) and IS 9((; and Appendix M "Firestop Protection for DWV and Stormwater Application.")). Except for individual single family dwelling units, materials exposed within ducts or plenums shall have a flame-spread index of not more than 25 and a smoke developed index of not more than 50, when tested in accordance with the Test for Surface-Burning Characteristics of the Building Materials (see the Building Code standards based on ASTM E-84 and ANSI/UL 723).

**908.4.1 Where Permitted.** Any combination of fixtures within one (1) or two (2) bathrooms located on the same floor level and serving dwelling units or sleeping units shall be permitted to be vented by a wet vent. The wet vent shall be considered the vent for the fixtures and shall extend from the connection of the dry vent along the direction of the flow in the drain pipe to the most downstream fixture drain connection to the horizontal branch drain. Only the fixtures within the bathroom(s) shall connect to the wet-vented horizontal branch drain. Any additional fixtures shall discharge downstream of the wet vent system and be conventionally vented.

AMENDATORY SECTION (Amending WSR 04-01-110, filed 12/17/03, effective 7/1/04)

**WAC 51-56-1100 Chapter 11—Storm drainage.**

**1101.3 Material Uses.** Rainwater piping placed within the interior of a building or run within a vent or shaft shall be of cast iron, galvanized steel, wrought iron, brass, copper, lead, Schedule 40 ABS DWV, Schedule 40 PVC DWV, or other approved materials, and changes in direction shall conform to the requirements of Section 706.0. ABS and PVC DWV piping installations shall be installed in accordance with IS 5 and IS 9. Except for individual single-family dwelling units, materials exposed within ducts or plenums shall have a flame-spread index of not more than 25 and a smoke-developed index of not more than 50, when tested in accordance with the Test for Surface-Burning Characteristics of the Building Materials (see the Building Code standards based on ASTM E-84 and ANSI/UL 723).

**1101.12.0 Cleanouts.**

**1101.12.1** Cleanouts for building storm drains shall comply with the requirements of this section. Rain leaders and conductors connected to a building storm sewer shall have a cleanout installed at the base of the outside leader or outside conductor before it connects to the horizontal drain.

Cleanouts shall be placed inside the building near the connection between the building drain and the building sewer or installed outside the building at the lower end of the building drain and extended to grade.

**1101.12.2** Each cleanout shall be installed so that it opens to allow cleaning in the direction of flow of the soil or waste or at right angles thereto, and except in the case of wye branch and end-of-line cleanouts, shall be installed vertically above the flow line of the pipe.

**1101.12.3** Cleanouts installed under concrete or asphalt paving shall be made accessible by yard boxes, or extending flush with paving with approved materials and be adequately protected.

**1101.12.4** Approved manholes may be installed in lieu of cleanouts when first approved by the authority having jurisdiction. The maximum distance between manholes shall not exceed three hundred (300) feet (91.4 m).

The inlet and outlet connections shall be made by the use of a flexible compression joint no closer than twelve (12) inches (305 mm) to, and not farther than three (3) feet (914 mm) from the manhole. No flexible compression joints shall be embedded in the manhole base.

**1108.0 Controlled-Flow Roof Drainage.** This section is not adopted.

AMENDATORY SECTION (Amending WSR 04-01-110, filed 12/17/03, effective 7/1/04)

**WAC 51-56-1300 Chapter 13—Health care facilities and medical gas and vacuum systems.**

**Part II Medical Gas and Vacuum Systems**

AMENDATORY SECTION (Amending WSR 04-01-110, filed 12/17/03, effective 7/1/04)

**WAC 51-56-1400 Chapter 14—Referenced standards.**

**TABLE 14-1  
Standards for Materials, Equipment, Joints and Connections**

Where more than one standard has been listed for the same material or method, the relevant portions of all such standards shall apply.

Add the following standard to those listed in Table 14-1:

Standard Number	Standard Title	Application	((Indicate if Not Approved in the UPC))
NFPA 99-2005	Health Care Facilities	Piping	
NFPA 99C-2005	Gas and Vacuum Systems	Piping	
WAC 246-290-490	Washington State Department of Health Cross-connection Control Requirements	Backflow Protection	

NEW SECTION

**WAC 51-56-1600 Chapter 16—Gray water systems.**

**Part I, Gray Water Systems, is not adopted.**

**1309.0 Scope.**

**1309.1** The provisions herein shall apply to the design, installation, testing, and verification of medical gas, medical vacuum systems, and related permanent equipment in hospitals, clinics, and other health care facilities.

**1309.2** The purpose of this chapter is to provide minimum requirements for the design, installation, testing and verification of medical gas, medical vacuum systems, and related permanent equipment, from the central supply system to the station outlets or inlets.

**1313.3 Minimum Station Outlets/Inlets.** Station outlets and inlets for medical gas and medical vacuum systems shall be provided as listed in chapter 246-320 WAC ((~~246-320-525~~)).

~~((1331.0))~~ **1328.0 System Verification.**

~~((1331.1))~~ **1328.1** Prior to any medical gas system being placed in service, each and every system shall be verified as described in section ~~((1331.2))~~ **1328.2.**

~~((1331.1.1))~~ **1328.1.1** Verification tests shall be performed only after all tests required in section ~~((1329.0))~~ **1327.0**, Installer Performed Tests, have been completed.

Testing shall be conducted by a party technically competent and experienced in the field of medical gas and vacuum pipeline testing and meeting the requirements of ANSI/ASSE Standard 6030, Medical Gas Verifiers Professional Qualifications Standard.

Testing shall be performed by a party other than the installing contractor or material vendor.

When systems have been installed by in-house personnel, testing shall be permitted by personnel of that organization who meet the requirements of this section.



**WSR 07-01-095  
PERMANENT RULES  
BUILDING CODE COUNCIL**

[Filed December 19, 2006, 10:19 a.m., effective July 1, 2007]

Effective Date of Rule: July 1, 2007.

Purpose: To amend chapter 51-13 WAC, Washington state ventilation and indoor air quality code.

Citation of Existing Rules Affected by this Order: Amending 2.

Statutory Authority for Adoption: RCW 19.27.190 and 19.27.020

Other Authority: Chapters 19.27 and 34.05 RCW.

Adopted under notice filed as WSR 06-16-109 on August 1, 2006.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 1, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Date Adopted: November 17, 2006.

John Neff  
Council Chair

AMENDATORY SECTION (Amending WSR 04-07-192, filed 3/24/04, effective 7/1/04)

**WAC 51-13-304 Mechanical ventilation criteria and minimum ventilation performance for all other occupancies not covered in sections 302 and 303.**

304.1 Ventilation: The minimum requirements for operable area to provide natural ventilation are specified in the International Building Code (IBC) as adopted by the state of Washington.

Where a mechanical ventilation system is installed, the mechanical ventilation system shall be capable of supplying ventilation air to each zone with the minimum outdoor air quantities specified in Table 3-4.

EXCEPTION: Where occupancy density is known and documented in the plans, the outside air rate may be based on the

design occupant density. Under no circumstance shall the occupancies used result in outside air less than one-half that resulting from application of Table 3-4 estimated maximum occupancy values.

The outdoor air shall be ducted in a fully enclosed path directly to every air handling unit in each zone not provided with sufficient operable area for natural ventilation.

EXCEPTION: Ducts may terminate within 12 inches of the intake to an HVAC unit provided they are physically fastened so that the outside air duct is directed into the unit intake.

In all parking garages, other than open parking garages as defined in IBC 406.3, used for storing or handling of automobiles operating under their own power and on all loading platforms in bus terminals, ventilation shall be provided at 1.5 cfm per square foot of gross floor area. The building official may approve an alternate ventilation system designed to exhaust a minimum fourteen thousand cfm for each operating vehicle. Such system shall be based on the anticipated instantaneous movement rate of vehicles but not less than 2.5 percent (or one vehicle) of the garage capacity. Automatic carbon monoxide sensing systems may be submitted for approval.

In all buildings used for the repair of automobiles, each repair stall shall be equipped with an exhaust extension duct, extending to the outside of the building, which if over ten feet in length, shall mechanically exhaust three hundred cfm. Connecting offices and waiting rooms shall be supplied with conditioned air under positive pressure.

Combustion air requirements shall conform to the requirements of Chapter 7 of the International Mechanical Code (IMC).

Mechanical refrigerating equipment and rooms storing refrigerants shall conform to the requirements of Chapter 11 of the IMC.

304.2 Alternate Systems: Alternate systems designed in accordance with ASHRAE Standard 62.1.((+999))2004 shall be permitted.

TABLE 3-1  
Minimum Source Specific Ventilation Capacity Requirements

	Bathrooms	Kitchens
Intermittently operating	50 cfm	100 cfm
Continuous operation	20 cfm	25 cfm

TABLE 3-2  
Ventilation Rates For All Group R Occupancies four (4) stories and less\*  
Minimum and Maximum Ventilation Rates: Cubic Feet Per Minute (CFM)

Floor Area, ft <sup>2</sup>	Bedrooms													
	2 or less		3		4		5		6		7		8	
	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.
<500	50	75	65	98	80	120	95	143	110	165	125	188	140	210

Floor Area, ft <sup>2</sup>	Bedrooms													
	2 or less		3		4		5		6		7		8	
	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.
501-1000	55	83	70	105	85	128	100	150	115	173	130	195	145	218
1001-1500	60	90	75	113	90	135	105	158	120	180	135	203	150	225
1501-2000	65	98	80	120	95	143	110	165	125	188	140	210	155	233
2001-2500	70	105	85	128	100	150	115	173	130	195	145	218	160	240
2501-3000	75	113	90	135	105	158	120	180	135	203	150	225	165	248
3001-3500	80	120	95	143	110	165	125	188	140	210	155	233	170	255
3501-4000	85	128	100	150	115	173	130	195	145	218	160	240	175	263
4001-5000	95	143	110	165	125	188	140	210	155	233	170	255	185	278
5001-6000	105	158	120	180	135	203	150	225	165	248	180	270	195	293
6001-7000	115	173	130	195	145	218	160	240	175	263	190	285	205	308
7001-8000	125	188	140	210	155	233	170	255	185	278	200	300	215	323
8001-9000	135	203	150	225	165	248	180	270	195	293	210	315	225	338
>9000	145	218	160	240	175	263	190	285	205	308	220	330	235	353

\*For residences that exceed 8 bedrooms, increase the minimum requirement listed for 8 bedrooms by an additional 15 CFM per bedroom. The maximum CFM is equal to 1.5 times the minimum.

TABLE 3-3  
Prescriptive Exhaust Duct Sizing

Fan Tested CFM @ 0.25 W.G.	Minimum Flex Diameter	Maximum Length Feet	Minimum Smooth Diameter	Maximum Length Feet	Maximum Elbows <sup>1</sup>
50	4 inch	25	4 inch	70	3
50	5 inch	90	5 inch	100	3
50	6 inch	No Limit	6 inch	No Limit	3
80	4 inch <sup>2</sup>	NA	4 inch	20	3
80	5 inch	15	5 inch	100	3
80	6 inch	90	6 inch	No Limit	3
100	5 inch <sup>2</sup>	NA	5 inch	50	3
100	6 inch	45	6 inch	No Limit	3
125	6 inch	15	6 inch	No Limit	3
125	7 inch	70	7 inch	No Limit	3

- For each additional elbow subtract 10 feet from length.
- Flex ducts of this diameter are not permitted with fans of this size.

TABLE 3-4  
Outdoor air requirements for ventilation<sup>1</sup>  
Occupancies not subject to sections 302 and 303

Application	Estimated Maximum <sup>2</sup> Occupancy P/1000 ft <sup>2</sup> or 100 m <sup>2</sup>	Outdoor Air Requirements cfm/person
<b>Dry Cleaners, Laundries<sup>3</sup></b>		
Commercial laundry	10	25
Commercial dry cleaner	30	30
Storage, pick up	30	35
Coin-operated laundries	20	15
Coin-operated dry cleaner	20	15
<b>Dwelling Units In Buildings Greater Than Four Stories or Attached to I-Occupancy Facilities</b>		
Bedroom & living area <sup>24</sup>		15
<b>Food and Beverage Service</b>		
Dining rooms	70	20
Cafeteria, fast food	100	20

Application	Estimated Maximum <sup>2</sup> Occupancy P/1000 ft <sup>2</sup> or 100 m <sup>2</sup>	Outdoor Air Requirements cfm/person
Bars, cocktail lounges <sup>4</sup>	100	30
Kitchens (cooking) <sup>23</sup>	20	15
<b>Garages, Repair, Service Stations</b>		
Enclosed parking garage <sup>5</sup>		1.50 cfm/ft.sq.
Auto repair rooms		1.50 cfm/ft.sq.
<b>Hotels, Motels, Resorts, Congregate Residences with More Than Four Stories<sup>6</sup></b>		
Bedrooms		30 cfm/room
Living Rooms		30 cfm/room
Bath <sup>7</sup>		35 cfm/room
Lobbies	30	15
Conference rooms	50	20
Assembly rooms	120	15
Gambling casinos <sup>4</sup>	120	30
<b>Offices</b>		
Office space <sup>9</sup>	7	20
Reception area	60	15
Telecommunication centers and data entry areas	60	20
Conference rooms	50	20
<b>Public Spaces</b>		
Corridors and utilities		0.05 cfm/ft.sq.
Public restroom, cfm/wc or urinal <sup>10</sup>		50
Lockers and dressing rooms		0.50 cfm/ft.sq.
Smoking lounge <sup>11</sup>	70	60
Elevators <sup>12</sup>		1.0 cfm/ft.sq.
<b>Retail Stores, Sales Floors, and Show Room Floors</b>		
Basement and street	30	0.30 cfm/ft.sq.
Upper floors	20	0.20 cfm/ft.sq.
Storage rooms	15	0.15 cfm/ft.sq.
Dressing rooms		0.20 cfm/ft.sq.
Malls and arcades	20	0.20 cfm/ft.sq.

Application	Estimated Maximum <sup>2</sup> Occupancy P/1000 ft <sup>2</sup> or 100 m <sup>2</sup>	Outdoor Air Requirements cfm/person
Shipping and receiving	10	0.15 cfm/ft.sq.
Smoking lounge <sup>11</sup>	70	60
Warehouses	5	0.05 cfm/ft.sq.
Speciality Shops		
Barber	25	15
Beauty	25	25
Reducing salons	20	15
Florists <sup>13</sup>	8	15
Clothiers, furniture		0.30 cfm/ft.sq.
Hardware, drugs, fabric	8	15
Supermarkets	8	15
Pet shops		1.00 cfm/ft.sq.
Sports and Amusement <sup>14</sup>		
Spectator areas	150	15
Game rooms	70	25
Ice arenas (playing areas)		0.50 cfm/ft.sq.
Swimming Pools (pool and deck area) <sup>15</sup>		0.50 cfm/ft.sq.
Playing floor (gymnasium)	30	20
Ballrooms and discos	100	25
Bowling alleys (seating areas)	70	25
Theaters <sup>16</sup>		
Ticket booths	60	20
Lobbies	150	20
Auditorium	150	20
Stages, studios	70	15
Transportation <sup>17</sup>		
Waiting rooms	100	15
Platforms	100	15
Vehicles	150	15
Workrooms		
Meat processing <sup>18</sup>	10	15
Photo studios	10	15
Darkrooms	10	0.50 cfm/ft.sq.
Pharmacy	20	15
Bank vaults	5	15
Duplicating, printing <sup>19</sup>		0.50 cfm/ft.sq.
INSTITUTIONAL FACILITIES		
Education		
Classroom	50	15
Laboratories <sup>20</sup>	30	20
Training shop	30	20
Music rooms	50	15
Libraries	20	15
Locker rooms		0.50 cfm/ft.sq.
Corridors		0.10 cfm/ft.sq.
Auditoriums	150	15
Smoking lounges <sup>11</sup>	70	60
Hospitals, Nursing and Convalescent Homes		
Patient rooms <sup>21</sup>	10	25
Medical procedure	20	15
Operating rooms	20	30

Application	Estimated Maximum <sup>2</sup> Occupancy P/1000 ft <sup>2</sup> or 100 m <sup>2</sup>	Outdoor Air Requirements cfm/person
Recovery and ICU	20	15
Autopsy rooms <sup>22</sup>		0.50 cfm/ft.sq.
Physical Therapy	20	15
Correctional Facilities		
Cells	20	20
Dining halls	100	15
Guard station	40	15

- Derived from ASHRAE Standard 62-1989.
- Net occupiable space.
- Dry-cleaning process may require more air.
- Supplementary smoke-removal equipment may be required.
- Distribution among people must consider worker location and concentration of running engine; stands where engines are run must incorporate systems for positive engine exhaust withdrawal. Contaminant sensors may be used to control ventilation.
- Independent of room size.
- Installed capacity for intermittent use.
- See also food and beverage service, merchandising, barber and beauty shops, garages.
- Some office equipment may require local exhaust.
- Mechanical exhaust with no recirculation is recommended.
- Normally supplied by transfer air, local mechanical exhaust; with no recirculation recommended.
- Normally supplied by transfer air.
- Ventilation to optimize plant growth may dictate requirements.
- When internal combustion engines are operated for maintenance of playing surfaces, increased ventilation rates may be required.
- Higher values may be required for humidity control.
- Special ventilation will be needed to eliminate special stage effects.
- Ventilation within vehicles may require special considerations.
- Spaces maintained at low temperatures (-10°F. to+ 50°F.) are not covered by these requirements unless the occupancy is continuous. Ventilation from adjoining spaces is permissible. When the occupancy is intermittent, infiltration will normally exceed the ventilation requirements.
- Installed equipment must incorporate positive exhaust and control of undesirable contaminants.
- Special contamination control systems may be required for processes or functions including laboratory animal occupancy.
- Special requirements or codes and pressure relationships may determine minimum ventilation rates and filter efficiency. Procedures generating contaminants may require higher rates.
- Air shall not be recirculated into other spaces.
- Makeup air for hood exhaust may require more ventilating air.
- Occupant loading shall be based on the number of bedrooms as follows: first bedroom, two persons; each additional bedroom, one person. Where higher occupant loadings are known, they shall be used.

TABLE 3-5  
Prescriptive Integrated Forced Air Supply Duct Sizing

Required Flow (CFM) Per Table 3-2	Minimum Smooth Duct Diameter	Minimum Flexible Duct Diameter	Maximum Length <sup>1</sup>	Maximum Number of Elbows <sup>2</sup>
50-80	6"	7"	20'	3

Required Flow (CFM) Per Table 3-2	Minimum Smooth Duct Diameter	Minimum Flexible Duct Diameter	Maximum Length <sup>1</sup>	Maximum Number of Elbows <sup>2</sup>
80-125	7"	8"	20'	3
115-175	8"	10"	20'	3
170-240	9"	11"	20'	3

- For lengths over 20 feet increase duct diameter 1 inch.
- For elbows numbering more than 3 increase duct diameter 1 inch.

**TABLE 3-6  
Prescriptive Supply Fan Duct Sizing**

Supply Fan Tested CFM At 0.4" WG		
Specified volume from Table 3-2	Minimum Smooth Duct Diameter	Minimum Flexible Duct Diameter
50-90 CFM	4 inch	5 inch
90-150 CFM	5 inch	6 inch
150-250 CFM	6 inch	7 inch
250-400 CFM	7 inch	8 inch

**AMENDATORY SECTION** (Amending WSR 95-01-128, filed 12/21/94, effective 6/30/95)

**WAC 51-13-501 Scope.**

501.1 General: The criteria of this chapter establishes minimum radon resistive construction requirements for all Group R Occupancies. These requirements are adopted pursuant to the ventilation requirements of Section 7, of Chapter 2 of the Session Laws of 1990.

501.2 Application: The requirements of this chapter shall be adopted and enforced by all jurisdictions of the state according to the following subsections:

501.2.1: All jurisdictions of the state shall comply with section 502.

501.2.2: Clark, Ferry, Okanogan, Pend Oreille, Skamania, Spokane, and Stevens counties shall also comply with section 503.

**WSR 07-01-107  
PERMANENT RULES  
HEALTH CARE AUTHORITY  
(Community Health Services)**

[Order 06-03—Filed December 19, 2006, 4:07 p.m., effective January 19, 2007]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To eliminate the noncitizen immigrant language in WAC 182-20-250 since the legislation ended June 30, 2004.

Citation of Existing Rules Affected by this Order: Repealing WAC 182-20-250.

Statutory Authority for Adoption: RCW 41.05.220.

Adopted under notice filed as WSR 06-21-116 on October 17, 2006.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 19, 2006.

Jason Siems  
Rules Coordinator

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 182-20-250 Allocation of state noncitizen immigrant funds.

**WSR 07-01-115A  
PERMANENT RULES  
DEPARTMENT OF AGRICULTURE**

[Filed December 20, 2006, 10:44 a.m., effective January 20, 2007]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This rule-making order amends chapter 16-662 WAC by:

(1) Adopting the 2007 edition of NIST Handbook 44 (Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices) as required by RCW 19.94.195; and

(2) Repealing the modification to NIST Handbook 44 relative to scales identified in WAC 16-662-110.

The adopted version of NIST Handbook 130 (Uniform Laws and Regulations in the areas of legal metrology and engine fuel quality) and NIST Handbook 133 (Checking the Net Contents of Packaged Goods) remain the most current.

Citation of Existing Rules Affected by this Order: Amending WAC 16-662-105 and 16-662-110.

Statutory Authority for Adoption: Chapters 19.94 and 34.05 RCW.

Adopted under notice filed as WSR 06-21-083 on October 17, 2006.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Date Adopted: December 20, 2006.

Valoria H. Loveland  
Director

**AMENDATORY SECTION** (Amending WSR 06-08-102, filed 4/5/06, effective 5/6/06)

**WAC 16-662-105 What national weights and measures standards are adopted by the Washington state department of agriculture (WSDA)?** The WSDA adopts the following national standards:

National standard for:	Contained in the:
(1) The specifications, tolerances, and other technical requirements for the design, manufacture, installation, performance test, and use of weighing and measuring equipment	<del>((2006))</del> 2007 Edition of <i>NIST Handbook 44 - Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices</i>
(2) The procedures for checking the accuracy of the net contents of packaged goods	Fourth Edition (January 2005) of <i>NIST Handbook 133 - Checking the Net Contents of Packaged Goods</i>
(3) The requirements for packaging and labeling, method of sale of commodities, and the examination procedures for price verification	2006 Edition of <i>NIST Handbook 130 - Uniform Laws and Regulations in the areas of legal metrology and engine fuel quality</i> , specifically:
(a) Weights and measures requirements for all food and nonfood commodities in package form	<i>Uniform Packaging and Labeling Regulation</i> as adopted by the National Conference on Weights and Measures and published in <i>NIST Handbook 130</i> , 2006 Edition
(b) Weights and measures requirements for the method of sale of food and nonfood commodities	<i>Uniform Regulation for the Method of Sale of Commodities</i> as adopted by the National Conference on Weights and Measures and published in <i>NIST Handbook 130</i> , 2006 Edition

National standard for:	Contained in the:
(c) Weights and measures requirements for price verification	<i>Examination Procedure for Price Verification</i> as adopted by the National Conference on Weights and Measures and published in <i>NIST Handbook 130</i> , 2006 Edition

**AMENDATORY SECTION** (Amending WSR 05-10-088, filed 5/4/05, effective 6/4/05)

**WAC 16-662-110 Does the WSDA modify NIST Handbook 44?** The WSDA adopts the following modification(s) to *NIST Handbook 44*, which is identified in WAC 16-662-105(1):

Modified Section:	Modification:
(1) General Code: Section G-UR.4.1. Maintenance of Equipment	In the last sentence of G-UR.4.1., Maintenance of Equipment, change the words "device user" to "device owner or operator." As a result of this modification, the last sentence of G-UR.4.1. will read: "Equipment in service at a single place of business found to be in error predominantly in a direction favorable to the device owner or operator shall not be considered "maintained in a proper operating condition."
<del>((2) Scales: Section UR.3.7. Minimum Load on a Vehicle Scale</del>	<del>At the end of UR.3.7.(a) add "and homeowner refuse." As a result of this modification, UR.3.7.(a) will read: "10 d when weighing scrap material for recycling and homeowner refuse;"</del> )