

WSR 08-03-010**PERMANENT RULES****DEPARTMENT OF AGRICULTURE**

[Filed January 4, 2008, 11:31 a.m., effective February 4, 2008]

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

Purpose: To establish a pullorum-typhoid testing requirement for poultry shown at public exhibition. This rule is required under the provisions of the state-federal National Poultry Improvement Plan (NPIP), in which the state of Washington participates. In addition, this order changes the chapter title to "Avian Diseases in Washington State," removes language that is also found in chapter 16-54 WAC, Animal importation, and makes housekeeping changes.

Citation of Existing Rules Affected by this Order: Repealing WAC 16-59-010; and amending WAC 16-59-005, 16-59-020, 16-59-030, and 16-59-060.

Statutory Authority for Adoption: RCW 16.36.010 and 16.36.040.

Other Authority: Chapter 34.05 RCW.

Adopted under notice filed as WSR 07-21-153 on October 24, 2007.

Changes Other than Editing from Proposed to Adopted Version: WAC 16-59-005, corrects a citation to the Code of Federal Regulation; and WAC 16-59-030, includes "doves" and "pigeons" in the excluded birds and corrects the URL citation for the associated Code of Federal Regulation.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 1, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 3, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 4, Repealed 1.

Date Adopted: January 3, 2008.

Valoria H. Loveland
Director

Chapter 16-59 WAC**~~((IMPORTATION AND MOVEMENT OF POULTRY AND HATCHING EGGS)) AVIAN DISEASES IN WASHINGTON STATE~~**

AMENDATORY SECTION (Amending WSR 99-09-024, filed 4/15/99, effective 5/16/99)

WAC 16-59-005 Definitions. ~~((1)) "Baby poultry" means newly hatched poultry that have not been fed or watered.~~

~~((2)) "Department" means the Washington state department of agriculture ((of the state of Washington)).~~

~~((3)) "Director" means the director of the Washington state department of agriculture ((of the state of Washington or his or her)) or the director's authorized representative.~~

~~((4)) "Game birds" means ((domesticated)) fowl such as pheasants, partridge, chukars, quail, and grouse ~~((and guineas, but not doves and pigeons)) that are raised in confinement.~~~~

~~((5)) "Hatching eggs" means fertile eggs that have the potential to hatch ((baby)) poultry.~~

~~((6) "Infectious coryza" means a respiratory disease of poultry caused by haemophilus paragallinarum (gallinarum).~~

~~(7) "Infectious laryngotracheitis" means a highly contagious respiratory disease of poultry caused by a herpesvirus.~~

~~((8)) "NPIP" means USDA National Poultry Improvement Plan, a cooperative industry-state-federal program to eliminate egg-transmitted and hatchery-disseminated diseases. Title 9, Code of Federal Regulations, Parts 145 and 147, are the plan standards and contain the requirements for this voluntary program.~~

~~((9) "Official health certificate" means a legible certificate of veterinary inspection on an official form of the state of origin or of the USDA Animal and Plant Health Inspection Service (APHIS) executed by a licensed and accredited veterinarian or a veterinarian approved by the proper official of USDA APHIS.~~

~~((10) "Ornithosis" means a disease of poultry caused by Chlamydia psittaci, transmissible to other animals and humans and synonymous with the term psittacosis.~~

~~((11)) "Person" means a person, persons, firm or corporation.~~

~~((12)) "Poultry" means chickens, turkeys, ratites, waterfowl, game birds, pigeons, doves and other domestic fowl designated by statute. "Poultry" does not mean free ranging birds defined as wildlife in Title 77 RCW.~~

~~((13) "Pullorum" means a disease of poultry caused by Salmonella pullorum.~~

~~((14) "Typhoid" means a disease of poultry caused by Salmonella gallinarum.)~~

AMENDATORY SECTION (Amending WSR 99-09-024, filed 4/15/99, effective 5/16/99)

WAC 16-59-020 Wrongful sale. It is unlawful for any person to exchange, sell, or otherwise distribute poultry or hatching eggs affected with or originating from flocks affected with pullorum-typhoid or other contagious, infectious, or communicable disease ~~((mentioned in this chapter)).~~ The ~~((state veterinarian may make an exception and))~~ director has the authority to issue a permit for ((importation or)) movement of such poultry when satisfied ((such)) that the movement will not affect the health of flocks in the state.

AMENDATORY SECTION (Amending WSR 99-09-024, filed 4/15/99, effective 5/16/99)

WAC 16-59-030 Testing ~~((of breeding stock)) requirements for poultry entering public exhibition.~~

~~((1)) Pullorum-typhoid: ((All poultry and hatching eggs in interstate movement must originate from parent or grandparent stock which are registered as participating flocks under NPIP or equivalent state program. The poultry and~~

hatching eggs must be classified as pullorum-typhoid free or must be tested negative for pullorum-typhoid within thirty days of movement. Acceptable tests are standard tube agglutination, microagglutination, enzyme-linked immuno-sorbent assay (ELISA) or rapid serum test. The stained antigen, rapid whole blood test can be used for all poultry except turkeys. The state veterinarian may allow cloacal swab or environmental testing in lieu of blood testing for certain species of ratites. Any person who sells poultry or hatching eggs as pullorum-typhoid free must qualify under the provisions of this rule. Exempt from pullorum-typhoid requirements are:

- (a) Eggs for table consumption;
- (b) Poultry for immediate slaughter; and
- (c) Shipments consigned to a diagnostic laboratory or research institute approved by the department.

(2) ~~Infectious laryngotracheitis; infectious coryza:~~ Poultry cannot be imported if naturally infected or exposed to natural infection with infectious laryngotracheitis or infectious coryza. Such poultry can be imported under permit from the state veterinarian. The shipment can only be moved into the state when accompanied by an official federal form VS1-27 completed and signed by a federal or state veterinarian. The shipment will be quarantined once it reaches its Washington destination. A permit will be granted when available information indicates that the poultry to be transported will not present a disease hazard to state of Washington flocks. Exempted from the infectious laryngotracheitis and infectious coryza requirements are:

- (a) Poultry for immediate slaughter;
- (b) Poultry consigned to a diagnostic laboratory or research institute approved by the department; and
- (c) Eggs for table consumption from flocks naturally infected or vaccinated with virulent vaccines. To meet this exemption, eggs for table consumption must be washed and sanitized by methods required by the state veterinarian after consultation with Washington state poultry pathologists. Crates, equipment, and packaging material used for transportation must be cleaned and disinfected to the department's satisfaction or must be burned before leaving the slaughter, diagnostic, or egg processing premises. If crates, equipment and packaging material cannot be burned, they must be disposed of by a method in compliance with local air quality standards that still provide for destruction of pathogens.

(3) ~~Ornithosis:~~ Poultry and eggs are not to be imported into or moved intrastate in Washington if ornithosis is suspected or has been diagnosed. The state veterinarian may make an exception and issue a permit for importation or movement after proper treatment with a recommended antibiotic and observation of the appropriate withdrawal time.)) (1) All poultry that are going to public exhibition, including exhibition, exotic, and game birds, but excluding waterfowl, doves, and pigeons must:

(a) Come from U.S. Pullorum-Typhoid Clean or equivalent flocks, as defined in the National Poultry Improvement Plan and Auxiliary Provisions, Title 9 CFR, Section 145.53;
or

(b) Have had a negative pullorum-typhoid test within ninety days before going to public exhibition.

(2) The department maintains a copy of the National Poultry Improvement Plan and Auxiliary Provisions for pub-

lic inspection. You may also find the information on the internet at: http://www.access.gpo.gov/nara/cfr/waisidx_06/9cfrv1_06.html.

AMENDATORY SECTION (Amending WSR 99-09-024, filed 4/15/99, effective 5/16/99)

WAC 16-59-060 Shipping equipment. (1) In order to prevent the spread of disease, all poultry must be moved only in ((clean)) containers((-All crates or other containers used to transport live poultry into or within the state of Washington must be either new or thoroughly cleaned and disinfected and then washed with steam or hot water under pressure)) that are maintained in a sanitary condition and cleaned and disinfected when required by the director.

(2) All common carriers and any other conveyances used in ~~((the transportation of))~~ transporting live poultry to or from the receiving station or destination must be free from poultry droppings, feathers, and other debris.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-59-010 Health certificates.

WSR 08-03-023

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed January 8, 2008, 9:29 a.m., effective February 8, 2008]

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

Purpose: The department is repealing all sections of chapter 388-830 WAC as the rules are obsolete.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-830-005, 388-830-010, 388-830-015, 388-830-020, 388-830-025, 388-830-030, 388-830-035, 388-830-040, and 388-830-045.

Statutory Authority for Adoption: RCW 71A.12.030.

Other Authority: Title 71A RCW.

Adopted under notice filed as WSR 07-23-054 on November 15, 2007.

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 0, Repealed 9.

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 0, Repealed 9.

Date Adopted: January 3, 2008.

Stephanie E. Schiller
Rules Coordinator

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 388-830-005 Purpose.
- WAC 388-830-010 Definitions.
- WAC 388-830-015 Determination of eligibility.
- WAC 388-830-020 Notification to potential applicants.
- WAC 388-830-025 Application for services.
- WAC 388-830-030 Individual service plan.
- WAC 388-830-035 Implementation of necessary services.
- WAC 388-830-040 Criteria for determining costs.
- WAC 388-830-045 Method of rate determination.

WSR 08-03-024

**PERMANENT RULES
DEPARTMENT OF**

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed January 8, 2008, 9:30 a.m., effective February 8, 2008]

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

Purpose: The department is repealing all sections of chapter 388-853 WAC as the rules have been replaced by other rules.

WAC 388-853-010 Authority, replaced by WAC 388-835-0005.

WAC 388-853-030 Schedule of per capita cost, replaced by chapter 388-835 WAC.

WAC 388-853-035 Exempt income, replaced by WAC 388-835-0935.

WAC 388-853-080 Notice and finding of responsibility—Appeal procedure, replaced by WAC 388-835-0940, 388-835-0945, 388-835-0950, and 388-835-0955.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-853-010, 388-853-030, 388-853-035, and 388-853-080.

Statutory Authority for Adoption: RCW 71A.12.030.

Other Authority: Title 71A RCW.

Adopted under notice filed as WSR 07-23-053 on November 15, 2007.

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 0, Repealed 4.

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 4.

Date Adopted: January 3, 2008.

Stephanie E. Schiller
Rules Coordinator

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 388-853-010 Authority.
- WAC 388-853-030 Schedule of per capita cost.
- WAC 388-853-035 Exempt income.
- WAC 388-853-080 Notice and finding of responsibility—Appeal procedure.

WSR 08-03-025

**PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed January 8, 2008, 10:44 a.m., effective February 8, 2008]

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

Purpose: The purpose of this rule making is to establish rules for the department to administer a grant program to implement SHB 1128, section 218, chapter 522, Laws of 2007, which appropriated funds to foster accident prevention in state fund work places. This section included a condition under subsection (4) as follows: "\$8,000,000 of the medical aid account—state appropriation is provided solely to establish a program of safety and health as authorized by RCW 49.17.210 to be administered under rules adopted pursuant to chapter 34.05 RCW, provided that projects funded involve workplaces insured by the medical aid fund, and that priority is given to projects fostering accident prevention through cooperation between employers and employees or their representatives."

AMENDED SECTIONS:

WAC 296-900-100 Scope.

- Updated scope to include safety and health investment projects.

NEW SECTIONS:

WAC 296-900-175 Safety and health investment projects.

- Created this section to contain all the sections located in chapter 296-900 WAC, Administrative rules, relating to the safety and health investment projects.

WAC 296-900-17505 Scope and purpose.

- Created this section to explain the purpose behind the safety and health investment projects.

WAC 296-900-17510 Definitions.

- Created this section to include the definitions for safety and health investment projects, including: Applicant, department, department staff, funding cycle, medical aid fund, milestones, product, and recipient.

WAC 296-900-17515 Eligibility.

- Created this section to include eligibility requirements for awards under the safety and health investment projects.

WAC 296-900-17520 Advisory committee.

- Created this section to include requirements for safety and health investment project advisory committee.

WAC 296-900-17525 Application.

- Created this section to include application requirements for safety and health investment projects.

WAC 296-900-17530 Approval.

- Created this section to include requirements for approving safety and health investment projects.

WAC 296-900-17535 Monitoring.

- Created this section to include requirements for monitoring safety and health investment projects.

WAC 296-900-17540 Suspension or revocation of funding.

- Created this section to include requirements for suspending or revoking funds for safety and health investment projects.

Citation of Existing Rules Affected by this Order:
Amending WAC 296-900-100 Scope.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 49.17.210, and chapter 522, Laws of 2007.

Adopted under notice filed as WSR 07-21-127 on October 23, 2007.

Changes Other than Editing from Proposed to Adopted Version: As a result of written and oral comments received, the following sections are being changed as indicated below:

WAC 296-900-17010 Definitions.

- Changed the WAC number from WAC 296-900-17010 to 296-900-17510 to correct a clerical error.

WAC 296-900-17520 Advisory committee.

- Changed subsection (4) for clarity to read as follows: "Committee members will disclose to the committee any potential conflicts of interest with specific project applications, whether direct or indirect. The committee will determine whether a member's connection to a project should result in recusal from voting on the project. The committee's decision and reasons supporting the decision will be documented in the meeting minutes."

WAC 296-900-17525 Application.

- Under subsection (1), corrected the web site address to "SafetyGrants.lni.wa.gov."
- Changed subsection (2) to give the program greater flexibility on accepting and funding applications throughout each funding cycle. Third sentence now reads: "Applications are accepted throughout the year, and funding is awarded throughout each six-month funding cycle."
- Changed web site address in subsections (2) and (3).

WAC 296-900-17530 Approval.

- Changed the number of advisory committee members needed to recommend a project from five of eight voting members to a majority of the eligible voting members.
- Added the following: "(5) Upon approval of an application and before project activities begin, the department and the applicant will enter into a written agreement. The agreement: (a) Includes the entire approved application packet, (b) Spells out the terms and conditions governing the project."

WAC 296-900-17540 Suspension or revocation of funding.

- Changed subsection (2) to read as follows: "Any suspension or revocation will: (a) Be in writing and delivered by either personal service or certified mail. The suspension or revocation will be effective upon service or five days after being mailed by certified mail; (b) Include the reasons for suspension or revocation; and (c) Be subject to appeal as described in chapter 34.05 RCW, Administrative Procedure Act and contain an explanation of how to appeal the department's decision."

A final cost-benefit analysis is available by contacting Steve Cant, P.O. Box 44620, Olympia, WA 98507-4620, phone (360) 902-5495, fax (360) 902-5719, e-mail cant235@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 9, 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 9, 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 9, Amended 1, Repealed 0.

Date Adopted: January 8, 2008.

Judy Schurke
Director

AMENDATORY SECTION (Amending WSR 06-06-020, filed 2/21/06, effective 6/1/06)

WAC 296-900-100 Scope. This chapter applies to the following requirements and information regarding administration of the Washington Industrial Safety and Health Act (WISHA), chapter 49.17 RCW:

- Employer requests for using an alternative to WISHA requirements.
- Workplace inspections conducted by WISHA.
- Citations and penalties for violations of WISHA safety and health requirements.
- How to respond to actions that WISHA may take when requirements have been violated.
- Employer correction of cited violations, and notification to WISHA when the corrections are made.
- Employer obligations to inform employees.
- Reporting alleged safety and health hazards.
- Appeal and hearing processes for employers and employees.
- Safety and health investment projects (SHIP).

NEW SECTION

WAC 296-900-175 Safety and health investment projects.

NEW SECTION

WAC 296-900-17505 Scope and purpose. (1) The program for safety and health investment projects (SHIP) was established during the 2007 legislative session to provide funding for safety and health projects for workplaces covered by the medical aid fund.

(2) Priority is given to projects involving accident prevention through cooperation between employers and employees or their representatives.

NEW SECTION

WAC 296-900-17510 Definitions. (1) **Applicant** means the entity submitting an application and formal proposal for a safety and health investment projects award.

(2) **Department** means the department of labor and industries.

(3) **Department staff** means those individuals within the department of labor and industries who assist with project development and monitor recipient performance.

(4) **Funding cycle** means how frequently safety and health investment project awards are given.

(5) **Medical aid fund** refers to industrial insurance funds established in chapter 51.44 RCW.

(6) **Milestones** means critical points of achievement for the safety and health investment projects, showing progress toward project completion. Milestones are interim accomplishments that define project progress.

(7) **Product** means any of the following that are developed as the result of a safety and health investment project: Written materials; manufactured materials; designs; equipment; programs; services; workplace changes; or other results of any kind, tangible or intangible.

(8) **Recipient** means an agency, firm, organization, individual or other legal entity receiving project award funds from the safety and health investment projects.

NEW SECTION

WAC 296-900-17515 Eligibility. (1) All projects must address the needs of employers and employees covered by the medical aid fund.

(2) Projects must have clearly identified:

- (a) Objectives and work plan;
- (b) Products; and
- (c) Criteria for evaluating the success of the project.

(3) Awards may be granted to any agency, firm, organization, individual or other legal entity such as, but not limited to, the following:

- (a) Trade associations;
- (b) Business associations;
- (c) Employers (including but not limited to private, public, nonprofit, or self-insured employers if collaborating with medical aid fund employers);
- (d) Employees;
- (e) Labor unions;
- (f) Employee organizations;
- (g) Joint labor and management groups;
- (h) Educational institutions in collaboration with state fund employer and employee representatives;
- (i) Others deemed appropriate by L&I.

(4) SHIP funds may not be used for:

- (a) Lobbying or political activities;
- (b) Supporting, opposing, or developing legislative or regulatory initiatives;
- (c) Any activity not designed to reduce workplace injuries, illnesses, or fatalities; or
- (d) Reimbursing employers for the normal costs of complying with safety and health rules.

NEW SECTION

WAC 296-900-17520 Advisory committee. (1) The department will create an advisory committee representing the broadest spectrum of interests, appointed by the assistant director of the division of occupational safety and health (DOSH), and consisting of:

- (a) Three employer representatives;
- (b) Three employee representatives;
- (c) Two members with expertise in safety and health selected by the assistant director; and
- (d) One nonvoting member from DOSH who will serve as committee chair.

(2) Members are appointed to serve three-year renewable terms. At the request of the assistant director of DOSH, employer and employee organizations may make recommendations for advisory committee membership.

(3) The advisory committee will provide the following assistance:

(a) Make recommendations to DOSH regarding funding priority areas;

(b) Recommend applications that merit funding to the assistant director of DOSH;

(c) Keep records of the committee's decisions;

(d) Make recommendations to DOSH regarding individual project expenditure limitations and appropriate indirect costs;

(e) Develop and maintain communication networks in the community.

(4) Committee members will disclose to the committee any potential conflicts of interest with specific project applications, whether direct or indirect. The committee will determine whether a member's connection to a project should result in recusal from voting on the project. The committee's decision and reasons supporting the decision will be documented in the meeting minutes.

(5) Committee members will not disclose any information about applications to anyone not authorized access to the information by law or regulation. All applications and other material submitted under this program are confidential and are not open to public inspection. See RCW 49.17.210.

NEW SECTION

WAC 296-900-17525 Application. (1) Interested applicants may download an application packet from the web site, or for a printed application, contact:

Safety and Health Investment Projects
P.O. Box 44640
Olympia, WA 98504-4640
e-mail: INVEST@lni.wa.gov
web site: SafetyGrants.lni.wa.gov

(2) Applicants must complete the entire application to be considered for project funding. Incomplete applications will not be considered for funding. Applications are accepted throughout the year, and funding is awarded throughout each six-month funding cycle. Application deadlines are posted at SafetyGrants.lni.wa.gov. Applications received after posted deadlines will not be considered for the current funding cycle. However, they may be considered for a subsequent funding cycle at the discretion of the assistant director of DOSH, or designee.

(3) Some funding cycles may include limitations on the maximum amount that will be awarded for any proposal. Limitations, if any, will be posted at SafetyGrants.lni.wa.gov or in current application packets.

(4) All products developed as a result of an approved SHIP project belong in the public domain and their dissemination and use shall not be restricted in any way. Such products may not be copyrighted, patented, claimed as trade secrets, or otherwise restricted in any other way. The department retains the right to publish or otherwise disseminate

these products as the department in its sole discretion deems appropriate.

(5) The department will not use information contained in submitted application packets as the basis for the initiation of compliance inspections or the issuance of citations and/or penalties to applicants, under WISHA, chapter 49.17 RCW. However, employers are not exempt from compliance inspections initiated for other reasons because they submitted an application packet.

(6) Projects may include, but are not limited to:

(a) The development of technical innovation and engineering controls;

(b) Best practices;

(c) Education and training;

(d) Priorities identified by DOSH in cooperation with the WISHA advisory committee; and

(e) Other projects that foster accident prevention through cooperation between employers and employees or their representatives.

NEW SECTION

WAC 296-900-17530 Approval. (1) DOSH will review applications to make sure they meet application criteria, and forward those that meet the criteria to the advisory committee.

(2) The advisory committee will:

(a) Review project applications;

(b) Prioritize and select, by a majority vote of the eligible voting members, those projects recommended for funding, with a minority report allowed;

(c) Forward project recommendations to the assistant director of DOSH for final approval.

(3) The assistant director of DOSH will make a final decision on project approval and funding.

(a) Approval will be based on the ability of the project to foster accident prevention through cooperation between employers and employees or their representatives; the likelihood of reducing workplace injuries, illnesses, or fatalities; and the ability of the applicant to achieve project goals. Assessment will be based on an objective scoring method developed by the department.

(b) If the assistant director rejects an application the committee has recommended for funding or approves an application the committee recommended for denial, the assistant director will provide a written explanation to the advisory committee. The advisory committee may request reconsideration of such decision by a majority vote of the voting members, with a minority report allowed. The assistant director will reconsider the decision in consultation with the director.

(4) Applicants will be notified in writing when their application is:

(a) Approved for funding;

(b) Not approved, including the reason it was not funded;

or

(c) Held over for a subsequent funding cycle.

(5) Upon approval of an application and before project activities begin, the department and the applicant will enter into a written agreement. The agreement:

(a) Includes the approved application packet in its entirety, which will outline the project scope and timeline, activities, work plan, milestones, and products; and

(b) Spells out the terms and conditions governing the project, project participants, and the products resulting from the project.

NEW SECTION

WAC 296-900-17535 Monitoring. Department staff will monitor projects for compliance with award terms and achievement of approved project milestones and/or outcomes.

(1) Milestones are intermediate targets or goals that are defined in the project applications. Ongoing funding will be tied to the achievement of approved milestones (including but not limited to accounting for grant funds).

(2) Outcomes are the final products that will be produced by the project.

NEW SECTION

WAC 296-900-17540 Suspension or revocation of funding. (1) The assistant director of DOSH may suspend or revoke funding for a project if advised by the SHIP program or the advisory committee that:

(a) The recipient is not in compliance with project award terms;

(b) There are unapproved funding expenditures; or

(c) There are compelling and substantive reasons.

(2) Any suspension or revocation will:

(a) Be in writing and delivered by either personal service or certified mail. The suspension or revocation will be effective upon service or five days after being mailed by certified mail;

(b) Include the reasons for suspension or revocation; and

(c) Be subject to appeal as described in chapter 34.05 RCW, the Administrative Procedure Act and contain an explanation of how to appeal the department's decision.

WSR 08-03-044

PERMANENT RULES

HORSE RACING COMMISSION

[Filed January 10, 2008, 12:02 p.m., effective February 10, 2008]

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

Purpose: To amend WAC 260-12-010 by adding a definition for "denial," "intact male," "pick n," "protest," "revocation," "ridgling," "suspension," and "walk over;" amending the definition of "stallion;" and eliminating the definition of "pick three."

Citation of Existing Rules Affected by this Order: Amending WAC 260-12-010.

Statutory Authority for Adoption: RCW 67.16.020 and 67.16.040.

Adopted under notice filed as WSR 07-24-056 on December 3, 2007.

Changes Other than Editing from Proposed to Adopted Version: Added definitions for "intact male" and "ridgling," and amended the definition of "stallion" to include "colt."

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 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: January 10, 2008.

R. J. Lopez

Deputy Secretary

AMENDATORY SECTION (Amending WSR 07-11-114, filed 5/18/07, effective 6/18/07)

WAC 260-12-010 Definitions. The definitions in this section apply throughout these rules unless the context requires otherwise.

(1) "Added money." Money added to the purse of a race by the association, or other fund, in the amount paid by owners for nominations, entry, and starting fees.

(2) "Allowance race." An overnight race for which there is no claiming price established.

(3) "Also eligible."

(a) A number of eligible horses, properly entered, which were not drawn for inclusion in a race, but which become eligible according to preference or lot if an entry is scratched prior to the scratch time deadline; or

(b) In a trial race, the next preferred contestant that is eligible to participate when an entry is scratched, pursuant to the written conditions of the race.

(4) "Apprentice jockey." A jockey who has not won a certain number of races within a specific period of time who is granted an extra weight allowance as provided in WAC 260-32-370(9).

(5) "Apprentice allowance." A weight allowance given to an apprentice jockey ranging from five to ten pounds.

(6) "Authorized agent." A person appointed by a written document signed by the owner with authority to act for the owner.

(7) "Association." Any person or persons, associations, or corporations licensed by the commission to conduct parimutuel wagering on a race meet.

(8) "Association grounds." All real property utilized by the association in the conduct of its race meeting, including the race track, grandstand, concession stands, offices, barns, stable area, and parking lots and any other areas under the jurisdiction of the commission.

(9) "Bar shoe." A special shoe with a solid bar that runs across the rear of the shoe for extra protection.

(10) "Bit." The metal mouthpiece on a bridle used to guide and control a horse.

(11) "Bleeder." A horse that demonstrates exercise induced pulmonary hemorrhaging.

(12) "Blinkers." A hood with different size cups to limit the peripheral vision of a horse.

(13) "Breakage." The remaining cents after parimutuel payoffs are rounded down to a dime or nickel.

(14) "Breeder." For thoroughbreds, the breeder is the owner of the horse's dam at the time of foaling. For quarter horses, appaloosas, arabians and paint horses, the breeder is the owner of the dam at the time of service.

(15) "Claiming." The act of buying a horse out of a race for a specific price.

(16) "Claim box." A box in a specified location where a claim must be deposited to be valid.

(17) "Claiming race." Races in which horses are entered subject to being claimed for a specified price.

(18) "Clerk of scales." An official who weighs the jockeys prior to and after each race.

(19) "Clocker." An official that times horses when horses are performing an official workout.

(20) "Colors." Racing silks with owners' distinct designs and color worn by jockeys while racing.

(21) "Colt." Male horse under the age of five.

(22) "Commission."

(a) The five-member commission established by RCW 67.16.012; or

(b) The state agency known as the Washington horse racing commission.

(23) "Condition book." A book issued by the racing secretary with specific eligibility conditions for scheduled races.

(24) "Coupled entry." Two or more horses running as a single betting interest for parimutuel wagering purposes.

(25) "Daily double." Type of wager calling for the selection of the winner of two consecutive races.

(26) "Dead heat." Two or more horses in an exact tie at the finish line.

(27) "Denial." The refusal to grant an applicant a license after the applicant has made application for a license, but prior to the individual performing the duties associated with the license.

(28) "Eligible." A horse that is qualified to start in a race as established by the racing secretary's conditions.

~~((28))~~ (29) "Engagement." A commitment given by a jockey or his/her agent to accept a mount in a specified race.

~~((29))~~ (30) "Entry."

(a) A horse eligible for and entered in a race.

(b) Two or more horses which are entered or run in a race with common ownership.

~~((30))~~ (31) "Equipment." Tack carried or used on a racehorse including whips, blinkers, tongue ties, muzzle, nosebands, bits, shadow rolls, martingales, breast plates, bandages, boots and plates.

~~((31))~~ (32) "Exacta." A wager involving selecting the first two finishers in a race in exact order.

~~((32))~~ (33) "Exercise rider." A person licensed by the commission to ride horses for the purpose of exercising.

~~((33))~~ (34) "Field." The total horses scheduled to run in a race.

~~((34))~~ (35) "Filly." A female horse four years and younger.

~~((35))~~ (36) "Front leg wraps." Bandages that extend at least four inches up the horse's front legs for support.

~~((36))~~ (37) "Furlong." One-eighth of a mile, two hundred twenty yards, or six hundred sixty feet.

~~((37))~~ (38) "Furosemide." Generic term for a medication used for the treatment of bleeders.

~~((38))~~ (39) "Furosemide list." A list of horses maintained by the official veterinarian eligible to race in this jurisdiction on furosemide.

~~((39))~~ (40) "Gelding." A male horse that has been castrated.

~~((40))~~ (41) "Groom." A person licensed by the commission who is employed by a licensed trainer to care for the trainer's horses.

~~((41))~~ (42) "Handicap."

(a) A race in which the racing secretary designates the weight to be carried for each horse.

(b) Making wagering selections on the basis of a horse's past performances.

~~((42))~~ (43) "Handle." Total amount of money wagered in the parimutuel pool for a race, race card, or a race meet.

~~((43))~~ (44) "Horse."

(a) A registered filly, mare, colt, horse, gelding or ridgling of a breed that is eligible to race in the state of Washington.

(b) Any male horse five years old or older.

~~((44))~~ (45) "Intact male." Any male horse, colt, or ridgling.

(46) "Inquiry." A review of a race conducted by the board of stewards to determine if a racing violation was committed.

~~((45))~~ (47) "Jockey." A person licensed by the commission to ride a horse in a race meet, whether a jockey or an apprentice jockey.

~~((46))~~ (48) "Jockey fee." The money paid to a jockey for riding in a race.

~~((47))~~ (49) "Maiden." A horse, which at the time of starting in a race, has never won a race on the flat in any country, at a track which is covered by a recognized racing publication showing the complete results of the race. A maiden who has been disqualified after finishing first is still considered a maiden.

~~((48))~~ (50) "Mare." A female horse five years old or older.

~~((49))~~ (51) "Minus pool." A mutuel pool caused when one horse is heavily bet and after all mandatory deductions there is not enough money in the pool to pay the legally prescribed minimum on each winning wager.

~~((50))~~ (52) "Morning line." A handicapper's approximate odds quoted in the program.

~~((51))~~ (53) "Mutuel field." A group of horses, with no common ties, coupled by the association for wagering purposes in a single race.

~~((52))~~ (54) "Net pool price calculations." The method of calculating the parimutuel pools when international pools are conducted (WAC 260-48-800).

~~((53))~~ (55) "Nerved" or "heel nerved." A horse upon which a digital neurectomy has been performed.

~~((54))~~ (56) "Nomination." The naming of a horse to a certain race or series of races generally accompanied by payment of a prescribed fee.

~~((55))~~ (57) "Objection." When a claim of foul is lodged by a jockey, owner, or trainer following the running of the race.

~~((56))~~ (58) "Official."

(a) When the board of stewards has determined that the order of finish of a race is correct for the mutuel payouts.

(b) An individual designated to perform functions to regulate a race meet.

~~((57))~~ (59) "Off-track betting." Parimutuel wagering on horse races conducted at a location other than the racing association's grounds, often referred to as a satellite location.

~~((58))~~ (60) "Optional claiming race." A race offered in which horses may be entered either for a claiming price or under specific allowance conditions.

~~((59))~~ (61) "Overnight race." A contest for which entries close at a time set by the racing secretary.

~~((60))~~ (62) "Overweight." Extra weight carried by the jockey that is greater than the listed weight in the official program.

~~((61))~~ (63) "Owner." Any person licensed by the commission with an ownership interest in a horse, including a lessee. An interest only in the winnings of a horse does not constitute part ownership.

~~((62))~~ (64) "Owners' bonus." A percentage of the gross mutuel pool the association is required by RCW 67.16.102 to withhold to be paid to owners of Washington bred horses at the conclusion of the meet based on the owner's horse finishing first, second, third or fourth.

~~((63))~~ (65) "Paddock." Enclosure or area where horses are saddled prior to the post parade.

~~((64))~~ (66) "Paddock judge." An official who monitors the saddling of the horses before a race to ensure consistent equipment on each horse and supervises the paddock.

~~((65))~~ (67) "Penalty weight." Additional weight to be carried by the horse as stated in the condition book.

~~((66))~~ (68) "Pick ~~((six))~~ n." A type of wager requiring the patron to select the winners of ~~((six))~~ a specified number of consecutive races.

~~((67))~~ (69) "Pick three(~~"or "pick four"~~)." A type of wager requiring the patron to select the winners of three (~~or four~~) consecutive races.

~~((68))~~ (70) "Place." To finish second in a race.

~~((69))~~ (71) "Poles." Markers positioned around the track indicating the distance to the finish line.

~~((70))~~ (72) "Post." The starting position on the track.

~~((71))~~ (73) "Post parade." Horses passing in front of the stewards stand and public prior to warming up for the race.

~~((72))~~ (74) "Post position." Position assigned to the horse to break from the starting gate determined by lot at the time of the draw of the race.

~~((73))~~ (75) "Post time." The scheduled time for the horses to arrive at the starting gate for a race.

~~((74))~~ (76) "Purse." The amount of prize money offered by the racing association for each race.

~~((75))~~ (77) "Protest." A complaint filed regarding a horse running in a race that is filed in writing with the board of stewards.

~~((76))~~ (78) "Quinella." A wager in which the patron selects the first two finishers regardless of order.

~~((76))~~ (79) "Race meet." The dates of live horse racing that have been approved by the commission. (Also refer to RCW 67.16.010.)

~~((77))~~ (80) "Racing plates." Shoes designed for racehorses, usually made of aluminum.

~~((78))~~ (81) "Racing secretary." An official who drafts conditions of each race and accepts entries and conducts the post position draw of the races.

~~((79))~~ (82) "Receiving barn." Structure where horses may be identified prior to proceeding to the paddock.

~~((80))~~ (83) "Recognized race meet." Any race meet involving parimutuel wagering held under the sanction of a racing authority.

~~((81))~~ (84) "Revocation." The cancellation of an existing license for a minimum of twelve months and up to an indefinite period of time (e.g., life-time). Individuals revoked are ineligible to reapply for a license during the period of revocation. Individuals revoked are banned from all facilities under the jurisdiction of the commission during the period of their revocation.

(85) "Ridgling." A male horse with one or both testicles undescended.

(86) "Scale of weights." Fixed weight assignments to be carried by horses according to age, sex, distance, and time of year.

~~((82))~~ (87) "Scratch." Withdrawing an entered horse from the race after the closing of entries.

~~((83))~~ (88) "Scratch time." The established deadline for the withdrawal of entries from a scheduled performance.

~~((84))~~ (89) "Sex allowance." Weight allowance given to fillies and mares when competing against males.

~~((85))~~ (90) "Show." To finish third in a race.

~~((86))~~ (91) "Simulcast." Broadcasting a live race from another racing association for purposes of parimutuel wagering on that race, or sending a broadcast of a live race to another racing association for purposes of parimutuel wagering on that race.

~~((87))~~ (92) "Stake race." A race for which nominations close more than seventy-two hours in advance of its running and for which owners or nominators contribute money toward its purse, or a race for which horses are invited by an association to run for a guaranteed purse of thirty thousand dollars or more without payment of nomination, entry, or starting fees.

~~((88))~~ (93) "Stallion." A male horse or colt which can be used for breeding purposes.

~~((89))~~ (94) "Standard price calculations." A method of calculating the parimutuel payoffs used mostly when calculating pools nationally.

~~((90))~~ (95) "Starter."

(a) A horse is a "starter" for a race when the stall doors of the starting gate open in front of it at the time the starter dispatches the horses; or

(b) An official responsible for dispatching the horses from the starting gate.

~~((91))~~ (96) "Starter's list." A list, maintained by the official starter, of horses that have been unruly when loading in the starting gate. Horses on the starter's list are ineligible to enter.

~~((92))~~ (97) "Starter race." An allowance or handicap race restricted to horses who have started for a specific claiming price or less.

~~((93))~~ (98) "Stewards." The officials designated by the commission responsible for enforcing the rules of racing.

~~((94))~~ (99) "Stewards' list." A list, maintained by the stewards, of horses which are ineligible to enter for various reasons, e.g., poor performance, ownership disputes, etc.

~~((95))~~ (100) "Suspension." The cancellation of license privileges for a set amount of time (not to exceed three hundred sixty-five days), or until specific conditions are met. All suspensions for a specific period of time will be in calendar days. Individuals suspended may reapply for a license at the end of their suspensions. Individuals applying for a license in the same race year are not required to pay license fees. Individuals suspended may be banned from all facilities under the jurisdiction of the commission during the period of their suspension.

(101) "Test barn." The enclosure to which selected horses are taken for post race testing.

~~((96))~~ (102) "Tongue tie." Bandage or other apparatus used to tie down a horse's tongue to prevent the tongue from getting over the bit, which can affect the horse's breathing and the jockey's ability to control the horse.

~~((97))~~ (103) "Trifecta." A wager picking the first three finishers in exact order in a specific race.

~~((98))~~ (104) "Turf course." A racing surface comprised of grass.

~~((99))~~ (105) "Veterinarian's list." A list of horses ineligible to enter due to sickness, lameness, or other conditions as determined by an official veterinarian.

~~((100))~~ (106) "Walk over." A race that has only one participant.

(107) "Washington bred." A horse that was foaled in the state of Washington.

~~((101))~~ (108) "Weigh-in." The clerk of scales weighing of a jockey immediately follows the race.

~~((102))~~ (109) "Weigh-out." The clerk of scales weighing of a jockey prior to a race.

~~((103))~~ (110) "Weight allowance." A reduction in weight to be carried by a horse as established by the conditions for each race.

~~((104))~~ (111) "Workout" or "official workout." An exercise at moderate to extreme speed for a predetermined distance of a horse as required in WAC 260-40-105 to make a horse eligible to be entered or run in a race.

amount of a penalty which can be reviewed by a single board member in a short-board appeal. This increase makes the rule consistent with the authorizing statute, RCW 43.21B.305, which was amended to allow a single board member to hear and decide an appeal of a penalty of \$15,000 or less.

Citation of Existing Rules Affected by this Order: Amending WAC 371-08-330.

Statutory Authority for Adoption: Chapters 43.21B, 34.05 RCW, RCW 43.21B.305.

Adopted under notice filed as WSR 07-23-069 on November 19, 2007.

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 1, Repealed 0.

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

Date Adopted: January 10, 2008.

Kathleen D. Mix
Director of the
Environmental Hearings Office
Chair of the Pollution
Control Hearings Board

AMENDATORY SECTION (Amending WSR 96-15-003, filed 7/3/96, effective 8/3/96)

WAC 371-08-330 Board decision making on appeals.

The number of board members required to make a decision on a case differs depending on the type of case.

(1) **Short-board appeals.** Pursuant to RCW 43.21B-305, ~~((eases))~~ an appeal that involves ~~((an appeal of))~~ a ~~((civil))~~ penalty of ~~((five))~~ fifteen thousand dollars or less imposed by the department of ecology, another state agency or an air pollution control authority may be heard by a single member of the board. Such ~~((eases))~~ appeals are called short-board appeals. The decision of that single member shall be the final decision of the entire board.

(2) **Full-board appeals.** All other types of appeals are called full-board appeals. The chairperson may assign a single member to hold the hearing in a full-board appeal; however, at least two members shall review the record and issue a decision. Two members of the board shall constitute a quorum for making a decision and may act although one position on the board is vacant or one board member is unavailable.

(3) **Administrative appeals judges.** For both full-board and short-board cases, the chairperson may appoint an administrative appeals judge from the environmental hearings office to be the presiding officer.

WSR 08-03-045

PERMANENT RULES

ENVIRONMENTAL HEARINGS OFFICE

[Filed January 10, 2008, 1:14 p.m., effective February 10, 2008]

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

Purpose: The purpose of the amendment to WAC 371-08-330 is to increase, from \$5,000 to \$15,000, the maximum

WSR 08-03-046
PERMANENT RULES
HORSE RACING COMMISSION

[Filed January 10, 2008, 1:40 p.m., effective February 10, 2008]

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

Purpose: To amend WAC 260-70-680 to adopt by classification the uniform classification guidelines approved by the Racing Medication and Testing Consortium and adopted as a model rule by the Association of Racing Commissioners International.

Citation of Existing Rules Affected by this Order: Amending WAC 260-70-680 Uniform classification guidelines.

Statutory Authority for Adoption: RCW 67.16.020 and 67.16.040.

Adopted under notice filed as WSR 07-24-088 on December 5, 2007.

Changes Other than Editing from Proposed to Adopted Version: Nandrolone not classified as a class 3 drug, but left as a class 4 (current language).

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.

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Date Adopted: January 10, 2008.

R. J. Lopez
Deputy Secretary

AMENDATORY SECTION (Amending WSR 07-07-012, filed 3/8/07, effective 4/8/07)

WAC 260-70-680 Uniform classification guidelines. This section classifies each drug/medication/foreign substance, and where appropriate and/or available, its trade name. The penalties for violation of this section are in WAC 260-84-110.

(1) Class 1

Class 1 drugs are stimulant and depressant drugs that have the highest potential to affect the performance of a horse, and have no generally accepted medical use. Many of these agents are Drug Enforcement Agency (DEA) Schedule II substances. These include the following drugs and their metabolites: Opiates, opium derivatives, synthetic opioids and psychoactive drugs, amphetamines and amphetamine-like drugs as well as related drugs, including but not limited to apomorphine, nikethamide, mazindol, pemoline, and pentylenetetrazol.

Drug	Trade Name
Alfentanil	Alfenta
Amphetamine	
Anileridine	Leritine
Apomorphine	
Benzylpiperazine (BZP)	
Carfentanil	
<u>Cathinone</u>	
Cocaine	
<u>Codeine</u>	
<u>DEA Schedule 1 (all)</u>	
Dextromoramide	Palfium, Narcolo
Diamorphine	
<u>Donepezil</u>	<u>Aricept</u>
Endorphins	
Enkephalins	
Ethylmorphine	Dionin
Etorphine HCl	M99
Fentanyl	Sublimaze
<u>Heroin</u>	
<u>Hydrocodone (dihydrocodeinone)</u>	<u>Hycodan</u>
Hydromorphone	Dilaudid
Hydroxyamphetamine	Paradrine
Levorphanol	Levo-Dremoran
Lofentanil	
Mazindol	Sanorex
Meperidine	Demerol
Mephentermine	<u>Wyamine</u>
Metaraminol	Aramine
Methadone	Dolophine
Methamphetamine	Desoxyn
Methaqualone	Quaalude
<u>Methcathinone</u>	
Methylphenidate	Ritalin
Metopon (methyl dihydromorphinone)	
Morphine	
Nikethamide	Coramine
Oxycodone	Percodan
Oxymorphone	Numorphan
Pemoline	Cylert
Pentylenetetrazol	Metrazol, Nioric
Phenazocine	Narphen
Phencyclidine (PCP)	Sernylan
Phendimetrazine	Bontril, etc.
Phenmetrazine	Preludin
Picrotoxin	

Drug	Trade Name
Piritramide	
Remifentanil	Ultiva
Strychnine	
Sufentanil	Sufenta

(2) Class 2

Class 2 drugs are drugs/medication/foreign substances that have a high potential to affect the performance of a horse, but less of a potential than class 1 drugs. Class 2 drugs are either not generally accepted as therapeutic agents in racing horses, or are therapeutic agents that have a high potential for abuse.

Drug	Trade Name
Acecarbromal	
Acetophenazine	Tindal
Adinazolam	
<u>Alclofenac</u>	
Alcuronium	Alloferin
Alphaprodine	Nisentil
Alpidem	Anaxyl
Alprazolam	Xanax
Althesin	Saffan
Amisulpride	Solian
Amitriptyline	Elavil, Amitril, Endep
Amobarbital	Amytal
Amoxapine	Asendin
Amperozide	
Anilopam	Anisine
Aprobarbital	Alurate
<u>Articaine</u>	<u>Septocaine; Ultra-caine, etc.</u>
<u>Atomoxetine</u>	<u>Strattera</u>
<u>Atracurium</u>	<u>Tracrium</u>
Azacylonol	Frenque
Azaperone	Stresnil, Suicalm, Fentaz (with Fentanyl)
Barbital	Veronal
Barbiturates	
Bemegrade	Megimide, Mikedimide
<u>Benoxaprofen</u>	
Benperidol	<u>Anquil</u>
Benzazepam	Tiadipona
Benzactizine	Deprol, Bronchodil- etten
Benzoctamine	
Benzodiazepines	
Benzphetamine	Didrex
Benztropine	Cogentin

Drug	Trade Name
Biriperone	
Bromazepam	Lexotan, Lectopam
Bromisovalum	Diffucord, etc.
Bromocriptine	Parlodel
Bromperidol	Bromidol
Brotizolam	Brotocol
Bupivacaine	Marcaine
Buprenorphine	Temgesic
Buspirone	Buspar
Buspropion	Wellbutrin
Butabarbital (Secbutobarbitone)	Butacaps, Butasol, etc.
Butalbital (Talbutal)	Fiorinal
Butanilicaine	Hostacain
Butaperazine	Repoise
Butoctamide	Listomin
Caffeine	
Camazepam	Paxor
Captodiamine	Covatine
Carbidopa + levodopa	Sinemet
Carbromol	Mifudorm
<u>Carisoprodol</u>	<u>Soma, Rela</u>
Carphenazine	Proketazine
Carpipramine	Prazinil
<u>Carticaine (see Articaine)</u>	<u>Septocaine; Ultra-caine, etc.</u>
Chloralose (Alpha-Chloralose)	
Chloral betaine	Beta-Chlor
Chloral hydrate	Nactec, Oridrate, etc.
Chloraldehyde (chloral)	
Chlordiazepoxide	Librium
Chlormezanone	Trancopal
Chloroform	
Chlorhexidol	
Chlorprocaine	Nesacaine
Chlorproethazine	Newipleg
Chlorpromazine	Thorazine, Largactil
Chlorprothixene	Taractan
Citalopram	Celex
Clobazam	Urbanyl
Clocapramine	
Clomethiazole	
Clomipramine	Anafranil
Clonazepam	Klonopin
Clorazepate	Tranxene
Clothiapine	Entermin
Clotiazepam	Trecalmo, Rize

Drug	Trade Name
Cloazolam	Enadel, Sepazon, Tolestan
Clozapine	Clozaril, Leponex
((Codeine))	
Conorphone	
Corticaine	Ultracain
Crotetamide	
Cyamemazine	Tercian
Cyclobarbital	Phanodorm
<u>Darbepoetin</u>	<u>Aranesp</u>
Decamethonium	Syncurine
Demoxepam	
Desipramine	Norpromine, Pertof-rane
Dezocine	Dalgan®
Diazepam	Valium
Dichloralphenazone	Febenol, Isocom
Diethylpropion	Tepanil, etc.
Diethylthiambutene	Themalon
Dihydrocodeine	Parcodin
Dilorazepam	Briantum
Diprenorphine	M50/50
Dixyrazine	Esucos
Dopamine	Intropin
<u>Doxacurium</u>	<u>Nuromax</u>
Doxapram	Dopram
Doxefazepam	Doxans
Doxepin	Adapin, Sinequan
Droperidol	Inapsine, Droleptan, Innovar-Vet (with Fentanyl)
Enciprazine	
Ephedrine	
<u>Epibatidine</u>	
Epinephrine	
Erythropoietin (EPO)	Epogen, Procrit, etc.
Estazolam	Domnamid, Eurodin, Nuctalon
Ethamivan	
<u>Ethanol</u>	
Ethchlorvynol	Placidyl
Ethinamate	Valmid
Ethopropazine	Parsidol
Ethylisobutrazine	Diquel
Etidocaine	Duranest
Etifoxin	Stresam
Etizolam	Depas, Pasaden
Etodroxizine	Indunox

Drug	Trade Name
Etomidate	
Fenarbamate	Tymium
<u>Fenclozic Acid</u>	<u>Cincopal</u>
Fenfluramine	Pondimin
Fluanisone	Sedalande
Fludiazepam	Erispam
Flunitrazepam	Rohypnol, Narcozep, Darkene, Hypnodorm
Fluopromazine	Psyquil, Siquil
Fluoresone	Caducid
Fluoxetine	Prozac
Flupenthixol	Depixol, Fluanxol
Fluphenazine	Prolixin, Permitil, Anatensol
Flurazepam	Dalmane
Fluspirilene	Imap, Redeptin
Flutoprazepam	Restas
Fluvoxamine	Dumirox, Faverin, etc.
<u>Galantamine</u>	<u>Reminyl</u>
Gallamine	Flaxedil
Gepirone	
Glutethimide	Doriden
Halazepam	Paxipam
Haloperidol	Haldol
Haloxazolam	Somelin
Hemoglobin glutamers	Oxyglobin, Hemopure
Hexafluorenum	Myalexen
Hexobarbital	Evipal
Homophenazine	Pelvichthol
((Hydrocodone (dihydrocodeinone))	<u>Hycodan</u>)
Hydroxyzine	Atarax
Ibomal	Noctal
Imipramine	Imavate, Presamine, Tofranil
Isapirone	
Isocarboxazid	Marplan
Isomethadone	
Isoproterenol	Isoprel
<u>Isoxicam</u>	<u>Maxicam</u>
Ketamine	Ketalar, Ketaset, Vetalar
Ketazolam	Anxon, Lafram, Solatran, Loftran
Lenperone	Elanone-V
Levomethorphan	
Lidocaine	Xylocaine

Drug	Trade Name
Lithium	Lithizine, Duralith, etc.
Lobeline	
Loflazepate, Ethyl	Victan
<u>Loperamide</u>	<u>Imodium</u>
Loprazolam	Dormonort, Havlane
Lorazepam	Ativan
Lormetazepam	Noctamid
Loxapine	Laxitane
Maprotiline	Ludiomil
Mebutamate	Axiten, Dormate, Capla
Meclofenoxate	Lucidiril, etc.
Medazepam	Nobrium, etc.
Melperone	Eunerpan
<u>Memantine</u>	<u>Namenda</u>
Meparfynol	Oblivon
Mepazine	Pacatal
Mephenoaloxone	Control, etc.
Mephentyoin	Mesantoin
Mephobarbital (Methylphenobarbital)	Mebaral
Mepivacaine	Carbocaine
Meproamate	Equanil, Miltown
Mesoridazine	Serentil
Metaclazepam	Talis
Metazocine	
Metharbital	Gemonil
Methohexital	Brevital
Methotrimeprazine	Levoprome, Neurocil, etc.
Methyprylon	Noludar
Metocurine	Metubine
Metomidate	Hypnodil
Mexazolam	Melex
Midazolam	Versed
Mirtazepine	Remeron
<u>Mivacurium</u>	<u>Mivacron</u>
Modafinil	Provigil
Molindone	Moban
Moperone	Luvatren
Mosaprimine	
Nalbuphine	Nubain
Nalorphine	Nalline, Lethidrone
Nefazodone	Serzone
Nimetazepam	Erimin
Nitrazepam	Mogadon

Drug	Trade Name
Nordiazepam	Calmday, Nordaz, etc.
Norepinephrine	
Nortriptyline	Aventyl, Pamelor
Olanzapine	Zyprexa
Oxazepam	Serax
Oxazolam	Serenal
Oxyperitine	Forit, Integrin
Pancuronium	Pavulon
Paraldehyde	Paral
Paroxetine	Paxil, Seroxat
Penfluridol	Cyperon
Pentobarbital	Nembutal
Perazine	Taxilan
<u>Perfluorodecolin</u>	
<u>Perfluorodecahydronophthalene</u>	
<u>Perfluorooctylbromide</u>	
<u>Perfluorotripropylamine</u>	
<u>Perfluorocarbons</u>	
Periciazine	Alodept, etc.
Perlamine	Hypnodin
Perphenazine	Trilafon
Phenaglycodol	Acalo, Alcamid, etc.
Phenelzine	Nardelzine, Nardil
Phenobarbital	Luminal
Phentermine	Iomamin
Pimindine	Alvodine, Cimadon
Pimozide	Orap
Pinazepam	Domar
Pipamperone	Dipiperon
<u>Pipecuronium</u>	<u>Arduan</u>
Pipequaline	
Piperacetazine	Psymod, Quide
Piperocaine	Metycaine
Pipotiazine	Lonseren, Piportil
Pipradrol	Dataril, Gerondyl, etc.
Piquindone	
Prazepam	Verstran, Centrax
Prilocaine	Citanest
Prochlorperazine	Darbazine, Compazine
Propanidid	
Propiomazine	Largon
Propionylpromazine	Tranvet
Propiram	
Propofol	Diprivan, Disoprivan
Propoxycaine	Ravocaine
Prothipendyl	Dominal
Protriptyline	Concordin, Triptil

Drug	Trade Name
Proxibarbital	Axeen, Centralgol
Pyrrithyldione	Hybersulfan, Sonodor
Quazipam	Doral
Quetiapine	Seroquel
Racemethorphan	
Racemorphan	
Raclopride	
<u>Ractopamine</u>	<u>Raylean</u>
Remoxipride	Roxiam
Reserpine	Serpasil
Rilmazafone	
Risperidone	
Ritanserlin	
Rivastigmine	Exelon
<u>Rocuronium</u>	<u>Zemuron</u>
<u>Rofecoxib</u>	<u>Vioxx</u>
Romifidine	Sedivet
Ropivacaine	Naropin
Secobarbital (Quinalbarbitone)	Seconal
Selegiline	Eldepryl, Jumex
Sertraline	Lustral, Zoloft
Snake Venoms	
<u>Somatrem</u>	<u>Protropin</u>
<u>Somatropin</u>	<u>Nutropin</u>
Spiclomazine	
Spiperone	
Succinylcholine	Sucostrin, Quelin, etc.
Sulfondiethylmethane	
Sulfonmethane	
Sulforidazine	Inofal
Sulpiride	Aiglonyl, Sulpitol
Sultopride	Barnetil
Talbutal	Lotusate
Tandospirone	
Temazepam	Restoril
Tetrabenazine	Nitoman
Tetracaine	Pontocaine
Tetrazepam	Musaril, Myolastin
Thebaine	
Thialbarbital	Kemithal
Thiamylal	Surital
Thiethylperazine	Torecan
Thiopental	Pentothal
Thiopropazate	Dartal
Thiopropazine	Majeptil
Thioridazine	Mellaril
Thiothixene	Navane

Drug	Trade Name
Tiapride	Italprid, Luxoben, etc.
Tiletamine	Component of Telazol
Timiperone	Tolopelon
Tofisopam	Grandaxain, Seriel
Topirimate	Topamax
Tramadol	Ultram
Tranlycypromine	Parnate
Trazodone	Desyrel
<u>Tretoquinol</u>	<u>Inolin</u>
Triazolam	Halcion
Tribromethanol	
Tricaine methanesulfonate	Finquel
Trichloroethanol	
Trichloethylene	Trilene, Trimar
Triclofos	Triclos
Trifluomeprazine	Nortran
Trifluoperazine	Stelazine
Trifluperidol	Triperidol
Triflupromazine	Vetame, Vesprin
Trimipramine	Surmontil
Tubocurarine (Curare)	Metubina
Tybamate	Benvil, Nospan, etc.
Urethane	
<u>Valdecocixib</u>	
Valnoctamide	Nirvanyl
Venlafaxine	Effexor
Veralipride	Accional, Veralipril
Vercuronium	Norcuron
Viloxazine	Catamol, Vivalan, etc.
Vinbarbital	Delvinol
Vinylbital	Optanox, Speda
Yohimbine	
<u>Zaleplon</u>	<u>Sonata</u>
<u>Ziprasidone</u>	<u>Geodon</u>
Zolazepam	
Zolpidem	Ambien, Stilnox
<u>Zomepirac</u>	<u>Zomax</u>
Zopiclone	Imovan
Zotepine	Lodopin
Zuclopenthixol	Ciatyl, Cesordinol

(3) Class 3

Class 3 drugs are drugs/medication/foreign substances that may or may not have generally accepted medical use in the racing horse, but the pharmacology of which suggests less potential to affect performance than class 2 drugs.

Drug	Trade Name
Acebutolol	Sectral
Acepromazine	Atrovet, Notensil, PromAce®
Albuterol (Salbutamol)	Proventil, Ventolin
<u>Almotriptan</u>	<u>Axert</u>
Alprenolol	
Ambenonium	Mytelase, Myeuran
Aminophylline	Aminophyllin, etc.
<u>Amitraz</u>	<u>Mitaban</u>
Amlodipine	Norvasc
Amyl nitrite	
Arecoline	
Atenolol	Tenormin
Atropine	
<u>Benazeprilat, Benazepril and MC-Tab</u>	<u>Lotensin</u>
Betaxolol	Kerlone
Bethanidine	Esbatal
Biperiden	Akineton
Bisoprolol	Zebeta, Bisobloc, etc.
Bitolterol	Effectin
<u>Bolasterone</u>	
<u>Boldione</u>	
Bretylium	Bretylol
Brimonidine	Alphagan
Bromfenac	Duract
Bromodiphenhydramine	
<u>Bufexamac</u>	
Bumetanide	Bumex
Butorphanol	Stadol, Torbugesic
<u>Calusterone</u>	
Candesartan	Atacand
Captopril	Capolen
Carazolol	Carbacel, Conduc-ton
Carbachol	Lentin, Doryl
Carbamezapine	Tegretol
Carbinoxamine	Clistin
Carteolol	Cartrol
Carvedilol	Coreg
<u>Celecoxib</u>	<u>Celebrex</u>
Cimeterol	
<u>Clemastine</u>	<u>Tavist</u>
Clenbuterol	Ventipulmin
Clonidine	Catapres
<u>Clostebol</u>	

Drug	Trade Name
Cyclandelate	Cyclospasmol
Cycrimine	Pagitane
<u>Danazol</u>	<u>Danocrine</u>
<u>Dehydrochloromethyltestosterone</u>	
<u>Deracoxib</u>	<u>Deremaxx</u>
<u>Desoxymethyltestosterone</u>	
Detomidine	Dormosedan
Dextropropoxyphene	Darvon
Diazoxide	Proglycem
<u>Diflunisal</u>	
Dimeflin	
Diphenhydramine	Benadryl
Dipyridamole	Persantine
<u>Divalproex</u>	<u>Depakote</u>
Dobutamine	Dobutrex
<u>Doxazosin</u>	
Doxylamine	Decapryn
Dyphylline	
Edrophonium	Tensilon
<u>Eletripan</u>	<u>Relpax</u>
Enalapril (metabolite enalaprilat)	Vasotec
<u>Ergoloid mesylates</u>	
Erthrityl tetranitrate	Cardilate
Esmolol	Brevibloc
Etamiphylline	
Ethacrynic Acid	Edecrin
<u>Ethosuximide</u>	<u>Zarontin</u>
<u>Ethylestrenol</u>	<u>Maxibolin, Organon</u>
Ethylnorepinephrine	Bronkephrine
<u>Etodolac</u>	<u>Lodine</u>
<u>Felbamate</u>	<u>Felbatol</u>
<u>Fenbufen</u>	<u>Cincopal</u>
Fenoldopam	Corlopam
<u>Fenoprofen</u>	<u>Nalfon</u>
Fenoterol	Berotec
Fenspiride	Respiride, Respan, etc.
<u>Fentiazac</u>	
<u>Flurbiprofen</u>	<u>Froben</u>
<u>Flufenamic Acid</u>	
<u>Fluoxymesterone</u>	<u>Halotestin</u>
Flupirtine	Katadolone
<u>Formebolone</u>	
Formoterol	Altram
<u>Fosinopril, Fosinoprilat</u>	<u>Monopril</u>
<u>Fosphenytoin</u>	<u>Cerebyx</u>
<u>Furazabol</u>	

Drug	Trade Name
Gabapentin	Neurontin
<u>Gestrinone</u>	
Glycopyrrolate	Robinul
Guanadrel	Hylorel
Guanethidine	Ismelin
Guanabenz	Wytensin
Heptaminol	Corofundol
Homatropine	Homapin
Hydralazine	Apresoline
<u>4-Hydroxytestosterone</u>	
<u>Ibutilide</u>	<u>Corvert</u>
<u>Iloprost</u>	<u>Ventavis</u>
<u>Indomethacin</u>	<u>Indocin</u>
Ipratropium	
Irbesarten	Avapro
Isoetharine	Bronkosol
Isosorbide dinitrate	Isordil
<u>Kebuzone</u>	
Ketorolac	Toradol
Labetalol	Normodyne
<u>Lamotrigine</u>	<u>Lamictal</u>
<u>Levobunolol</u>	<u>Betagan</u>
<u>Lisinopril</u>	<u>Prinivil, Zestril</u>
Losartan	Hyzaar
Mabuterol	
Mecamylamine	Inversine
Medetomidine	Domitor
<u>Mefenamic Acid</u>	<u>Ponstel</u>
<u>Mestanolone</u>	
<u>Mesterolone</u>	
Metaproterenol	Alupent, Metaprel
<u>Metenolone</u>	
Methachloline	
<u>Methandienone</u>	
<u>Methandriol</u>	<u>Proboldic</u>
<u>Methasterone</u>	
Methixene	Trest
Methoxamine	Vasoxyl
Methoxyphenamine	Orthoxide
<u>Methsuximide</u>	<u>Celontin</u>
Methylatropine	
<u>Methyldienolone</u>	
Methyldopa	Aldomet
<u>Methylnortestosterone</u>	
<u>Methyltestosterone</u>	<u>Metandren</u>
<u>Methyl-1-testosterone</u>	
Metolazone	

Drug	Trade Name
Metoprolol	Lopressor
Mibefradil	Posicor
<u>Mibolerone</u>	
Midodrine	Pro-Amiline
Minoxidil	Loniten
Moexipril (metabolite moexiprilat)	Uniretic
Muscarine	
<u>Namumetone</u>	<u>Anthraxan, Relafen, Reflifex</u>
Nadol	Corgard
<u>Naloxone</u>	<u>Narcan</u>
<u>Naltrexone</u>	<u>Revia</u>
Naratriptan	Amerge
Nefopam	
Neostigmine	Prostigmine
<u>Niflumic Acid</u>	<u>Nifluril</u>
<u>Nimesulide</u>	
Nitroglycerin	
<u>19-Norandrostenediol</u>	
<u>19-Norandrostenedione</u>	
<u>Norbolethone</u>	
<u>Norclostebol</u>	
<u>Norethandrolone</u>	
<u>Nylidrine</u>	<u>Arlidin</u>
<u>Olmesartan</u>	<u>Benicar</u>
<u>Oxabolone</u>	
<u>Oxandrolone</u>	<u>Anavar</u>
<u>Oxcarbazepine</u>	<u>Trileptal</u>
Oxprenolol	Trasicor
<u>Oxymesterone</u>	
<u>Oxymetholone</u>	<u>Adroyd, Anadrol</u>
Papaverine	Pavagen, etc.
Paramethadione	Paradione
Pargyline	Eutonyl
Penbutolol	Levatol
Pentaerythritol tetranitrate	Duotrate
Pentazocine	Talwin
<u>Perindopril</u>	<u>Biprel</u>
Phenoxybenzamine	Dibenzylamine
Phentolamine	Regitine
Phenylephrine	Isophrin, Neo-Syn-ephine
Phenylpropanolamine	Propadrine
Physostigmine	Eserine
Pindolol	Viskin
Pirbuterol	Maxair
Piretanide	Arelix, Tauliz

Drug	Trade Name
<u>Piroxicam</u>	<u>Feldene</u>
Prazosin	Minipress
Primidone	Mysoline
Procaine	
Procaterol	Pro Air
Procyclidine	Kemadrin
Promazine	Sparine
Promethazine	Phenergan
Propentophylline	Karsivan
Propranolol	Inderal
<u>Prostanazol</u>	
Protokylol	Ventaire
Pseudoephedrine	Cenafed, Novafed
Pyridostigmine	Mestinon, Regonol
Pyrilamine	Neonatergan, Equihist
<u>((Racetopamine</u>	<u>Raylean))</u>
<u>Quinapril, Quinaprilat</u>	<u>Accupril</u>
<u>Quinbolone</u>	
<u>Ramipril, metabolite Ramiprilat</u>	<u>Altace</u>
Ritodrine	Yutopar
Rizatriptan	Maxalt
Salmeterol	
Scopolamine (Hyoscine)	Triptone
Sibutramine	Meridia
<u>Sildenafil</u>	<u>Viagra</u>
Sotalol	Betapace, Sotacor
<u>Spirapril, metabolite Spiraprilat</u>	<u>Renomax</u>
<u>Stenbolone</u>	
<u>Sulindac</u>	<u>Clinoril</u>
Sumatriptan	Imitrex
<u>Tadalasil</u>	<u>Cialis</u>
Telmisartan	Micardis
<u>Tenoxicam</u>	<u>Alganex, etc.</u>
<u>Tepoxalin</u>	
<u>Terazosin</u>	<u>Hytrin</u>
Terbutaline	Brethine, Bricanyl
Testolactone	Teslac
<u>Tetrahydrogestrinone</u>	
Theophylline	Aqualphyllin, etc.
<u>Tiaprofenic Acid</u>	<u>Surgam</u>
Timolol	Blocardrin
Tolazoline	Priscoline
<u>Tolmetin</u>	<u>Tolectin</u>
Torsemide (Torasemide)	Demadex
Trandolapril (and metabolite, Tran- dolaprilat)	Tarka

Drug	Trade Name
<u>Trenbolone</u>	<u>Finoplix</u>
Trihexylphenidyl	Artane
Trimethadione	Tridione
Trimethaphan	Arfonad
Tripelethamine	PBZ
<u>Valerenic Acid</u>	
Valsartan	Diovan
<u>Vardenafil</u>	<u>Levitra</u>
Xylazine	Rompun, Bay Va 1470
Zolmitriptan	Zomig
Zonisamide	Zonegran
<u>Δ-1-androstene-3, 17-diol</u>	
<u>Δ-1-androstene-3, 17-dione</u>	
<u>Δ-1-dihydrotestosterone</u>	

(4) Class 4

Class 4 drugs include therapeutic drugs/medications/foreign substances that would be expected to have less potential to affect the performance of a racing horse than class 3 drugs.

Drug	Trade Name
Acetaminophen (Paracetamol)	Tylenol, Tempra, etc.
Acetanilid	
Acetazolamide	Diamox, Vetamox
Acetophenetidin (Phenacetin)	
Acetylsalicylic acid (Aspirin)	
<u>((Aletofenae))</u>	
Aclomethasone	Aclovate
Aldosterone	Aldocortin, Electro cortin
Ambroxol	Ambril, etc.
Amcinonide	Cyclocort
<u>Amiloride</u>	<u>Moduretic; Midamor</u>
Aminocaproic <u>Acid</u>	Amicar, Caprocid
Aminodarone	
2-Aminoheptaine	Tuamine
Aminopyrine	
Amisometradine	Rolictron
Amlopidine	Norvasc, Ammivin
Amrinone	
Anisotropine	Valpin
Antipyrine	
Apazone (Azapropazone)	Rheumox
Aprindine	
Baclofen	Lioresal
Beclomethasone	Propaderm
Benazepril	Lotrel
Bendroflumethiazide	Naturetin

Drug	Trade Name
((Benoxaprofen))	
Benoxinate	Dorsacaine
Benzocaine	
Benzthiazide	
Bepridil	Bepadin
Betamethasone	Betasone, etc.
Bethanechol	Urecholine, Duvoid
Boldenone	Equipoise
Bromhexine	Oletor, etc.
Brompheniramine	Dimetane, Disomer
Budesonide	Pulmacort, Rhinocort
Butacaine	Butyn
Butamben (butyl aminobenzoate)	Butesin
Butoxycaine	Stadacain
((Calusterone Methosorb))	
Camphor	
((Carisoprodol Relo, Soma))	
Celecoxib Celebrex))	
<u>Carprofen</u>	<u>Rimadyl</u>
<u>Cetirizine</u>	<u>Zyrtec</u>
Chlormerodrin	Neohydrin
Chlorophenesin	Maolate
Chloroquine	Avloclor
Chlorothiazide	Diuril
Chlorpheniramine	Chlortriemton, etc.
Chlorthalidone	Hydroton
Chlorzoxazone	Paraflex
Cinchocaine	Nupercaine
<u>Clanobutin</u>	
Clibucaine	Batrax
Clidinium	Quarezan, Clindex, etc.
Clobetasol	Temovate
Clocortolone	Cloderm
Clofenamide	
Clormecaine	Placacid
Colchicine	
Cortisone	Cortone, etc.
Cyclizine	Merazine
Cyclobenzaprine	Flexeril
Cyclomethylcaine	Surfacaine
Cyclothiazide	Anhydron, Renazide
Cyproheptadine	Periactin
((Danazol Danocrine))	
Dantrolene	Dantrium
Dembroxol (Dembrexine)	Sputolysin

Drug	Trade Name
Deoxycorticosterone	Percortin, DOCA, Descotone, Dorcostrin
Desonite	Des Owen
Desoximetasone	Topicort
Dexamethasone	Azium, etc.
Dextromethorphan	
Dibucaine	Nupercainal, Cinchocaine
Dichlorphenamide	Daramide
Diclofenac	Voltaren, Voltarol
Diflorasone	Florone, Maxiflor
Diflucortolone	Flu-Cortinest, etc.
((Diflunisal))	
Digitoxin	Crystodigin
Digoxin	Lanoxin
Dihydroergotamine	
Diltiazem	Cardizem
Dimethisoquin	Quotane
Diphenoxylate	Difenoxin, Lomotil
Dipyron	Novin, Methampyrone
Disopyramide	Norpace
Dromostanolone	Drolban
Dyclonine	Dyclone
Eltenac	
Ergonovine	Ergotrate
Ergotamine	Gynergen, Cafergot, etc.
Etanercept	Enbrel
Ethoheptazine	Zactane
((Ethosuximide Zarontin))	
Ethotoin	Peganone
Ethoxzolamide	Cardrase, Ethamide
Ethylaminobenzoate (Benzocaine)	Semets, etc.
((Ethyloestrenol Maxibolin, Organon))	
Etodolac Lodine))	
Felodipine	Plendil
((Fenbufen Cineopal))	
Fenelozic acid Myalex	
Fenoprofen Nalfon))	
Fexofenadine	Allegra
<u>Firocoxib</u>	
Flecainide	Idalon
Floctafenine	Idalon, Idarac
Flucinolone	Synalar, etc.
Fludrocortisone	Alforone, etc.
((Flufenamic acid))	
Flumethasone	Flucort, etc.
Flumethiazide	Ademol

Drug	Trade Name
Flunarizine	Sibelium
Flunisolide	Bronilide, etc.
Flunixin	Banamine
Fluocinolone	Synalar
Fluocinonide	Licon, Lidex
<u>Fluorometholone</u>	<u>FML</u>
Fluoroprednisolone	Predef-2X
((Fluoxymesterone	Halotestin))
Fluprednisolone	Alphadrol
Flurandrenolide	Cordran
((Flurbiprofen	Froben))
Fluticasone	Flixonase, Flutide
Guaifenesin (glycerol guaiacolate)	Gecolate
Halcinonide	Halog
Halobetasol	Ultravate
Hexocyclium	Tral
Hexylcaine	Cyclaine
Hydrochlorthiazide	Hydrodiuril
Hydrocortisone (Cortisol)	Cortef, etc.
Hydroflumethiazide	Saluron
Ibuprofen	Motrin, Advil, Nurpin, etc.
((Indomethacin	Indocin))
Infliximab	Remicade
Isoflupredone	Predef
Isometheptene	Octin, Octon
Isopropamide	Darbid
((Isoxicam	Maxicam))
Isoxsuprine	Vasodilan
Isradipine	DynaCirc
Ketoprofen	Orudis
Letosteine	Viscotiol, Visiotal
((Loperamide	Imodium))
Loratidine	Claritin
Meclizine	Antivert, Bonine
Meclofenamic Acid	Arquel
Medrysone	Medriusar, etc.
((Mefenamic acid	Ponstel))
Meloxicam	Mobic
Mepenzolate	Cantil
Mephenesin	Tolserol
Meralluride	Mercuryhydrin
Merbaphen	Novasural
Mercaptomerin	Thiomerin
Mercumalilin	Cumertilin
Mersalyl	Salyrgan

Drug	Trade Name
Metaxalone	Skelaxin
((Methandriol	Probolie))
Methandrostenolone	Dianabol
Methantheline	Banthine
Methapyrilene	Histadyl, etc.
Methazolamide	Naptazane
Methdilazine	Tacaryl
Methocarbamol	Robaxin
Methotrexate	Folex, Nexate, etc.
Methscopolamine	Pamine
((Methsuximide	Celontin))
Methylchlorthiazide	Enduron
Methandrostenolone	Dianabol
Methylergonovine	Methergine
Methylprednisolone	Medrol
((Methyltestosterone	Metandren))
Methysergide	Sansert
Metiamide	
Metoclopramide	Reglan
Mexilitine	Mexilil
Milrinone	
Mometasone	Elocon
Montelukast	Singulair
((Nabumetone	Anthraxan, Relafen, Reliflex))
Naepaine	Amylsine
Nandrolone	Nandrolin, Laurabolin, Durabolin
Naphazoline	Privine
Naproxen	Equiproxen, Naprosyn
Nicardipine	Cardine
Nifedipine	Procardia
((Niflumic acid	Nifluril
Nimesulide))	
Nimodipine	Nemotop
Norethandrone	
Nortestosterone	Nemotop
<u>Olsalazine</u>	<u>Dipentum</u>
Orphenadrine	Norlfex
((Oxandrolone	Anavar))
Oxaprozin	Daypro, Deflam
Oxymetazoline	Afrin
((Oxymetholone	Adroyd, Anadrol))
Oxyphenbutazone	Tandearil
Oxyphenacylimine	Daricon
Oxyphenonium	Antrenyl
Paramethasone	Haldrone

Drug	Trade Name
Pentoxifylline	Trental, Vazofirin
Phenacemide	Phenurone
Phensuximide	Milontin
<u>Phenylbutazone</u>	
Phenytoin	Dilantin
((Piroxicam	Feldene))
Polythiazide	Renese
Pramoxine	Tronothaine
Prednisolone	Delta-Cortef, etc.
Prednisone	Meticorten, etc.
Probenecid	
Procainamide	Pronestyl
Propafenone	Rythmol
Proprantheline	Pro-Banthine
Proparacaine	Ophthaine
Propylhexedrine	Benzedrex
Quinidine	Quinidex, Quinocardine
((Rofecoxib	Vioxx))
Salicylamide	
Salicylate	
Spironalactone	Aldactone
Stanozolol	Winstrol-V
Sulfasalazine	Azulfidine, Azaline
((Sulindac	Clonit
Tenoxicam	Alganex, etc.))
Terfenadine	Seldane, Triludan
Testosterone	
Tetrahydrozoline	Tyzine
Theobromine	
Thiosalicylate	
Thiphenamil	Trocinate
((Tiaprofenic acid	Surgam))
Tocainide	Tonocard
((Tolmetin	Tolectin))
Tranexamic Acid	
((Trenbolone	Finoplix))
Triamcinolone	Vetalog, etc.
Triamterene	Dyrenium
Trichlormethiazide	Naqua, Naquason
((Tolmetin	Tolectin
Tranexamic acid))	
Tridihexethyl	Pathilon
Trimeprazine	Temaril
Triprolidine	Actidil
Tuaminoheptane	Tuamine
Vedaprofen	
Verapamil	Calan, Isoptin

Drug	Trade Name
Xylometazoline	Otrivin
Zafirlukast	Accolate
Zeranol	Ralgro
Zileuton	Zyflo
((Zomepirae	Zomax))

(5) Class 5

Class 5 drugs include those therapeutic medications for which concentration limits have generally been established by racing jurisdictions as well as certain miscellaneous agents such as DMSO and other medications.

Drug	Trade Name
Anisindione	
Cilostazol	Pletal
Cimetidine	Tagamet
Cromolyn	Intel
Dicumarol	Dicumarol
Dimethylsulfoxide (DMSO)	Domoso
Dimethylsulphone (MSM)	
Diphenadione	
<u>Esomeprazole</u>	<u>Nexium</u>
Famotidine	Gaster, etc.
Lansoprazole	
<u>Mesalamine</u>	<u>Asacol</u>
Misoprostel	Cytotec
Nedocromil	Tilade
Nizatidine	Axid
Omeprazole	Prilosec, Losec
<u>Pantoprazole</u>	<u>Protonix</u>
Phenindione	Hedulin
Phenprocoumon	Liquamar
Pirenzapine	Gastrozepin
Polyethylene glycol	
<u>Rabeprazole</u>	<u>Aciphex</u>
Ranitidine	Zantac
Warfarin	Coumadin, Coufarin

(6) Nonclassified substances

Nonclassified substances are considered to have no effect on the physiology of a horse, except to improve nutrition or treat or prevent infections or parasite infestations. These substances normally include antimicrobials, antiparasitic drugs, and nutrients such as vitamins.

WSR 08-03-052
PERMANENT RULES
GAMBLING COMMISSION

[Order 621—Filed January 11, 2008, 1:28 p.m., effective February 11, 2008]

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

Purpose: The filing explicitly authorizes the use of the Gold Crown and ZDI type electronic video pull-tab dispensers by incorporating prior commission decisions and more recent rule changes into a new rule. In effect, this maintains the status quo, but authorization would be explicit. The alternative also defines "cash."

Statutory Authority for Adoption: RCW 9.46.070.

Adopted under notice filed as WSR 07-24-018 on November 27, 2007, and published December 19, 2007.

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 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, 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 2, Amended 0, Repealed 0.

Date Adopted: January 11, 2008.

Susan Arland
Rules Coordinator

NEW SECTION

WAC 230-06-003 Defining "cash." "Cash," when used as a noun in this title, means currency in the form of coins or bills issued by the government of the United States or Canada only and does not include electronic, digital or other representations of money or other methods of payment.

ALTERNATIVE #1

NEW SECTION

WAC 230-14-047 Standards for electronic video pull-tab dispensers. Electronic video pull-tab dispensers must be approved by us prior to use, meet the requirements below, and may incorporate only the features below and not perform additional functions.

(1) Electronic video pull-tab dispensers must dispense a paper pull-tab as defined in WAC 230-14-010 and follow the rules for:

- (a) Pull-tabs; and
- (b) Flares; and
- (c) Authorized pull-tab dispensers.

(2) Electronic video pull-tab dispensers that use a reading and displaying function must:

(a) Use a video monitor for entertainment purposes only; and

(b) Open all, or a portion of, the pull-tab in order to read encoded data that indicates the win or loss of the pull-tab if the dispenser is equipped to automatically open pull-tabs; and

(c) Dispense the pull-tab to the player and not retain any portion of the pull-tab; and

(d) Read the correct cash award from the pull-tab either when it is dispensed or when the pull-tab is reinserted into the dispenser; and

(e) Display the cash award from the pull-tab, one pull-tab at a time; and

(f) Provide:

(i) An electronic accounting of the number of pull-tabs dispensed; and

(ii) A way to identify the software version and name; and

(iii) A way to access and verify approved components; and

(iv) Security on the dispenser to prevent unauthorized access to graphic and prize amount displays.

(3) Gift certificates or gift cards used in electronic video pull-tab dispensers must:

(a) Be purchased with cash, check or electronic point-of-sale bank transfer before use in the dispenser; and

(b) Be convertible to cash at any time during business hours; and

(c) Subtract the cash value for the purchase of the pull-tab one pull-tab at a time.

WSR 08-03-053
PERMANENT RULES
GAMBLING COMMISSION

[Order 622—Filed January 11, 2008, 1:33 p.m., effective February 11, 2008]

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

Purpose: This rule change allows manufacturers to package pull-tab series containing more than 10,000 tickets in multiple packages, boxes, or containers.

Statutory Authority for Adoption: RCW 9.46.070.

Adopted under notice filed as WSR 07-24-015 on November 27, 2007, and published December 19, 2007.

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 2, 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 2, Repealed 0.

Date Adopted: January 11, 2008.

Susan Arland
Rules Coordinator

AMENDATORY SECTION (Amending Order 614, filed 8/10/07, effective 1/1/08)

WAC 230-14-260 Inventory control. (1) Punch board and pull-tab operators must control and account for each punch board and pull-tab series they obtain. Operators must:

(a) Enter the ~~((Washington state-))~~I.D. ~~((stamp))~~ stamp numbers for the series in all records; and

(b) Attach the packing slip to the original invoice if the pull-tab series is packed in more than one container; and

(c) Record each pull-tab dispenser they purchase.

(2) Distributors must record every purchase of punch boards or pull-tabs on an invoice. Operators must use this record to account for each series between the time they purchase it and the time they remove it from play. Invoices must include space for the operator to attach:

(a) The I.D. stamp numbers for each board or series; and

(b) The date they placed the punch board or pull-tab series out for play.

(3) When operators receive punch boards or pull-tab series, they must ensure that the manufacturer or distributor recorded all required data by comparing the Washington state identification stamp number attached to each punch board and pull-tab series to the number recorded on the purchase invoice.

(4) Operators may use a separate computerized inventory record as long as they:

(a) Use an I.D. stamp or print a computer generated facsimile of the stamp number on the inventory record; and

(b) Record all other required information.

AMENDATORY SECTION (Amending Order 615, filed 9/17/07, effective 1/1/08)

WAC 230-16-060 Assembly and packaging of pull-tab series. When assembling and packaging a pull-tab series, manufacturers must:

(1) Place each pull-tab series in one packaging container, unless the number of tickets in the series exceeds 10,000. For pull-tab series that contain more than 10,000 tickets, manufacturers may package the pull-tab series in more than one container if they:

(a) Seal all containers with a sticker or seal and shrink wrap them; and

(b) Identically label each container with a referencing system that identifies at least:

(i) The series number; and

(ii) The total boxes per series; and

(iii) The I.D. stamp numbers; and

(c) Mark the cases to identify the contents during shipping, including:

(i) The series number; and

(ii) The total cases per set; and

(d) Package and ship each box or case together; and

(e) Package the packing slip and flare with one box of the series; and

(f) Ensure that no case, package, box or container shall be marked to make it distinguishable from any other case, package, box or container within the series; and

(2) Not assemble the winning and losing pull-tabs in a way that would allow prize manipulation; and

(3) Mix pull-tabs before placing them in their final container to ensure pull-tabs are separated from their original collated row position and dispersed among all rows in the container; and

(4) Place a packing slip inside the container with the name of manufacturer, series number, date of packaging, and the name or identification of the person who packaged the series. Manufacturers may print this information on the flare or the outside of the container. Manufacturers must have this information readily available if we request it; and

(5) Print on the outside of the container a message stating that operators must remove the pull-tabs from the container and thoroughly mix them before putting them out for play. Manufacturers must:

(a) Print the information on:

(i) A crack-and-peel sticker and place it on the outside of the packaging container; or

(ii) A packing slip placed inside the container; or

(b) Request our approval to exempt packages of jar tickets from this requirement.

WSR 08-03-061

PERMANENT RULES

DEPARTMENT OF HEALTH

[Filed January 14, 2008, 10:58 a.m., effective February 14, 2008]

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

Purpose: The purpose of this rule is to adopt the municipal water law passed by the Washington state legislature and the federal rule Long Term 2 Enhanced Surface Water Treatment Rule into chapter 246-290 WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 246-290-002 Guidance, 246-290-010 Definitions, 246-290-020 Applicability, 246-290-025 Adoption by reference, 246-290-100 Water system plan, 246-290-105 Small water system management program, 246-290-110 Project report, 246-290-120 Construction documents, 246-290-125 Project report and construction document submittal exceptions, 246-290-130 Source approval, 246-290-132 Interties, 246-290-135 Source water protection, 246-290-200 Design standards, 246-290-235 Distribution reservoirs, 246-290-300 Monitoring requirements, 246-290-310 Maximum contaminant levels (MCLs) and maximum residual disinfectant levels (MRDLs), 246-290-320 Follow-up action, 246-290-470 Uncovered distribution reservoirs, 246-290-480 Recordkeeping and reporting, 246-290-490 Cross-connection control, 246-290-601 Purpose of surface water treatment, 246-290-630 General requirements, 246-290-632 Treatment technique violations, 246-290-638 Follow-up to treatment technique violations, 246-290-639 SWTR records, 246-290-654 Treatment criteria for filtered systems, 246-290-660 Filtration, 246-290-664 Monitoring for filtered systems, 246-290-676 Filtration technology and design criteria, 246-290-690 Criteria to remain unfiltered, 246-290-692 Dis-

infection for unfiltered systems, 246-290-694 Monitoring for unfiltered systems, 246-290-71001 Public notification, 246-290-71005 Special public notification requirements, 246-290-72001 Purpose and applicability of the consumer confidence report requirements, 246-290-72005 Report contents—Information on detected contaminants, 246-290-72006 Report contents—Information on Cryptosporidium, radon, and other contaminants, 246-290-72007 Report contents—Compliance with National Primary Drinking Water Regulations, 246-290-72010 Report contents—Required additional health information, 246-290-72011 Report delivery and recordkeeping, 246-290-72012 Regulated contaminants, and 246-290-820 Distribution system leakage standard.

Statutory Authority for Adoption: RCW 70.119A.180 and 43.20.050.

Adopted under notice filed as WSR 07-20-031 on September 24, 2007.

Changes Other than Editing from Proposed to Adopted Version: **WAC 246-290-010 Definitions.**

Several minor clarifications were made to the definitions. They include:

Finished water: Clarified the language to be more reader friendly.

Flow-through fire protection system: Clarified the rule language to be more reader friendly.

Future service area: Added "or by the purveyor's elected governing board or governing body if not required under WAC 246-293-250" to the definition based on comments received to ensure it is clear that utilities not governed by the Water System Coordination Act may plan for the future and clarified to be more reader friendly.

Local plans and regulations: Added a definition for "local plans and regulations" to simplify the language in the rule and keep from repeating the same definition within individual sections.

Municipal water supply purposes: Modified the definition to replicate the statute more closely.

Retail service area: Added "This must include the municipal water supplier's existing service area and may also include areas where future water service is planned if the requirements of RCW 43.20.260 are met" based on comments received, to ensure all parts of the definition are located within the definition section and not in individual sections of the rule.

Service area: Changed from "wholesale service areas" to "include areas where water service is provided to other public water systems." based on comments received, because the term "wholesale service areas" is not defined.

Uncovered finished water storage reservoir: Clarified rule language to be more reader friendly.

Uniform Plumbing Code: Clarified the rule language.

WAC 246-290-100 Water system plan.

Subsection (4)(a)(iv), clarified all water systems must define a future service area.

Subsection (4)(b)(iii), clarified land use and zoning information must be provided for a water system's service area.

Subsection (4)(k)(iii), clarified that comments from all local governments with jurisdiction must be included in the water system plan.

Subsection (8)(b), clarified that the governing body approving the water system plan is the purveyor's governing body.

WAC 246-290-106 Duty to provide service.

Introduction statement and subsection (1)(d), replaced language with "local plans and regulations" because a definition of "local plans and regulations" was added to the definition section.

Subsection (2), removed introductory paragraph in subsection (2) because that language was added to the definition of "retail service area" in the definition section to keep the definitions in one section.

Subsection (4), removed "timely and reasonable" to clarify municipal water suppliers shall include service area policies and conditions of service. The timely and reasonable determination is made when those are compared to the request for service.

WAC 246-290-107 Place of use expansion.

Introduction statement, clarified that a service area must be designated in the approved department document in order for a water right place of use to be expanded.

Subsection (1)(b), replaced language with "local plans and regulations" because a definition of "local plans and regulations" was added to the definition section.

Subsection (2), clarified that the information must be included in the department planning or engineering document in which the water right place of use expansion is being proposed.

Subsection (2)(c), clarified that WAC 246-290-108 must be met for a water rights place of use to be expanded. This clarification ensures consistency with WAC 246-290-108.

WAC 246-290-108 Consistency with local plans and regulations.

Introduction statement, clarified that consistency is required prior to expanding a water rights place of use through a project report as outlined in WAC 246-290-110. Expansion of a water right place of use was already allowed in WAC 246-290-107.

Subsection (1), replaced language with "local plans and regulations" because a definition of "local plans and regulations" was added to the definition section.

Subsection (1)(a), added the word "zoning" to clarify the type of information municipal water suppliers must consider when completing a consistency review, based on comments received.

Subsection (2)(a), clarified to emphasize the requirements are for the municipal water supplier to request a review for the local government with jurisdiction and provide that information to the department, no place requirements on the local government.

WAC 246-290-110 Project report.

Subsection (4)(b)(ii), based on comments we received, we clarified that a water right place of use can be expanded through an engineering report as allowed in WAC 246-290-107.

A final cost-benefit analysis is available by contacting Michelle K. Austin, Department of Health, Office of Drink-

ing Water, P.O. Box 47822, Olympia, WA 98504-7822, phone (360) 236-3156, fax (360) 236-2253, e-mail michelle.austin@doh.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 13, Repealed 0; or Recently Enacted State Statutes: New 3, Amended 29, 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 42, 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 42, Repealed 0.

Date Adopted: January 14, 2008.

Mary C. Selecky
Secretary

AMENDATORY SECTION (Amending WSR 03-08-037, filed 3/27/03, effective 4/27/03)

WAC 246-290-002 Guidance. (1) The department has numerous guidance documents available to help purveyors comply with state and federal rules regarding drinking water. These include documents on the following subjects:

- (a) Compliance;
- (b) ~~((System management and financial assistance;~~
- ~~(c) Ground water protection;~~
- ~~(d) Growth management;~~
- ~~(e) Operations/maintenance;~~
- ~~(f) Operator certification;~~
- ~~(g) Water system planning;~~
- ~~(h) Monitoring and water quality;~~
- ~~(i) System approval;~~
- ~~(j) Small water systems;~~
- ~~(k) Water resources;~~
- ~~(l) Water system design; and~~
- ~~(m) General information.)) Consumer and public education:~~
- (c) Contaminants;
- (d) Cross-connection control and backflow prevention;
- (e) Emergency response and drinking water security;
- (f) Engineering design and water treatment;
- (g) Financial assistance and state revolving fund (SRF);
- (h) General information;
- (i) Ground water protection;
- (j) Growth management;
- (k) Operations and maintenance;
- (l) Operator certification;
- (m) Planning and financial viability;
- (n) Regulations;
- (o) Small water systems;
- (p) System approval;
- (q) Water quality monitoring and source protection;
- (r) Water system planning; and

(s) Water use efficiency.

(2) The department's guidance documents are available at minimal or no cost by contacting the ~~((division))~~ office of drinking water's publication service at ~~(((360) 236-3099))~~ 360-236-3100 or ~~(((800) 521-0323))~~ 800-521-0323. Individuals can also request the documents via the internet at <http://www.doh.wa.gov/ehp/dw> or through conventional mail at P.O. Box 47822, Olympia, Washington 98504-7822.

(3) Federal guidance documents are available from the Environmental Protection Agency (EPA) for a wide range of topics. These are available from the EPA Office of Ground Water and Drinking Water web site at www.epa.gov/safewater/index.html.

AMENDATORY SECTION (Amending WSR 07-02-025B, filed 12/22/06, effective 1/22/07)

WAC 246-290-010 Definitions. Abbreviations and acronyms:

- ADD** - average day demand;
- AG** - air gap;
- ANSI** - American National Standards Institute;
- ~~((**APWA** - American Public Works Association;~~
- ~~**ASCE** - American Society of Civil Engineers;))~~
- AVB** - atmospheric vacuum breaker;
- AWWA** - American Water Works Association;
- ~~((**BAT** - best available technology;))~~
- BAT** - backflow assembly tester ~~(((for WAC 246-29-490)))~~;
- C** - residual disinfectant concentration in mg/L;
- CCS** - cross-connection control specialist;
- CFR** - code of federal regulations;
- CPE** - comprehensive performance evaluation;
- CT** - the mathematical product in mg/L - minutes of "C" and "T";
- CTA** - comprehensive technical assistance;
- CWSSA** - critical water supply service area;
- DBPs** - disinfection by-products;
- DCDA** - double check detector assembly;
- DCVA** - double check valve assembly;
- DVGW** - Deutsche Vereinigung des Gas und Wasserfaches;
- EPA** - Environmental Protection Agency;
- ERU** - equivalent residential unit;
- gph** - gallons per hour;
- gpm** - gallons per minute;
- GAC** - granular activated carbon;
- GAC10** - granular activated carbon with ten-minute empty bed contact time based on average daily flow and one hundred eighty-day reactivation frequency;
- GWU** - ground water under the direct influence of surface water;
- HAA5** - haloacetic acids (five);
- HPC** - heterotrophic plate count;
- IAPMO** - International Association of Plumbing and Mechanical Officials;
- kPa** - kilo pascal (SI units of pressure);
- MCL** - maximum contaminant level;
- MDD** - maximum day demand;
- mg/L** - milligrams per liter (1 mg/L = 1 ppm);

mL - milliliter;
mm - millimeter;
MRDL - maximum residual disinfectant level;
MRDLG - maximum residual disinfectant level goal;
MTTP - maximum total trihalomethane potential;
NSF - NSF International (formerly known as the

National Sanitation Foundation (NSF));

NTNC - nontransient **noncommunity**;
NTU - nephelometric turbidity unit;
ONORM - Osterreichisches Normungsinstitut;
PAA - project approval application;
pCi/L - picocuries per liter;
PHD - peak hourly demand;
ppm - parts per million (1 ppm = 1 mg/L);
psi - pounds per square inch;
PVBA - pressure vacuum breaker assembly;
RPBA - reduced pressure backflow assembly;
RPDA - reduced pressure detector assembly;
SAL - state advisory level;
SCA - sanitary control area;
SDWA - Safe Drinking Water Act;
SEPA - State Environmental Policy Act;
SOC - synthetic organic chemical;
SMA - satellite management agency;
SPI - special purpose investigation;
SRF - state revolving fund;
SUVA - specific ultraviolet absorption;
SVBA - spill resistant vacuum breaker assembly;
SWTR - surface water treatment rule;
T - disinfectant contact time in minutes;
TTHM - total trihalomethane;
TNC - transient **noncommunity**;
TNTC - too numerous to count;
TOC - total organic carbon;
~~((**UBC** - Uniform Building Code;))~~
ug/L - micrograms per liter;
UL - Underwriters Laboratories, Inc.;
umhos/cm - micromhos per centimeter;
UPC - Uniform Plumbing Code;
UTC - utilities and transportation commission;
VOC - volatile organic chemical;
WAC - Washington Administrative Code;
WFI - water facilities inventory ~~((and report))~~ form;
WHPA - wellhead protection area; and
WUE - water use efficiency.

"**Acute**" means posing an immediate risk to human health.

"~~(Alternate)~~ **Alternative filtration technology**" means a filtration process for substantial removal of particulates (generally $> 2 \log$ *Giardia lamblia* cysts and ≥ 2 -log removal of *Cryptosporidium* oocysts) by other than conventional, direct, diatomaceous earth, or slow sand filtration processes.

"**Analogous treatment system**" means an existing water treatment system that has unit processes and source water quality characteristics that are similar to a proposed treatment system.

"**Approved air gap**" means a physical separation between the free-flowing end of a potable water supply pipeline and the overflow rim of an open or nonpressurized

receiving vessel. To be an air gap approved by the department, the separation must be at least:

Twice the diameter of the supply piping measured vertically from the overflow rim of the receiving vessel, and in no case be less than one inch, when unaffected by vertical surfaces (sidewalls); and:

Three times the diameter of the supply piping, if the horizontal distance between the supply pipe and a vertical surface (sidewall) is less than or equal to three times the diameter of the supply pipe, or if the horizontal distance between the supply pipe and intersecting vertical surfaces (sidewalls) is less than or equal to four times the diameter of the supply pipe and in no case less than one and one-half inches.

"**Approved atmospheric vacuum breaker (AVB)**" means an AVB of make, model, and size that is approved by the department. AVBs that appear on the current approved backflow prevention assemblies list developed by the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research or that are listed or approved by other nationally recognized testing agencies (such as IAPMO, ANSI, or UL) acceptable to the ~~((local administrative))~~ authority having jurisdiction are considered approved by the department.

"**Approved backflow preventer**" means an approved air gap, an approved backflow prevention assembly, or an approved AVB. The terms "approved backflow preventer," "approved air gap," or "approved backflow prevention assembly" refer only to those approved backflow preventers relied upon by the purveyor for the protection of the public water system. The requirements of WAC 246-290-490 do not apply to backflow preventers installed for other purposes.

"**Approved backflow prevention assembly**" means an RPBA, RPDA, DCVA, DCDA, PVBA, or SVBA of make, model, and size that is approved by the department. Assemblies that appear on the current approved backflow prevention assemblies list developed by the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research or other entity acceptable to the department are considered approved by the department.

"**As-built drawing**" means the drawing created by an engineer from the collection of the original design plans, including changes made to the design or to the system, that reflects the actual constructed condition of the water system.

"**Authority having jurisdiction**" (formerly known as local administrative authority) means the local official, board, department, or agency authorized to administer and enforce the provisions of the Uniform Plumbing Code as adopted under chapter 19.27 RCW.

"**Authorized agent**" means any person who:

Makes decisions regarding the operation and management of a public water system whether or not he or she is engaged in the physical operation of the system;

Makes decisions whether to improve, expand, purchase, or sell the system; or

Has discretion over the finances of the system.

"**Authorized consumption**" means the volume of metered and unmetered water used for municipal water supply purposes by consumers, the purveyor, and others authorized to do so by the purveyor, including, but not limited to, fire fighting and training, flushing of mains and sewers, street

cleaning, and watering of parks and landscapes. These volumes may be billed or unbilled.

"Average day demand (ADD)" means the total quantity of water use from all sources of supply as measured or estimated over a calendar year divided by three hundred sixty-five. ADD is typically expressed as gallons per day (gpd) per equivalent residential unit (ERU) (~~((gpd/ERU))~~).

"Backflow" means the undesirable reversal of flow of water or other substances through a cross-connection into the public water system or consumer's potable water system.

"Backflow assembly tester" means a person holding a valid BAT certificate issued ~~((in accordance with))~~ under chapter 246-292 WAC.

"Backpressure" means a pressure (caused by a pump, elevated tank or piping, boiler, or other means) on the consumer's side of the service connection that is greater than the pressure provided by the public water system and which may cause backflow.

"Backsiphonage" means backflow due to a reduction in system pressure in the purveyor's distribution system and/or consumer's water system.

"Bag filter" means a pressure-driven separation device that removes particulate matter larger than 1 micrometer using an engineered porous filtration media. They are typically constructed of a nonrigid, fabric filtration media housed in a pressure vessel in which the direction of flow is from the inside of the bag to outside.

"Bank filtration" means a water treatment process that uses a well to recover surface water that has naturally infiltrated into ground water through a river bed or bank(s). Infiltration is typically enhanced by the hydraulic gradient imposed by a nearby pumping water supply or other well(s).

"Best available technology ((BAT))" means the best technology, treatment techniques, or other means that EPA finds, after examination for efficacy under field conditions, are available, taking cost into consideration.

"Blended sample" means a sample collected from two or more individual sources at a point downstream of the confluence of the individual sources and prior to the first connection.

"C" means the residual disinfectant concentration in mg/L at a point before or at the first consumer.

"Cartridge filter" means a pressure-driven separation device that removes particulate matter larger than 1 micrometer using an engineered porous filtration media. They are typically constructed as rigid or semi-rigid, self-supporting filter elements housed in pressure vessels in which flow is from the outside of the cartridge to the inside.

"Category red operating permit" means an operating permit identified under chapter 246-294 WAC. Placement in this category results in permit issuance with conditions and a determination that the system is inadequate.

"Chemical contaminant treatment facility" means a treatment facility specifically used for the purpose of removing chemical contaminants.

"Clarification" means a treatment process that uses gravity (sedimentation) or dissolved air (flotation) to remove flocculated particles.

"Closed system" means any water system or portion of a water system in which water is transferred to a higher pres-

sure zone closed to the atmosphere, such as when no gravity storage is present.

"Coagulant" means a chemical used in water treatment to destabilize particulates and accelerate the rate at which they aggregate into larger particles.

"Coagulation" means a process using coagulant chemicals and rapid mixing to destabilize colloidal and suspended particles and agglomerate them into flocs.

"Combination fire protection system" means a fire sprinkler system that:

Is supplied only by the purveyor's water;

Does not have a fire department pumper connection; and

Is constructed of approved potable water piping and materials that serve both the fire sprinkler system and the consumer's potable water system.

"Completely treated water" means water from a surface water source, or a ground water source under the direct influence of surface water (GWI) source that receives filtration or disinfection treatment that fully complies with the treatment technique requirements of Part 6 of this chapter as determined by the department.

"Composite sample" means a sample in which more than one source is sampled individually by the water system and then composited by a certified laboratory by mixing equal parts of water from each source (up to five different sources) and then analyzed as a single sample.

"Comprehensive monitoring plan" means a schedule that describes both the frequency and appropriate locations for sampling of drinking water contaminants as required by state and federal rules.

"Comprehensive performance evaluation (CPE)" means a thorough review and analysis of a treatment plant's performance-based capabilities and associated administrative, operation and maintenance practices. It is conducted to identify factors that may be adversely impacting a plant's capability to achieve compliance and emphasizes approaches that can be implemented without significant capital improvements. The comprehensive performance evaluation must consist of at least the following components: Assessment of plant performance; evaluation of major unit processes; identification and prioritization of performance limiting factors; assessment of the applicability of comprehensive technical assistance; and preparation of a CPE report.

"Comprehensive technical assistance (CTA)" means technical assistance intended to identify specific steps that may help a water treatment plant overcome operational or design limitations identified during a comprehensive performance evaluation.

"Confirmation" means to demonstrate the accuracy of results of a sample by analyzing another sample from the same location within a reasonable period of time, generally not to exceed two weeks. Confirmation is when analysis results fall within plus or minus thirty percent of the original sample results.

"Confluent growth" means a continuous bacterial growth covering a portion or the entire filtration area of a membrane filter in which bacterial colonies are not discrete.

"Construction completion report" means a form provided by the department and completed for each specific construction project to document:

- Project construction in accordance with this chapter and general standards of engineering practice;
- Physical capacity changes; and
- Satisfactory test results.

The completed form must be stamped with an engineer's seal, and signed and dated by a professional engineer.

"Consumer" means any person receiving water from a public water system from either the meter, or the point where the service line connects with the distribution system if no meter is present. For purposes of cross-connection control, "consumer" means the owner or operator of a water system connected to a public water system through a service connection.

"Consumer's water system," as used in WAC 246-290-490, means any potable and/or industrial water system that begins at the point of delivery from the public water system and is located on the consumer's premises. The consumer's water system includes all auxiliary sources of supply, storage, treatment, and distribution facilities, piping, plumbing, and fixtures under the control of the consumer.

"Contaminant" means a substance present in drinking water that may adversely affect the health of the consumer or the aesthetic qualities of the water.

"Contingency plan" means that portion of the wellhead protection program section of the water system plan or small water system management program that addresses the replacement of the major well(s) or wellfield in the event of loss due to ground water contamination.

"Continuous monitoring" means determining water quality with automatic recording analyzers that operate without interruption twenty-four hours per day.

"Conventional filtration treatment" means a series of processes including coagulation, flocculation, clarification, and filtration that together result in substantial particulate removal in compliance with Part 6 of this chapter.

"Cost-effective" means the benefits exceed the costs.

"Council" means the Washington state building code council under WAC 51-04-015(2).

"Critical water supply service area (CWSSA)" means a geographical area which is characterized by a proliferation of small, inadequate water systems, or by water supply problems which threaten the present or future water quality or reliability of service in a manner that efficient and orderly development may best be achieved through coordinated planning by the water utilities in the area.

"Cross-connection" means any actual or potential physical connection between a public water system or the consumer's water system and any source of nonpotable liquid, solid, or gas that could contaminate the potable water supply by backflow.

"Cross-connection control program" means the administrative and technical procedures the purveyor implements to protect the public water system from contamination via cross-connections as required in WAC 246-290-490.

"Cross-connection control specialist" means a person holding a valid CCS certificate issued ~~((in accordance with))~~ under chapter 246-292 WAC.

"Cross-connection control summary report" means the annual report that describes the status of the purveyor's cross-connection control program.

"CT" or **"CTcalc"** means the product of "residual disinfectant concentration" (C) and the corresponding "disinfectant contact time" (T) i.e., "C" x "T."

"CT_{99.9}" means the CT value required for 99.9 percent (3 log) inactivation of *Giardia lamblia* cysts.

"CTreq" means the CT value a system shall provide to achieve a specific percent inactivation of *Giardia lamblia* cysts or other pathogenic organisms of health concern as directed by the department.

"Curtailement" means short-term, infrequent actions by a purveyor and its consumers to reduce their water use during or in anticipation of a water shortage.

"Dead storage" means the volume of stored water not available to all consumers at the minimum design pressure ~~((in accordance with))~~ under WAC 246-290-230 (5) and (6).

"Demand forecast" means an estimate of future water system water supply needs assuming historically normal weather conditions and calculated using numerous parameters, including population, historic water use, local land use plans, water rates and their impacts on consumption, employment, projected water use efficiency savings from implementation of a water use efficiency program, and other appropriate factors.

"Department" means the Washington state department of health or health officer as identified in a joint plan of operation ~~((in accordance with))~~ under WAC 246-290-030(1).

"Design and construction standards" means department design guidance and other peer reviewed documents generally accepted by the engineering profession as containing fundamental criteria for design and construction of water facility projects. Design and construction standards are comprised of performance and sizing criteria and reference general construction materials and methods.

"Diatomaceous earth filtration" means a filtration process for substantial removal of particulates (> 2 log *Giardia lamblia* cysts) in which:

A precoat cake of graded diatomaceous earth filter media is deposited on a support membrane (septum); and

Water is passed through the cake on the septum while additional filter media, known as body feed, is continuously added to the feed water to maintain the permeability of the filter cake.

"Direct filtration" means a series of processes including coagulation, flocculation, and filtration (but excluding sedimentation) that together result in substantial particulate removal in compliance with Part 6 of this chapter.

"Direct service connection" means a service hookup to a property that is contiguous to a water distribution main and where additional distribution mains or extensions are not needed to provide service.

"Disinfectant contact time (T in CT)" means: When measuring the first or only C, the time in minutes it takes water to move from the point of disinfectant application to a point where the C is measured; and

For subsequent measurements of C, the time in minutes it takes water to move from one C measurement point to the C measurement point for which the particular T is being calculated.

"Disinfection" means the use of chlorine or other agent or process the department approves for killing or inactivating

microbiological organisms, including pathogenic and indicator organisms.

"Disinfection profile" means a summary of *Giardia lamblia* inactivation through a surface water treatment plant.

"Distribution coliform sample" means a sample of water collected from a representative location in the distribution system at or after the first service and analyzed for coliform presence in compliance with this chapter.

"Distribution-related projects" means distribution projects such as storage tanks, booster pump facilities, transmission mains, pipe linings, and tank coating. It does not mean source of supply (including interties) or water quality treatment projects.

~~("Distribution reservoir" means a water storage structure that is integrated with a water system's distribution network to provide for variable system demands including, but not limited to, daily equalizing storage, standby storage, or fire reserves, or to provide for disinfectant contact time.)~~

"Distribution system" means all piping components of a public water system that serve to convey water from transmission mains linked to source, storage and treatment facilities to the consumer excluding individual services.

"Domestic or other nondistribution system plumbing problem," means contamination of a system having more than one service connection with the contamination limited to the specific service connection from which the sample was taken.

~~("Drinking water state revolving fund (DWSRF)" means the revolving loan program financed by the state and federal governments and managed by the state for the purpose of assisting water systems to meet their capital needs associated with complying with the federal Safe Drinking Water Act.)~~

"Duplicate (verification) sample" means a second sample collected at the same time and location as the first sample and used for verification.

"Elected governing board" means the elected officers with ultimate legal responsibility for operational, technical, managerial, and financial decisions for a public water system.

"Emergency" means an unforeseen event that causes damage or disrupts normal operations and requires immediate action to protect public health and safety.

"Emergency source" means any source that is approved by the department for emergency purposes only, is not used for routine or seasonal water demands, is physically disconnected, and is identified in the purveyor's emergency response plan.

"Engineering design review report" means a form provided by the department and completed for a specific distribution-related project to document:

- Engineering review of a project report and/or construction documents under the submittal exception process in ~~(accordance with)~~ WAC 246-290-125(3); and
- Design in accordance with this chapter and general standards of engineering practice.

The completed form must be stamped with engineer's seal, and signed and dated by a professional engineer.

"Equalizing storage" means the volume of storage needed to supplement supply to consumers when the peak hourly demand exceeds the total source pumping capacity.

"Equivalent residential unit (ERU)" means a system-specific unit of measure used to express the amount of water consumed by a typical full-time single family residence.

"Existing service area" means a specific area within which direct service or retail service connections to customers of a public water system are currently available.

"Expanding public water system" means a public water system installing additions, extensions, changes, or alterations to their existing source, transmission, storage, or distribution facilities that will enable the system to increase in size its existing service area and/or its number of approved service connections. Exceptions:

A system that connects new approved individual retail or direct service connections onto an existing distribution system within an existing service area; or

A distribution system extension in an existing service area identified in a current and approved water system plan or project report.

"Filter profile" means a graphical representation of individual filter performance in a direct or conventional surface water filtration plant, based on continuous turbidity measurements or total particle counts versus time for an entire filter run, from startup to backwash inclusively, that includes an assessment of filter performance while another filter is being backwashed.

"Filtration" means a process for removal of particulate matter from water by passage through porous media.

"Financial viability" means the capability of a water system to obtain sufficient funds to construct, operate, maintain, and manage a public water system, on a continuing basis, in full compliance with federal, state, and local requirements.

"Finished water" means water introduced into a public water system's distribution system and is intended for distribution and consumption without further treatment, except as treatment necessary to maintain water quality in the distribution system (e.g., booster disinfection, addition of corrosion control chemicals).

"Finished water storage facility" means a water storage structure that is integrated with a water system's distribution network to provide for variable system demands including, but not limited to, daily equalizing storage, standby storage, or fire reserves, or to provide for disinfectant contact time.

"Fire flow" means the maximum rate and duration of water flow needed to suppress a fire under WAC 246-293-640 or as required under local fire protection authority standards.

"Fire suppression storage" means the volume of stored water available during fire suppression activities to satisfy minimum pressure requirements per WAC 246-290-230.

"First consumer" means the first service connection associated with any source (i.e., the point where water is first withdrawn for human consumption, excluding connections where water is delivered to another water system covered by these regulations).

"Flocculation" means a process enhancing agglomeration and collection of colloidal and suspended particles into larger, more easily settleable or filterable particles by gentle stirring.

"Flowing stream" means a course of running water flowing in a definite channel.

"Flow-through fire protection system" means a fire sprinkler system that:

Is supplied only by the purveyor's water;

Does not have a fire department pumper connection;

Is constructed of approved potable water piping and materials to which sprinkler heads are attached; and

Terminates at a connection to a toilet or other plumbing fixture to prevent ~~((the water from becoming))~~ stagnant water.

"Forecasted demand characteristics" means the factors that may affect a public water system's projected water needs.

"Future service area" means a specific area a public water system plans to provide water service. This is determined by a written agreement between purveyors under WAC 246-293-250 or by the purveyor's elected governing board or governing body if not required under WAC 246-293-250.

"Governing body" means the individual or group of individuals with ultimate legal responsibility for operational, technical, managerial, and financial decisions for a public water system.

"Grab sample" means a water quality sample collected at a specific instant in time and analyzed as an individual sample.

"Ground water under the direct influence of surface water (GWI)" means any water beneath the surface of the ground that the department determines has the following characteristics:

Significant occurrence of insects or other macroorganisms, algae, or large-diameter pathogens such as *Giardia lamblia* or, *Cryptosporidium*; or

Significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH closely correlating to climatological or surface water conditions where natural conditions cannot prevent the introduction of surface water pathogens into the source at the system's point of withdrawal.

"Guideline" means a department document assisting the purveyor in meeting a rule requirement.

"Health officer" means the health officer of the city, county, city-county health department or district, or an authorized representative.

"Heterotrophic Plate Count (HPC)" means a procedure to measure a class of bacteria that use organic nutrients for growth. The density of these bacteria in drinking water is measured as colony forming units per milliliter and is referred to as the HPC.

"High health cross-connection hazard" means a cross-connection ~~((which))~~ involving any substance that could impair the quality of potable water and create an actual public health hazard through injury, poisoning, or spread of disease ~~((by sewage, industrial liquids or waste))~~.

"Human consumption" means the use of water for drinking, bathing or showering, hand washing, food preparation, cooking, or oral hygiene.

"Hydraulic analysis" means the study of a water system's distribution main and storage network to determine

present or future adequacy for provision of service to consumers within the established design parameters for the system under peak flow conditions, including fire flow. The analysis is used to establish any need for improvements to existing systems or to substantiate adequacy of design for distribution system components such as piping, elevated storage, booster stations or similar facilities used to pump and convey water to consumers.

"Inactivation" means a process which renders pathogenic microorganisms incapable of producing disease.

"Inactivation ratio" means the ratio obtained by dividing CT_{calc} by CT_{req} .

"Incompletely treated water" means water from a surface or GWI source that receives filtration and/or disinfection treatment that does not fully comply with the treatment technique requirements of Part 6 of this chapter as determined by the department.

"In-line filtration" means a series of processes, including coagulation and filtration (but excluding flocculation and sedimentation) that together result in particulate removal.

"In-premises protection" means a method of protecting the health of consumers served by the consumer's potable water system, located within the property lines of the consumer's premises by the installation of an approved air gap or backflow prevention assembly at the point of hazard, which is generally a plumbing fixture.

"Intertie" means an interconnection between public water systems permitting the exchange or delivery of water between those systems.

"Lake or reservoir" means a natural or man-made basin or hollow on the earth's surface in which water collects or is stored that may or may not have a current or single direction of flow.

"Legionella" means a genus of bacteria containing species which cause a type of pneumonia called Legionnaires' Disease.

"Limited alternative to filtration" means a process that ensures greater removal and/or inactivation efficiencies of pathogenic organisms than would be achieved by the combination of filtration and chlorine disinfection.

~~((**"Local administrative authority"** means the local official, board, department, or agency authorized to administer and enforce the provisions of the Uniform Plumbing Code as adopted under chapter 19.27 RCW.))~~ **"Local plans and regulations"** means any comprehensive plan or development regulation adopted under chapter 36.70A RCW or any other applicable comprehensive plan, land use plan, or development regulation adopted by a city, town, or county for the applicable service area.

"Low ((health)) cross-connection hazard" means a cross-connection that could ~~((cause an impairment of))~~ impair the quality of potable water to a degree that does not create a hazard to the public health, but does adversely and unreasonably affect the aesthetic qualities of potable waters for domestic use.

"Major project" means all construction projects subject to ~~((SEPA in accordance with))~~ the State Environmental Policy Act (SEPA) under WAC 246-03-030 (3)(a) and include all surface water source development, all water system storage facilities greater than one-half million gallons,

new transmission lines longer than one thousand feet and larger than eight inches in diameter located in new rights of way and major extensions to existing water distribution systems involving use of pipes greater than eight inches in diameter, that are designed to increase the existing service area by more than one square mile.

"Mandatory curtailment" means curtailment required by a public water system of specified water uses and consumer classes for a specified period of time.

"Marginal costs" means the costs incurred by producing the next increment of supply.

"Maximum contaminant level (MCL)" means the maximum permissible level of a contaminant in water the purveyor delivers to any public water system user, measured at the locations identified under WAC 246-290-300, Table 3.

"Maximum contaminant level violation" means a confirmed measurement above the MCL and for a duration of time, where applicable, as outlined under WAC 246-290-310.

"Maximum day demand (MDD)" means the highest actual or estimated quantity of water that is, or is expected to be, used over a twenty-four hour period, excluding unusual events or emergencies. MDD is typically expressed as gallons per day per ERU (gpd/ERU).

"Membrane filtration" means a pressure or vacuum driven separation process in which particulate matter larger than 1 micrometer is rejected by an engineered barrier, primarily through a size-exclusion mechanism, and which has a measurable removal efficiency of a target organism that can be verified through the application of a direct integrity test. This definition includes the common membrane technologies of microfiltration, ultrafiltration, nanofiltration, and reverse osmosis.

"Monitoring waiver" means an action taken by the department under WAC 246-290-300 (4)(g) or ~~((7))~~ (8)(f) to allow a water system to reduce specific monitoring requirements based on a determination of low source vulnerability to contamination.

"Municipal water supplier" means an entity that supplies water for municipal water supply purposes.

"Municipal water supply purposes" means a beneficial use of water:

(a) For residential purposes through fifteen or more residential service connections or for providing residential use of water for a nonresidential population that is, on average, at least twenty-five people for at least sixty days a year;

(b) For governmental or governmental proprietary purposes by a city, town, public utility, district, county, sewer district, or water district; or

(c) Indirectly for the purposes in (a) or (b) of this definition through the delivery of treated or raw water to a public water system for such use.

(i) If water is beneficially used under a water right for the purposes listed in (a), (b), or (c) of this definition, any other beneficial use of water under the right generally associated with the use of water within a municipality is also for "municipal water supply purposes," including, but not limited to, beneficial use for commercial, industrial, irrigation of parks and open spaces, institutional, landscaping, fire flow, water system maintenance and repair, or related purposes(~~(=and)~~).

(ii) If a governmental entity holds a water right that is for the purposes listed in (a), (b), or (c) of this definition, its use of water or its delivery of water for any other beneficial use generally associated with the use of water within a municipality is also for "municipal water supply purposes," including, but not limited to, beneficial use for commercial, industrial, irrigation of parks and open spaces, institutional, landscaping, fire flow, water system maintenance and repair, or related purposes.

"Nested storage" means one component of storage is contained within the component of another.

"Nonacute" means posing a possible or less than immediate risk to human health.

"Nonresident" means a person having access to drinking water from a public water system, but who lives elsewhere. Examples include travelers, transients, employees, students, etc.

"Normal operating conditions" means those conditions associated with the designed, day-to-day provision of potable drinking water that meets regulatory water quality standards and the routine service expectations of the system's consumers at all times, including meeting fire flow demands. Operation under conditions such as power outages, floods, or unscheduled transmission or distribution disruptions, even if considered in the system design, are considered abnormal.

"Operational storage" means the volume of distribution storage associated with source or booster pump normal cycling times under normal operating conditions and is additive to the equalizing and standby storage components, and to fire flow storage if this storage component exists for any given tank.

"Peak hourly demand (PHD)" means the maximum rate of water use, excluding fire flow, that can be expected to occur within a defined service area over a continuous sixty minute time period. PHD is typically expressed in gallons per minute (gpm).

"Peak hourly flow" means, for the purpose of CT calculations, the greatest volume of water passing through the system during any one hour in a day.

"Performance criteria" means the level at which a system shall operate in order to maintain system reliability compliance, in accordance with WAC 246-290-420, and to meet consumers' reasonable expectations.

"Permanent residence" means any dwelling that is, or could reasonably be expected to be, occupied on a continuous basis.

"Permanent source" means a public water system supply source that is used regularly each year, and based on expected operational requirements of the system, will be used more than three consecutive months in any twelve-month period. For seasonal water systems that are in operation for less than three consecutive months per year, their sources shall also be considered to be permanent.

"Plant intake" means the works or structures at the head of a conduit through which water is diverted from a source (e.g., river or lake) into the treatment plant.

"Point of disinfectant application" means the point where the disinfectant is added, and where water downstream of that point is not subject to contamination by untreated surface water.

"Population served" means the number of persons, resident and nonresident, having immediate access to drinking water from a public water system, whether or not persons have actually consumed water from that system. The number of nonresidents shall be the average number of persons having immediate access to drinking water on days access was provided during that month. In the absence of specific population data, the number of residents shall be computed by multiplying the number of active services by two and one-half.

"Potable" means water suitable for drinking by the public.

"Potential GWI" means a source identified by the department as possibly under the influence of surface water, and includes, but is not limited to, all wells with a screened interval fifty feet or less from the ground surface at the well-head and located within two hundred feet of a surface water, and all Ranney wells, infiltration galleries, and springs.

"Premises isolation" means a method of protecting a public water system by installation of approved air gaps or approved backflow prevention assemblies at or near the service connection or alternative location acceptable to the purveyor to isolate the consumer's water system from the purveyor's distribution system.

"Presedimentation" means a preliminary treatment process used to remove gravel, sand, and other particulate material from the source water through settling before the water enters the primary clarification and filtration processes in a treatment plant.

"Pressure filter" means an enclosed vessel containing properly sized and graded granular media through which water is forced under greater than atmospheric pressure.

"Primary disinfection" means a treatment process for achieving inactivation of *Giardia lamblia* cysts, viruses, or other pathogenic organisms of public health concern to comply with the treatment technique requirements of Part 6 of this chapter.

"Primary standards" means standards based on chronic, nonacute, or acute human health effects.

"Primary turbidity standard" means an accurately prepared formazin solution or commercially prepared polymer solution of known turbidity (prepared in accordance with "standard methods") that is used to calibrate bench model and continuous turbidimeters (instruments used to measure turbidity).

"Project approval application (PAA)" means a department form documenting ownership of water system, design engineer for the project, and type of project.

"Protected ground water source" means a ground water source the purveyor shows to the department's satisfaction as protected from potential sources of contamination on the basis of hydrogeologic data and/or satisfactory water quality history.

"Public forum" means a meeting open to the general public that allows for their participation.

"Public water system" is defined and referenced under WAC 246-290-020.

"Purchased source" means water a purveyor purchases from a public water system not under the control of the purveyor for distribution to the purveyor's consumers.

"Purveyor" means an agency, subdivision of the state, municipal corporation, firm, company, mutual or cooperative association, institution, partnership, or person or other entity owning or operating a public water system. Purveyor also means the authorized agents of these entities.

"Reclaimed water" means effluent derived in any part from sewage from a wastewater treatment system that has been adequately and reliably treated, so that as a result of that treatment, it is suitable for beneficial use or a controlled use that would not otherwise occur, and it is no longer considered wastewater.

"Record drawings" means the drawings bearing the seal and signature of a professional engineer that reflect the modifications made to construction documents, documenting actual constructed conditions of the water system facilities.

"Recreational tract" means an area that is clearly defined for each occupant, but has no permanent structures with internal plumbing, and the area has been declared in the covenants or on the recorded plat in order to be eligible for reduced design considerations.

"Regional public water supplier" means a water system that provides drinking water to one, or more, other public water systems.

"Regularly" means four hours or more per day for four days or more per week.

"Removal credit" means the level (expressed as a percent or log) of *Giardia* and virus removal the department grants a system's filtration process.

"Repeat sample" means a sample collected to confirm the results of a previous analysis.

"Resident" means an individual living in a dwelling unit served by a public water system.

"Residual disinfectant concentration" means the analytical level of a disinfectant, measured in milligrams per liter, that remains in water following the application (dosing) of the disinfectant after some period of contact time.

"Retail service area" means the specific area defined by the municipal water supplier where the municipal water supplier has a duty to provide service to all new service connections. This area must include the municipal water supplier's existing service area and may also include areas where future water service is planned if the requirements of RCW 43.20.260 are met.

"Same farm" means a parcel of land or series of parcels that are connected by covenants and devoted to the production of livestock or agricultural commodities for commercial purposes and does not qualify as a **Group A** public water system.

"Sanitary survey" means a review, inspection, and assessment of a public water system by the department or department designee including, but not limited to: Source, facilities, equipment, administration and operation, maintenance procedures, monitoring, recordkeeping, planning documents and schedules, and management practices. The purpose of the survey is to evaluate the adequacy of the water system for producing and distributing safe and adequate drinking water.

"Satellite management agency (SMA)" means a person or entity that is approved by the department to own or operate public water systems on a regional or county-wide

basis without the necessity for a physical connection between the systems.

"Seasonal source" means a public water system source used on a regular basis, that is not a permanent or emergency source.

"Secondary standards" means standards based on factors other than health effects.

"Service area" means the specific area or areas a water system currently serves or plans to provide water service. This may be comprised of the existing service area, retail service area, future service area, and include areas where water is provided to other public water systems.

"Service connection" means a connection to a public water system designed to provide potable water to a single family residence, or other residential or nonresidential population. When the connection provides water to a residential population without clearly defined single family residences, the following formulas shall be used in determining the number of services to be included as residential connections on the WFI form:

Divide the average population served each day by two and one-half; or

Using actual water use data, calculate the total ERUs represented by the service connection in accordance with department design guidance.

In no case shall the calculated number of services be less than one.

"Severe health cross-connection hazard" means a cross-connection which could impair the quality of potable water and create an immediate, severe public health hazard through poisoning or spread of disease by contaminants from radioactive material processing plants, nuclear reactors, or wastewater treatment plants.

"Significant noncomplier" means a system that is violating or has violated department rules, and the violations may create, or have created an imminent or a significant risk to human health. The violations include, but are not limited to, repeated violations of monitoring requirements, failure to address an exceedance of permissible levels of regulated contaminants, or failure to comply with treatment technique standards or requirements.

"Simple disinfection" means any form of disinfection that requires minimal operational control in order to maintain the disinfection at proper functional levels, and that does not pose safety concerns that would require special care, equipment, or expertise. Examples include hypochlorination, UV-light, contactor chlorination, or any other form of disinfection practice that is safe to use and easy to routinely operate and maintain.

"Slow sand filtration" means a process involving passage of source water through a bed of sand at low velocity (generally less than 0.10 gpm/ft²) that results in substantial particulate removal (> 2 log *Giardia lamblia* cysts) by physical and biological mechanisms.

"Societal perspective" means a point of view that includes a broad spectrum of public benefits, including, but not limited to, enhanced system reliability; savings that result from delaying, deferring, or minimizing capital costs; and environmental benefits such as increased water in streams,

improvements in aquifer recharge and other environmental factors.

"Source meter" means a meter that measures total output of a water source over specific time periods.

"Source water" means untreated water that is not subject to recontamination by surface runoff and:

For unfiltered systems, enters the system immediately before the first point of disinfectant application; and

For filtered systems, enters immediately before the first treatment unit of a water treatment facility.

"Special purpose investigation (SPI)" means on-site inspection of a public water system by the department or designee to address a potential public health concern, regulatory violation, or consumer complaint.

"Special purpose sample" means a sample collected for reasons other than the monitoring compliance specified in this chapter.

"Spring" means a source of water where an aquifer comes in contact with the ground surface.

"Standard methods" means ~~(the 18th edition of)~~ the book, titled *Standard Methods for the Examination of Water and Waste Water*, jointly published by the American Public Health Association, American Water Works Association (AWWA), and Water Pollution Control Federation. This book is available through public libraries or may be ordered from AWWA, 6666 West Quincy Avenue, Denver, Colorado 80235. The edition to be used is that specified by EPA for the relevant drinking water parameter in 40 CFR Part 141.

"Standby storage" means the volume of stored water available for use during a loss of source capacity, power, or similar short-term emergency.

"State advisory level (SAL)" means a level established by the department and state board of health for a contaminant without an existing MCL. The SAL represents a level that when exceeded, indicates the need for further assessment to determine if the chemical is an actual or potential threat to human health.

"State board of health" and **"board"** means the board created by RCW 43.20.030.

"State building code" means the codes adopted by and referenced in chapter 19.27 RCW; the state energy code; and any other codes so designated by the Washington state legislature as adopted and amended by the council.

"State revolving fund (SRF)" means the revolving loan program financed by the state and federal governments and managed by the state for the purpose of assisting water systems to meet their capital needs associated with complying with the federal Safe Drinking Water Act under chapter 246-296 WAC.

"Subpart H System" see definition for **"surface water system."**

"Surface water" means a body of water open to the atmosphere and subject to surface runoff.

"Surface water system" means a public water system that uses in whole, or in part, source water from a surface supply, or ~~((ground water under the direct influence of surface water-))~~ GWI(+) supply. This includes systems that operate surface water treatment facilities, and systems that purchase "completely treated water" (as defined in this subsection). A "surface water system" is also referred to as a "Subpart H

System" in some federal regulatory language adopted by reference and the two terms are considered equivalent for the purposes of this chapter.

"**Susceptibility assessment**" means the completed Susceptibility Assessment Survey Form developed by the department to evaluate the hydrologic setting of the water source and assess its contribution to the source's overall susceptibility to contamination from surface activities.

"**Synthetic organic chemical (SOC)**" means a manufactured carbon-based chemical.

"**System capacity**" means the system's operational, technical, managerial, and financial capability to achieve and maintain compliance with all relevant local, state, and federal plans and regulations.

"**System physical capacity**" means the maximum number of service connections or equivalent residential units (ERUs) that the system can serve when considering the limitation of each system component such as source, treatment, storage, transmission, or distribution, individually and in combination with each other.

"**Time-of-travel**" means the time required for ground water to move through the water bearing zone from a specific point to a well.

"**Too numerous to count (TNTC)**" means the total number of bacterial colonies exceeds 200 on a 47-mm diameter membrane filter used for coliform detection.

"**Tracer study**" means a field study conducted to determine the disinfectant contact time, T, provided by a water system component, such as a clearwell or storage reservoir, used for *Giardia lamblia* cyst and virus inactivation. The study involves introducing a tracer chemical at the inlet of the contact basin and measuring the resulting outlet tracer concentration as a function of time.

"**Transmission line**" means pipes used to convey water from source, storage, or treatment facilities to points of distribution or distribution mains, and from source facilities to treatment or storage facilities. This also can include transmission mains connecting one section of distribution system to another section of distribution system as long as this transmission main is clearly defined on the plans and no service connections are allowed along the transmission main.

"**Treatment technique requirement**" means a department-established requirement for a public water system to provide treatment, such as filtration or disinfection, as defined by specific design, operating, and monitoring requirements. A "treatment technique requirement" is established in lieu of a primary MCL when monitoring for the contaminant is not economically or technologically feasible.

"**Trihalomethane (THM)**" means one of a family of organic compounds, named as derivatives of methane, where three of the four hydrogen atoms in methane are each substituted by a halogen atom in the molecular structure. THMs may occur when chlorine, a halogen, is added to water containing organic material and are generally found in water samples as disinfection by-products.

"**Turbidity event**" means a single day or series of consecutive days, not to exceed fourteen, when one or more turbidity measurement each day exceeds 5 NTU.

"**Two-stage lime softening**" means a process in which chemical addition and hardness precipitation occur in each of

two distinct unit clarification processes in series prior to filtration.

"**T10**" means the time it takes ten percent of the water passing through a system contact tank intended for use in the inactivation of *Giardia lamblia* cysts, viruses, and other microorganisms of public health concern, as determined from a tracer study conducted at peak hourly flow or from published engineering reports or guidance documents for similarly configured tanks.

"**Unapproved auxiliary water supply**" means a water supply (other than the purveyor's water supply) on or available to the consumer's premises that is either not approved for human consumption by the health agency having jurisdiction or is not otherwise acceptable to the purveyor.

~~("Uncovered distribution reservoir" means a distribution reservoir that is open, without a suitable water-tight roof or cover, where the potable water supply is exposed to external contaminants, including but not limited to people, birds, animals, and insects and will undergo no further treatment except for residual disinfection.)~~ "**Uncovered finished water storage facility**" means a tank, reservoir, or other facility used to store water, which will undergo no further treatment to reduce microbial pathogens except residual disinfection and is directly open to the atmosphere without a suitable water-tight roof or cover.

"**Uniform Plumbing Code**" means the code adopted under RCW 19.27.031(4) and ~~((amended))~~ implemented under chapter ~~((51-46))~~ 51-56 WAC. This code establishes statewide minimum plumbing standards applicable within the property lines of the consumer's premises.

"**Used water**" means water which has left the control of the purveyor.

"**Verification**" means to demonstrate the results of a sample to be precise by analyzing a duplicate sample. Verification occurs when analysis results fall within plus or minus thirty percent of the original sample.

"**Virus**" means a virus of fecal origin which is infectious to humans and transmitted through water.

"**Volatile organic chemical (VOC)**" means a manufactured carbon-based chemical that vaporizes quickly at standard pressure and temperature.

"**Voluntary curtailment**" means a curtailment of water use requested, but not required of consumers.

"**Waterborne disease outbreak**" means the significant occurrence of acute infectious illness, epidemiologically associated with drinking water from a public water system, as determined by the appropriate local health agency or the department.

"**Water demand efficiency**" means minimizing water use by the public water system's consumers through purveyor sponsored activities that may include, but are not limited to distributing water saving devices, providing rebates or incentives to promote water efficient technologies or by providing water audits to homes, businesses, or landscapes.

"**Water facilities inventory (WFI) form**" means the department form summarizing each public water system's characteristics.

"**Water right**" means a permit, claim, or other authorization, on record with or accepted by the department of ecol-

ogy, authorizing the beneficial use of water in accordance with all applicable state laws.

"Water right self-assessment" means an evaluation of the legal ability of a water system to use water for existing or proposed usages in conformance with state water right laws. The assessment may be done by a water system, a purveyor, the department of ecology, or any combination thereof.

"Watershed" means the region or area that:

Ultimately drains into a surface water source diverted for drinking water supply; and

Affects the physical, chemical, microbiological, and radiological quality of the source.

"Water shortage" means a situation during which the water supplies of a system cannot meet normal water demands for the system, including peak periods.

"Water shortage response plan" means a plan outlining policies and activities to be implemented to reduce water use on a short-term basis during or in anticipation of a water shortage.

"Water supply characteristics" means the factors related to a public water system's source of water supply that may affect its availability and suitability to provide for both short-term and long-term needs. Factors include, but are not limited to, source location, name of any body of water and water resource inventory area from which water is diverted or withdrawn, production capacity, the source's natural variability, the system's water rights for the source, and other legal demands on the source such as water rights for other uses, conditions established to protect species listed under the Endangered Species Act in 50 CFR 17.11; instream flow restrictions established under Title 173 WAC, and any conditions established by watershed plans approved under chapter 90.82 RCW and RCW 90.54.040(1) or salmon recovery plans under chapter 77.85 RCW.

"Water supply efficiency" means increasing a public water system's transmission, storage and delivery potential through activities that may include, but are not limited to system-wide water audits, documenting authorized uses, conducting leak surveys and repairs on meters, lines, storage facilities, and valves.

"Water use efficiency (WUE)" means increasing water supply efficiency and water demand efficiency to minimize water withdrawals and water use.

"Water use efficiency program" means policies and activities focusing on increasing water supply efficiency and water demand efficiency to minimize water withdrawals and water use.

"Well field" means a group of wells one purveyor owns or controls that:

Draw from the same aquifer or aquifers as determined by comparable inorganic chemical analysis and comparable static water level and top of the open interval elevations; and

Discharge water through a common pipe and the common pipe shall allow for collection of a single sample before the first distribution system connection.

"Wellhead protection area (WHPA)" means the portion of a well's, wellfield's or spring's zone of contribution defined (~~as such~~) using WHPA criteria established by the department.

"Zone of contribution" means the area surrounding a pumping well or spring that encompasses all areas or features that supply ground water recharge to the well or spring.

AMENDATORY SECTION (Amending WSR 99-07-021, filed 3/9/99, effective 4/9/99)

WAC 246-290-020 Applicability. (1) Public water system shall mean any system providing water for human consumption through pipes or other constructed conveyances, excluding a system serving only one single-family residence and a system with four or fewer connections all of which serve residences on the same farm. (~~Such~~) This term includes:

(a) Collection, treatment, storage, and/or distribution facilities under control of the purveyor and used primarily in connection with (~~such~~) the system; and

(b) Collection or pretreatment storage facilities not under control of the purveyor, but primarily used in connection with (~~such~~) the system.

(2) The rules of this chapter shall apply to all **Group A** public water systems except those systems meeting all of the following conditions:

(a) Consists only of distribution and/or storage facilities and does not have any source or treatment facilities;

(b) Obtains all water from, but is not owned by, a public water system where the rules of this chapter apply;

(c) Does not sell water directly to any person; and

(d) Is not a passenger-conveying carrier in interstate commerce.

(3) **Group A** public water systems meeting all of the provisions under subsection (2) of this section may be required by the department to comply with such provisions of this chapter as are necessary to resolve a public health concern if the department determines a public health threat exists or is suspected.

(4) A **Group A** system shall be defined as a public water system providing service such that it meets the definition of a public water system provided in the 1996 amendments to the federal Safe Drinking Water Act (Public Law 104-182, Section 101, subsection b).

(5) **Group A** water systems are further defined as **community** and **noncommunity** water systems.

(a) **Community** water system means any **Group A** water system providing service to fifteen or more service connections used by year-round residents for one hundred eighty or more days within a calendar year, regardless of the number of people, or regularly serving at least twenty-five year-round (i.e., more than one hundred eighty days per year) residents.

Examples of a **community** water system might include a municipality, subdivision, mobile home park, apartment complex, college with dormitories, nursing home, or prison.

(b) **Noncommunity** water system means a **Group A** water system that is not a **community** water system. **Noncommunity** water systems are further defined as:

(i) **Nontransient (NTNC)** water system that provides service opportunity to twenty-five or more of the same non-residential people for one hundred eighty or more days within a calendar year.

Examples of a NTNC water system might include a school, day care center, or a business, factory, motel, or restaurant with twenty-five or more employees on-site.

(ii) **Transient (TNC)** water system that serves:

(A) Twenty-five or more different people each day for sixty or more days within a calendar year;

(B) Twenty-five or more of the same people each day for sixty or more days, but less than one hundred eighty days within a calendar year; or

(C) One thousand or more people for two or more consecutive days within a calendar year.

Examples of a TNC water system might include a restaurant, tavern, motel, campground, state or county park, an

RV park, vacation cottages, highway rest area, fairground, public concert facility, special event facility, or church.

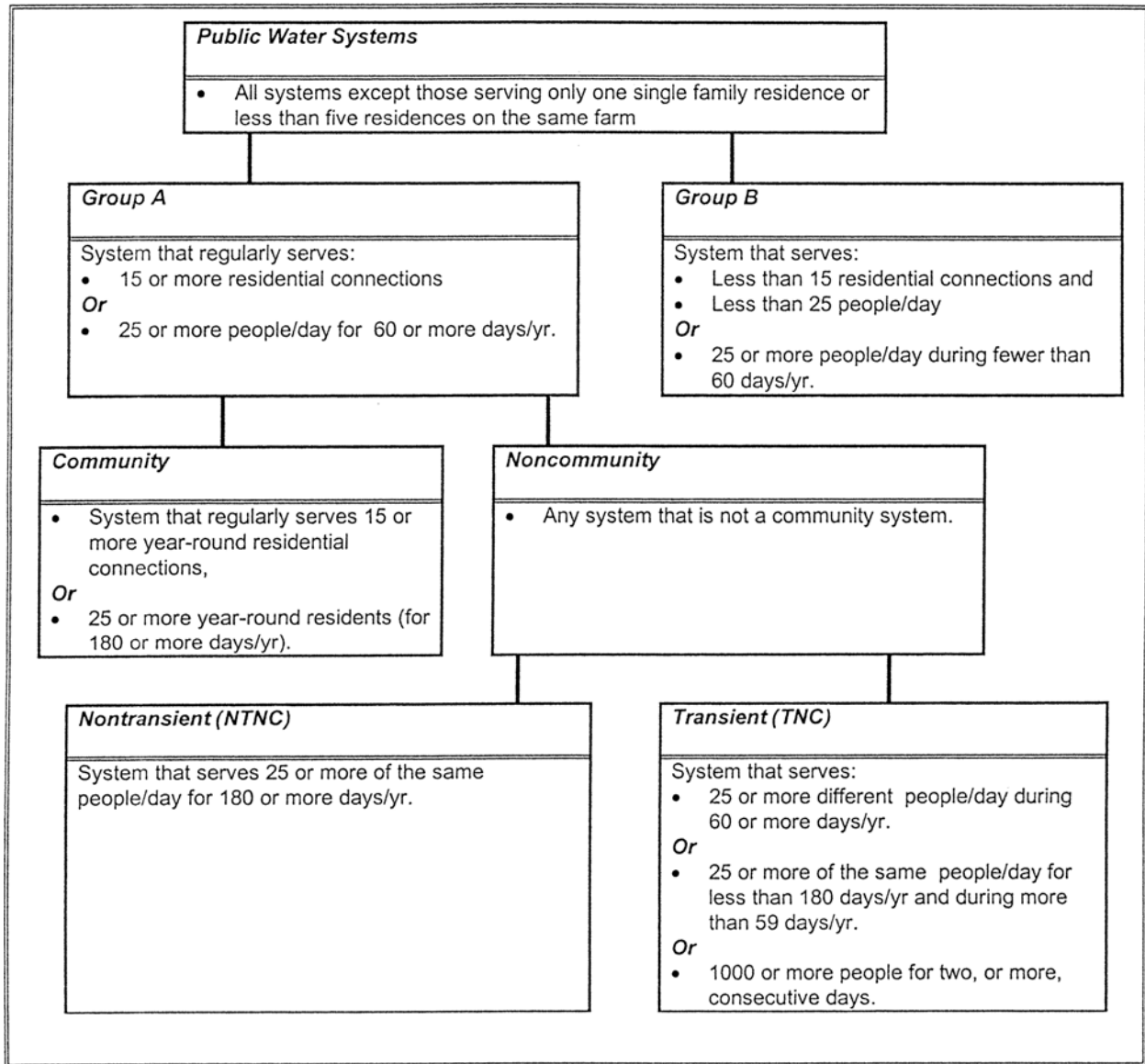
(c) A **Group B** water system is a public water system that does not meet the definition of a **Group A** water system. (See Table 1 and chapter 246-291 WAC for further explanation of a **Group B** water system.)

(6) A **Group A** system meeting more than one of the categories described in this section shall be classified by the department in the following order:

- (a) **Community** water system;
- (b) **NTNC** water system; or
- (c) **TNC** water system.

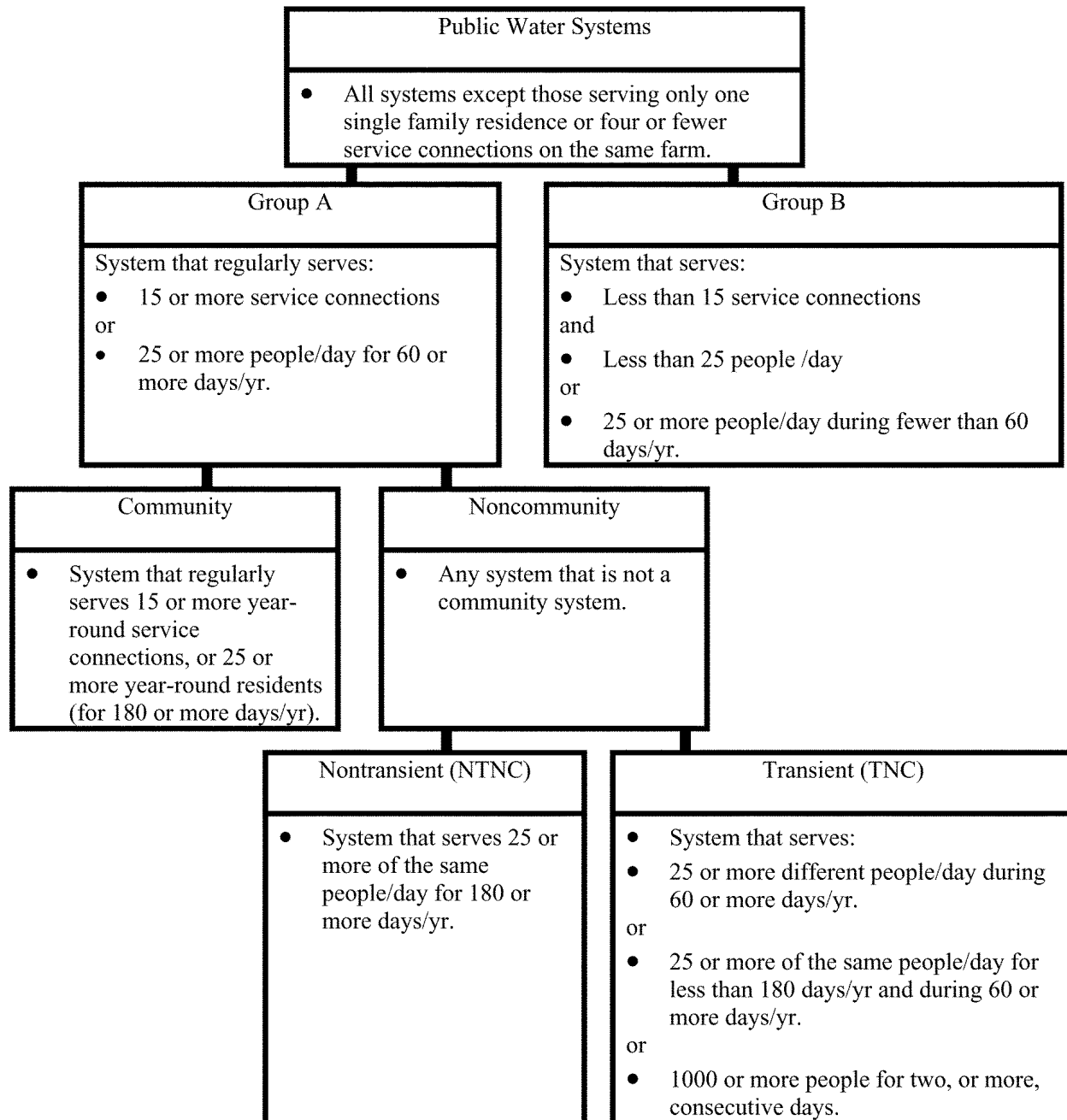
~~((Table 1))~~

~~((STRICKEN GRAPHIC))~~



~~STRICKEN GRAPHIC))~~

Table 1



AMENDATORY SECTION (Amending WSR 04-04-056, filed 1/30/04, effective 3/1/04)

WAC 246-290-025 Adoption by reference. The following sections and subsections of Title 40 Code of Federal Regulations (CFR) Part 141 National Primary Drinking Water Regulations revised as of July 1, ((2003)) 2007, and including all amendments and modifications thereto effective as of the date of adoption of this chapter are adopted by reference:

141.2 Definitions. Only those definitions listed as follows:

- Action level;
- Corrosion inhibitor;
- Effective corrosion inhibitor residual;
- Enhanced coagulation;
- Enhanced softening;
- Granular activated carbon (GAC10);

Haloacetic acids (five) (HAA5); First draw sample; Large water system; Lead service line; Maximum residual disinfectant level (MRDL); Maximum residual disinfectant level goal (MRDLG); Medium-size water system; Optimal corrosion control treatment; Service line sample; Single family structure; Small water system; Specific ultraviolet absorption (SUVA); and Total Organic Carbon (TOC).	141.65(c)	Best Available Technologies (BATs) for Maximum Residual Disinfectant Levels.
141.12 Maximum contaminant levels for organic chemicals.	141.66	Maximum contaminant levels for radionuclides.
141.13 Maximum contaminant levels for turbidity.		Control of Lead and Copper
141.21 Coliform monitoring.	141.80	General requirements.
141.22 Turbidity sampling and analytical requirements.	141.81	Applicability of corrosion control treatment steps to small, medium-size and large water systems.
141.23(a) - 141.23(j), Inorganic chemical sampling, excluding (i)(2)	141.82(a) -	141.82(h) Description of corrosion control treatment requirements.
141.23(m) - 141.23(o)	141.83	Source water treatment requirements.
141.24(a) - 141.24(d), Organic chemicals other than total trihalomethanes.	141.84	Lead service line replacement requirements.
141.24 (f)(1) - 141.24 (f)(15), 141.24 (f)(18), 141.24 (f)(19), 141.24 (f)(21), 141.24 (f)(22)	141.85	Public education and supplemental monitoring requirements.
141.24 (g)(1) - 141.24 (g)(9), 141.24 (g)(12) - 141.24 (g)(14), 141.24 (h)(1) - 141.24 (h)(11), 141.24 (h)(14) - 141.24 (h)(17)	141.86 (a) - (f)	Monitoring requirements for lead and copper in tap water.
141.24 (h)(20)	141.87	Monitoring requirements for water quality parameters.
141.25(a), 141.25 (c) - (d), Analytical methods for radioactivity.	141.88	Monitoring requirements for lead and copper in source water.
141.26 Monitoring frequency and compliance for radioactivity in community water systems.	141.89	Analytical methods for lead and copper testing.
141.31(d) Reporting of public notices and compliance certifications.	141.90,	Reporting requirements.
141.33(e) Record maintenance of public notices and certifications.	excluding (a)(4)	
(141.40(a) - 141.40(e), Special monitoring for inorganic and organic chemicals.	141.91	Recordkeeping requirements.
141.40(g), 141.40(i) - 141.40(n))		Disinfectants and Disinfection By-Products (D/DBP)
141.61 Maximum contaminant levels for organic contaminants.	141.130	General requirements.
141.62, Maximum contaminant levels for inorganic chemical and physical contaminants.	141.131	Analytical requirements.
141.64(c) Best Available Technologies (BATs) for Disinfection By-Products.	141.132	Monitoring requirements.
	141.133	Compliance.
	141.134	Reporting and recordkeeping.
	141.135	Treatment technique for control of disinfection by-product precursors.
		Enhanced Filtration - Reporting and Recordkeeping
	141.175(b)	Individual filter reporting and follow-up action requirements for systems treating surface water with conventional, direct, or in-line filtration and serving at least 10,000 people.
		<u>Subpart Q - Public Notification</u>
	141.201,	General public notification requirements.
	excluding (3)(ii) of Table 1	
	141.202,	Tier 1 Public Notice - Form, manner, and frequency of notice.
	excluding (3) of Table 1	
	141.203	Tier 2 Public Notice - Form, manner, and frequency of notice.

- 141.204 Tier 3 Public Notice - Form, manner, and frequency of notice.
- 141.205 Content of the public notice.
- 141.206 Notice to new billing units or new customers.
- 141.207 Special notice of the availability of unregulated contaminant monitoring results.
- 141.208 Special notice for exceedances of the SMCL for fluoride.

~~((Subpart Q - Public Notification Rule, Appendix A and B))~~

141.211 Special notice for *Cryptosporidium* monitoring failure.

Appendix A - NPDWR violations and situations requiring PN

Appendix B - Standard health effects language for PN

Subpart T - Enhanced Filtration and Disinfection - Systems Serving Fewer Than 10,000 People

- 141.530 - Disinfection profile and benchmark.
- 141.544

141.563 Follow-up actions required.

141.570, Reporting requirements.

excluding (c)

Subpart W - Enhanced Treatment for *Cryptosporidium*

141.700-722 Enhanced Treatment for *Cryptosporidium*

Part 143 - National Secondary Drinking Water Regulations

~~143.1((-- Secondary contaminants--))~~ Purpose.

~~143.4~~

143.2 Definitions.

143.3 Secondary maximum contaminant levels.

143.4 Monitoring.

Copies of the incorporated sections and subsections of Title 40 CFR are available from the Department of Health, ~~((Air Industrial Center Building 3,))~~ P.O. Box 47822, Olympia, Washington 98504-7822, or by calling the department's drinking water hotline at ~~((4--))~~800-521-0323.

AMENDATORY SECTION (Amending WSR 07-02-025B, filed 12/22/06, effective 1/22/07)

WAC 246-290-100 Water system plan. (1) The purpose of this section is to establish a uniform process for purveyors to:

(a) Demonstrate the system's operational, technical, managerial, and financial capability to achieve and maintain compliance with relevant local, state, and federal plans and regulations;

(b) Demonstrate how the system will address present and future needs in a manner consistent with other relevant plans and local, state, and federal laws, including applicable land use plans;

(c) Establish eligibility for funding under ~~((the drinking water state revolving fund (SRF)))~~ chapter 246-296 WAC.

(2) Purveyors of the following categories of community public water systems shall submit a water system plan for review and approval by the department:

(a) Systems having one thousand or more services;

(b) Systems required to develop water system plans under the Public Water System Coordination Act of 1977 (chapter 70.116 RCW);

(c) Any system experiencing problems related to planning, operation, and/or management as determined by the department;

(d) All new systems;

(e) Any expanding system; and

(f) Any system proposing to use the document submittal exception process in WAC 246-290-125.

(3) The purveyor shall work with the department ~~((and other parties))~~ to establish the level of detail for a water system plan. In general, the scope and detail of the plan will be related to size, complexity, water supply characteristics, forecasted demand characteristics, past performance, and use of the water system. Project reports may be combined with a water system plan.

(4) In order to demonstrate system capacity, the water system plan shall address the following elements, as a minimum, for a period of at least twenty years into the future:

(a) Description of the water system, including:

(i) Ownership and management, including the current names, addresses, and telephone numbers of the owners, operators, and emergency contact persons for the system;

(ii) System history and background;

(iii) Related plans, such as coordinated water system plans, abbreviated coordinated water system plans, local land use plans, ground water management plans, and basin plans;

(iv) Service area maps, characteristics, agreements, and policies. Water systems must include their existing service area and future service area. Municipal water suppliers must define their retail service area and meet the requirements under WAC 246-290-106. Municipal water suppliers must identify where their water rights place of use will be expanded to their service area if the requirements under WAC 246-290-107 have been met; and

(v) Satellite management, if applicable.

(b) Basic planning data, including:

(i) Current population, service connections, water use, and equivalent residential units; and

(ii) Sufficient water production and consumption data to identify trends including the following elements:

(A) Monthly and annual production totals for each source, including water purchased from another public water system;

(B) Annual usage totals for each customer class as determined by the purveyor;

(C) Annual usage totals for water supplied to other public water systems; and

(D) For systems serving one thousand or more total connections, a description of the seasonal variations in consumption patterns of each customer class defined by the purveyor.

(iii) ~~((Projected))~~ Designated land use, zoning, future population, and water demand for a consecutive six-year and twenty-year planning period within the water system's service area.

(c) Demand forecasts, developed under WAC 246-290-221, for a consecutive six-year and twenty-year planning

period. These shall show future use with and without savings expected from the system's water use efficiency program.

(d) For systems serving one thousand or more total connections, a demand forecast projecting demand if the measures deemed cost-effective per WAC 246-290-810 were implemented.

(e) System analysis, including:

- (i) System design standards;
- (ii) Water quality analysis;
- (iii) System inventory description and analysis; and
- (iv) Summary of system deficiencies.

(f) Water resource analysis, including:

(i) A water use efficiency program. Municipal water suppliers must meet the requirements in WAC 246-290-810;

(ii) Source of supply analysis, which includes:

(A) An evaluation of water supply alternatives if additional water rights will be pursued within twenty years; and

(B) A narrative description of the system's water supply characteristics and the foreseeable effect from current and future use on the water quantity and quality of any body of water from which its water is diverted or withdrawn based on existing data and studies;

(iii) A water shortage response plan ((if a water system experiences a water shortage, or anticipates it will experience a water shortage within the next six-year planning period)) as a component of the reliability and emergency response requirements under WAC 246-290-420;

(iv) Water right self-assessment;

(v) Water supply reliability analysis;

(vi) Interties; and

(vii) For systems serving one thousand or more total connections, an evaluation of opportunities for the use of reclaimed water, where they exist, as defined in RCW 90.46.010(4).

(g) Source water protection ~~((in accordance with))~~ under WAC 246-290-135.

(h) Operation and maintenance program ~~((in accordance with))~~ under WAC 246-290-415 and 246-290-654(5), as applicable.

(i) Improvement program, including a six-year capital improvement schedule.

(j) Financial program, including demonstration of financial viability by providing:

(i) A summary of past income and expenses;

(ii) A one-year balanced operational budget for systems serving one thousand or more connections or a six-year balanced operational budget for systems serving less than one thousand connections;

(iii) A plan for collecting the revenue necessary to maintain cash flow stability and to fund the capital improvement program and emergency improvements; and

(iv) An evaluation that has considered:

(A) The affordability of water rates; and

(B) The feasibility of adopting and implementing a rate structure that encourages water demand efficiency.

(k) Other documents, such as:

(i) Documentation of SEPA compliance;

(ii) Agreements; and

(iii) Comments from ~~((the county))~~ each local government with jurisdiction and adjacent utilities.

(5) Purveyors intending to implement the project report and construction document submittal exceptions authorized under WAC 246-290-125 must include:

(a) Standard construction specifications for distribution mains; and/or

(b) Design and construction standards for distribution-related projects, including:

(i) Description of project report and construction document internal review procedures, including engineering design review and construction completion reporting requirements;

(ii) Construction-related policies and requirements for external parties, including consumers and developers;

(iii) Performance and sizing criteria; and

(iv) General reference to construction materials and methods.

(6) The department, at its discretion, may require reports from purveyors identifying the progress in developing their water system plans.

(7) Purveyors shall transmit water system plans to adjacent utilities and each local government ~~((s having))~~ with jurisdiction, to assess consistency with ongoing and adopted planning efforts.

~~((For community systems, the purveyor shall hold an informational meeting for system consumers prior to departmental approval of a water system plan or a water system plan update. The purveyor shall notify consumers in a way that is appropriate to the size of the system.))~~ Prior to department approval of a water system plan or a water system plan update, the purveyor shall:

(a) Hold an informational meeting for the water system consumers and notify consumers in a way that is appropriate to the size of the water system; and

(b) Obtain the approval of the water system plan from the purveyor's governing body or elected governing board.

(9) Department approval of a water system plan shall be in effect for six years from the date of written approval unless:

(a) Major projects subject to SEPA as defined in WAC 246-03-030 (3)(a) are proposed that are not addressed in the plan;

(b) Changes occur in the basic planning data significantly affecting system improvements identified; or

(c) The department requests an updated plan or plan amendment.

(10) The purveyor shall update the plan and ~~((submit it for))~~ obtain department approval at least every six years. If the system no longer meets the conditions of subsection (2) of this section, the purveyor shall as directed by the department, either:

(a) Submit ((either)) a water system plan amendment for review and approval with the scope ((of which will)) to be determined by the department((-)); or ((a small water system management program))

(b) Meet the requirements under WAC 246-290-105.

AMENDATORY SECTION (Amending WSR 07-02-025B, filed 12/22/06, effective 1/22/07)

WAC 246-290-105 Small water system management program. (1) The purpose of a small water system management program is to:

(a) Demonstrate the system's operational, technical, managerial, and financial capability to achieve and maintain compliance with all relevant local, state, and federal plans and regulations; and

(b) Establish eligibility for funding under ~~((the drinking water state revolving fund (SRF)))~~ chapter 246-296 WAC.

(2) All noncommunity and all community systems not required to complete a water system plan as described under WAC 246-290-100(2) shall develop and implement a small water system management program.

(3) The purveyor shall submit this program for review and approval to the department when:

(a) A new NTNC public water system is created; ~~((or))~~

(b) An existing system has operational, technical, managerial, or financial problems, as determined by the department; or

(c) A system applies for funding under chapter 246-296 WAC.

(4) Content and detail shall be consistent with the size, complexity, past performance, and use of the public water system. General content topics shall include, but not be limited to, the following elements:

(a) System management;

(b) Annual operating permit;

(c) Water facilities inventory form;

(d) Service area and facility map. Municipal water suppliers must identify where their water rights place of use will be expanded to their service area if the requirements under WAC 246-290-107 have been met;

(e) Water right self-assessment;

(f) Description of the system's source(s) including the name and location of any body of water from which its water is diverted or withdrawn;

(g) A water use efficiency program. Municipal water suppliers must meet the requirements in WAC 246-290-810;

(h) Water production and consumption data including each of the following:

(i) Monthly and annual production for each source, including water purchased from another public water system;

(ii) Annual consumption totals for residential and non-residential connections;

(iii) Total annual volume of water supplied to other public water systems;

(i) Average daily demand;

(j) Current population served;

(k) The forecast of average daily demand based on the system's approved number of connections that considers:

(i) Water use trends based on actual water use records; and

(ii) Applicable land use plans;

(l) An evaluation that has considered the feasibility of adopting and implementing a rate structure that encourages water demand efficiency;

(m) Source protection;

(n) Component inventory and assessment;

(o) List of planned system improvements;

(p) Water quality monitoring program;

(q) Operation and maintenance program under WAC 246-290-415(2) and 246-290-654(5) as applicable;

(r) Cross-connection control program;

(s) Emergency response plan; and

(t) Budget.

(5) The department may require changes be made to a small water system management program if necessary to effectively accomplish the program's purpose.

NEW SECTION

WAC 246-290-106 Duty to provide service. Municipal water suppliers required to submit a water system plan for approval under WAC 246-290-100(2) must also include in the water system plan the provisions of this section as required under RCW 43.20.260. In approving a water system plan, the department shall ensure that water service to be provided by the water system for any new industrial, commercial, or residential use is consistent with local plans and regulations.

(1) A municipal water supplier has a duty to provide retail water service to all new service connections within its retail service area if:

(a) It can be available in a timely and reasonable manner;

(b) There is sufficient water rights to provide water service;

(c) There is sufficient capacity to serve the water in a safe and reliable manner as determined by the department; and

(d) It is consistent with the requirements of local plans and regulations and, for water service by the water utility of a city or town, with the utility service extension ordinances of the city or town.

(2) Municipal water suppliers must provide a retail service area map.

(3) Municipal water suppliers must meet the requirements of WAC 246-290-108 for their retail service area.

(4) Municipal water suppliers must provide their service policies and conditions of service including how new service will be provided.

(5) Municipal water suppliers may provide temporary water service to another water system if a written agreement with the water system is in place.

(6) To resolve a significant public health and safety concern, the department may allow water service to be extended prior to meeting the requirements of this section.

NEW SECTION

WAC 246-290-107 Place of use expansion. The place of use of a surface or ground water right may be expanded to include any portion of the approved service area that was not previously within the place of use for the water right when documented in an approved planning or engineering document under chapter 43.20 RCW or in accordance with procedures adopted under chapter 70.116 RCW. This occurs as an effect of the department's approval of a service area identified in a water system plan, water system plan amendment, small water system management program, engineering document,

or as an effect of the local legislative authority's approval of a service area as part of a coordinated water system plan.

(1) The following conditions must be met:

(a) The municipal water supplier is in compliance with the terms of the water system plan or small water system management program, including those regarding water use efficiency.

(b) The alteration of the place of use is not inconsistent regarding an area added to the place of use with any local plans and regulations.

(c) The alteration of the place of use is not inconsistent regarding an area added to the place of use with any watershed plan approved under chapter 90.82 RCW or a comprehensive watershed plan approved under RCW 90.54.040(1) after September 3, 2003, if such a watershed plan has been approved for the area.

(2) As part of the planning or engineering document, municipal water suppliers must:

(a) Identify the portions of the service area where the place of use will be expanded.

(b) Document that subsection (1)(a) and (c) of this section are met.

(c) Meet the requirements of WAC 246-290-108 for the portions of the service area where the place of use will be expanded.

NEW SECTION

WAC 246-290-108 Consistency with local plans and regulations. Consistency with local plans and regulations applies to planning and engineering documents under WAC 246-290-106, 246-290-107, and 246-290-110.

(1) Municipal water suppliers must include a consistency review and supporting documentation in its planning or engineering document describing how it has considered consistency with local plans and regulations. This review must include elements of local plans and regulations, as they reasonably relate to water service to be provided by a municipal water supplier for any new connection, including:

(a) Land use and zoning within the applicable service area;

(b) Six-year growth projections used in the demand forecast;

(c) Utility service extension ordinances of a city or town when water service is provided by the water utility of the city or town;

(d) Provisions of water service for new service connections; and

(e) Other relevant elements related to water supply planning as determined by the department.

(2) Municipal water suppliers must request each local government with jurisdiction over the applicable service area to provide a consistency review.

(a) Municipal water suppliers shall provide each local government with jurisdiction sixty days to review the planning or engineering document unless another state statute or state regulation requires a different time frame. The municipal water supplier must provide the local government with jurisdiction an additional thirty days for review if requested.

(b) If an inconsistency is documented by the local government with jurisdiction within the time frame outlined in (a) of this subsection, the municipal water supplier must provide the inconsistency information to the department.

(c) If the local government with jurisdiction documents in writing an inconsistency exists with local plans and regulations, the municipal water supplier shall address the inconsistency. The local government with jurisdiction shall be provided sixty days to review any revisions or responses that address the inconsistency.

(3) If the local government with jurisdiction does not provide a consistency review, the municipal water supplier shall complete the consistency review as described in subsection (1) of this section. The municipal water supplier must also document:

(a) The amount of time provided to each local government with jurisdiction to review the planning and engineering documents as defined in subsection (2) of this section; and

(b) The efforts taken to request a consistency review from the local government with jurisdiction.

AMENDATORY SECTION (Amending WSR 99-07-021, filed 3/9/99, effective 4/9/99)

WAC 246-290-110 Project report. (1) The project report is a written document that describes why a project is being proposed and includes engineering design calculations showing how the project will meet its objectives.

(2) ~~((The))~~ Purveyors shall submit project reports to the department and ~~((receive))~~ obtain written approval prior to installation or construction of any new water system, water system extension, or improvement. The department may require the submittal of a project report for the purpose of resolving a system operational problem. Exceptions to this requirement are listed in WAC 246-290-125.

(3) Project reports submitted for approval by purveyors who are required to have a water system plan will not be considered for approval unless a current, approved water system plan that adequately addresses the project is on file with the department. In the event that a purveyor of an existing system does not have such a water system plan, the department may enter into a compliance agreement with the purveyor that grants a time extension to complete the water system plan.

(4) Project reports shall be consistent with the standards identified in Part 3 of this chapter. Depending on the complexity and type of project or problem, the report shall include the following elements (information contained in a current water system plan or other engineering document previously approved by the department need not be duplicated, but must be specifically referenced):

(a) Project description, including:

(i) Why the project is being proposed, how problem(s) (if any) are to be addressed, and the relationship of the project to other system components;

(ii) A statement of ~~((State Environmental Policy Action~~)~~))~~SEPA~~((~~)~~)~~ determination of nonsignificance or justification of why SEPA does not apply to project;

(iii) ~~((If applicable,))~~ Source development information ~~((refer to))~~ under WAC 246-290-130, ~~((Source approval,~~

~~WAC~~) 246-290-132, ~~((Interties,))~~ and ~~((WAC~~) 246-290-135, ~~((Source protection))~~ if applicable;

~~((iv))~~ ~~((If applicable,))~~ Type of treatment ~~((refer to))~~ under WAC 246-290-250, ~~((Water treatment and Part 6, Surface water treatment))~~ if applicable; and

~~((v))~~ A summary of consumer and user complaints.

~~((b))~~ Planning data. If a purveyor has a water system plan or small water system management program, the project report shall indicate the proposed project's relationship to the plan. If the purveyor is not required by WAC 246-290-100 to have a water system plan, planning related information shall include:

~~((i))~~ General project background with population and water demand forecasts;

~~((ii))~~ Service area map. Municipal water suppliers must identify where their water rights place of use will be expanded to their service area if the requirements under WAC 246-290-107 have been met;

~~((iii))~~ How the project will impact neighboring water systems;

~~((iii))~~ ~~((iv))~~ Local requirements, such as fire flow;

~~((iv))~~ ~~((v))~~ Additional management responsibilities ~~((in accordance with))~~ under WAC 246-290-105, ~~((Small water system management program, WAC~~) 246-290-415, ~~((Operations and maintenance,))~~ and chapter 246-292 WAC~~((; Waterworks operator certification regulations))~~;

~~((v))~~ ~~((vi))~~ Implementation strategies or proposed construction schedule;

~~((vi))~~ ~~((vii))~~ Estimated capital and annual operating cost, and method of financing, if applicable.

~~((c))~~ An analysis of alternatives, including description of options and rationale for selecting the proposed option.

~~((d))~~ A review of water quality as it relates to the purpose of the proposed project. If a project involves treatment and/or a filtration facility pilot study, refer to ~~((departmental))~~ department guidance, reporting requirements for corrosion control under 40 CFR 141.90, and tracer studies under WAC 246-290-636(5).

~~((e))~~ When the project involves a new source or an increase in system physical capacity, a review of water quantity, including a water rights assessment, unless ~~((such an))~~ the assessment has previously been submitted in a water system plan or small water system management program that has been approved by the department. The purveyor shall take any follow-up action as directed by the department, to determine conformance with applicable state water rights laws.

~~((f))~~ Engineering calculations including sizing justification, hydraulic analysis, physical capacity analysis, and other relevant technical considerations necessary to support the project.

~~((g))~~ Design and construction standards, including performance standards, construction materials and methods, and sizing criteria, if applicable.

~~((h))~~ Project reports for the design of treatment facilities shall include the following:

~~((i))~~ Detailed design criteria and calculations to support the proposed treatment processes, process control, and process utilities; and

~~((ii))~~ Proposed methods and schedules for start up, testing, and operation of the completed treatment facility.

~~((i))~~ Legal considerations, such as ownership, right of way, sanitary control area (SCA), restrictive covenants, restrictions related to water use that are recorded on titles or deeds to properties, and relationship with the boundary review board and ~~((the utilities and transportation commission))~~UTC~~((;))~~.

~~((j))~~ Other necessary department-determined considerations.

AMENDATORY SECTION (Amending WSR 99-07-021, filed 3/9/99, effective 4/9/99)

WAC 246-290-120 Construction documents. (1) Construction documents shall identify how specific projects will be constructed while satisfying the requirements and conditions established in the project report and/or the water system plan.

(2) Purveyors shall submit construction documents to the department ~~((for))~~ and obtain written approval prior to ~~((installation))~~ construction of any new water system, or water system extension or improvement. Exceptions to this requirement are listed in WAC 246-290-125.

(3) Construction documents submitted for approval by purveyors who are required to have a water system plan will not be considered for approval unless a current, approved water system plan that adequately addresses the project is on file with the department. In the event that a purveyor of an existing system does not have ~~((such))~~ a water system plan, the department may enter into a compliance agreement with the purveyor that grants a time extension to complete the water system plan.

(4) Construction documents shall be consistent with the standards identified in Part 3 of this chapter and shall include, at a minimum, the following:

(a) Drawings. Include detailed drawings of each project component;

(b) Material specifications. List detailed material specifications for each project component;

(c) Construction specifications.

(i) List detailed construction specifications and assembly techniques for carrying out the project;

(ii) Testing. Identify testing criteria and procedures for each applicable portion of the project;

(iii) Disinfection. Identify specific disinfection procedures that shall conform with ~~((American Water Works Association))~~AWWA~~((;))~~ standards or other standards acceptable to the department;

(iv) Inspection. Identify provisions for inspection of the installation of each project component. See WAC 246-290-040 and subsection (5) of this section for construction reporting requirements;

(d) Change orders. All significant changes shall be submitted to and approved by the department in writing. The change order must identify who will be responsible for obtaining ~~((departmental))~~ department approval and how change orders will be reported to the department. Significant means a change in materials used, deviations from original

intent of project, or changes made to the physical capacity of the project;

(e) Record drawings. Record drawings provided to the purveyor following the completion of the project shall be maintained and available to the department upon request.

(5) Purveyors shall submit a construction completion report (~~((departmental))~~ department form) to the department within sixty days of completion and before use of distribution-related projects in accordance with WAC 246-290-125 (3)(f), or other project approved for construction by the department. Exceptions to this requirement are projects listed in WAC 246-290-125(1). The form shall:

(a) Bear the seal, date, and signature of a professional engineer licensed in the state of Washington;

(b) State the project is constructed and is completed in accordance with department regulations and principles of standard engineering practice, including physical testing procedures, water quality tests, and disinfection practices; and

(c) Document system physical capacity to serve consumers if the project results in a change (increase or decrease) in physical capacity.

(6) The purveyor shall submit a new or updated water facilities inventory (WFI) form (~~((departmental))~~ department form) with the construction completion report (~~((departmental))~~ department form) for a new water system, whenever there are changes or additions to an existing water system that would change information of the WFI, or when required by the department.

(7) If the project results in an increase in the water system's physical capacity, the purveyor shall submit a water right self-assessment, unless (~~(such as))~~ the assessment has previously been submitted in a project report, water system plan, or small water system management program, that has been approved by the department. The purveyor shall take any follow-up action, as directed by the department, to determine conformance with applicable state water rights laws.

(8) Approval of construction documents shall be in effect for two years unless the department determines a need to withdraw the approval. An extension of the approval may be obtained by submitting a status report and a written schedule for completion. Extensions may be subject to additional terms and conditions imposed by the department.

(9) ~~((The purveyor shall fulfill the requirements of this section before the use of any completed project.~~

~~(10))~~ Purveyors of new water systems must meet the ownership requirements of WAC 246-290-035 and the water system planning requirements of WAC 246-290-100 or 246-290-105 before the department will review and approve the purveyors' construction documents.

AMENDATORY SECTION (Amending WSR 03-08-037, filed 3/27/03, effective 4/27/03)

WAC 246-290-125 Project report and construction document submittal exceptions. (1) The following projects do not require project reports (~~(in accordance with))~~ under WAC 246-290-110 and construction documents (~~(in accordance with))~~ under WAC 246-290-120 to be submitted to the department for review and approval prior to installation:

(a) Installation of valves, fittings, and meters, including backflow prevention assemblies;

(b) Installation of hydrants (~~(in accordance with))~~ under WAC 246-290-230 (3) and (6);

(c) Repair of a system component or replacement with a component of a similar capacity and material in accordance with the original construction specifications of the approved design(~~(-or))~~. For the purposes of replacing existing pipe, similar capacity includes one standard pipe size larger.

(d) Maintenance or painting of surfaces not contacting potable water.

(2) Purveyors may elect to not submit to the department for review and approval project reports (~~(in accordance with))~~ under WAC 246-290-110 and construction documents (~~(in accordance with))~~ under WAC 246-290-120 for new distribution mains if:

(a) The purveyor has on file with the department a current department-approved water system plan that includes standard construction specifications for distribution mains; and

(b) The purveyor maintains on file a completed construction completion report (~~((departmental))~~ department form) in accordance with WAC 246-290-120(5) and makes it available for review upon request by the department.

(3) Purveyors may elect to not submit to the department for review and approval project reports (~~(in accordance with))~~ under WAC 246-290-110 and construction documents (~~(in accordance with))~~ under WAC 246-290-120 for review and approval of other distribution-related projects as defined in WAC 246-290-010 providing:

(a) The purveyor has on file with the department a current department-approved water system plan, in accordance with WAC 246-290-100(5);

(b) The purveyor submits a written request with a new water system plan or an amendment to a water system plan, and updates the request with each water system plan update. The written request should specifically identify the types of projects or facilities for which the submittal exception procedure is requested;

(c) The purveyor has documented that they have employed or hired under contract the services of a professional engineer licensed in the state of Washington to review distribution-related projects not submitted to the department for review and approval. The review engineer and design engineer shall not be the same individual. The purveyor shall provide written notification to the department whenever they propose to change their designated review engineer;

(d) If the project is a new transmission main, storage tank, or booster pump station, it must be identified in the capital improvement program of the utility's water system plan. If not, either the project report must be submitted to the department for review and approval, or the water system plan must be amended;

(e) A project summary file is maintained by the purveyor for each project and made available for review upon request by the department, and includes:

(i) Descriptive project summary;

(ii) Anticipated completion schedule;

(iii) Consistency with utility's water system plan;

(iv) Water right self-assessment, where applicable;

- (v) Change in system physical capacity;
- (vi) Copies of original design and record drawings;
- (vii) Engineering design review report (~~departmental~~) department form). The form shall:

(A) Bear the seal, date, and signature of a professional engineer licensed in the state of Washington prior to the start of construction;

(B) Provide a descriptive reference to completed project report and/or construction documents reviewed, including date of design engineer's seal and signature; and

(C) State the project report and/or construction documents have been reviewed, and the design is in accordance with department regulations and principles of standard engineering practice;

(f) The construction completion report is submitted to the department in accordance with WAC 246-290-120(5) for new storage tanks and booster pump stations, and maintained on file with the water system for all other distribution-related projects;

(g) A WFI is completed in accordance with WAC 246-290-120(6); and

(h) The purveyor meets the requirements of chapter 246-294 WAC to have a category "green" operating permit.

(4) Source of supply (including interties) and water quality treatment-related projects shall not be eligible for the submittal exception procedure.

(5) Purveyors not required to prepare a water system plan under WAC 246-290-100 shall be eligible for the submittal exception procedure if the purveyor:

(a) Has a department-approved water system plan meeting the requirements of WAC 246-290-100; ~~(and)~~

(b) Complies with all other requirements in this section ~~(-); and~~

~~((6))~~ (c) Ensures that all work required to be prepared under the direction of a professional engineer be accomplished per WAC 246-290-040 and chapter 18.43 RCW.

AMENDATORY SECTION (Amending WSR 04-04-056, filed 1/30/04, effective 3/1/04)

WAC 246-290-130 Source approval. (1) Every purveyor shall obtain drinking water from the highest quality source feasible. No new source, previously unapproved source, or modification of an existing source shall be used as a public water supply without department approval. No intake or other connection shall be maintained between a public water system and a source of water not approved by the department.

(2) Before initiating source development or modification, the purveyor shall contact the department to identify submittal requirements.

(3) Any party seeking source approval shall provide the department sufficient documentation, in a project report, construction documents, or in supplemental documents, that the source:

(a) Is reasonable and feasible for the type and size of the system;

(b) May legally be used in conformance with state water rights laws;

(c) Supplies water that is physically and reliably available in the necessary quantities, as shown in:

(i) A hydrogeologic assessment of the proposed source;

(ii) A general description of the watershed, spring, and/or aquifer recharge area affecting the quantity or quality of flow, which includes seasonal variation and upstream water uses that may significantly affect the proposed source;

(iii) For ground water and spring sources, well source development data that are available from a pump test at the maximum design rate and duration, or are available from other sources of information, that establish pump settings (depth) in the well and demonstrate adequacy of water quantity to meet design criteria while not leading to water quality problems;

(iv) For ground water and spring sources, installation of a source meter or other equivalent device that reliably measures volume of flow into the system;

(d) Is, or is not, a GWI under WAC 246-290-640, and meets or can meet the applicable requirements for GWI sources as described in that section including treatment;

(e) Adequately provides for source protection, as shown in:

(i) For surface water and GWI sources, the watershed control program identified under WAC 246-290-135 and Part 6 of this chapter;

(ii) For wells, a preliminary department susceptibility assessment or equivalent information, and preliminary WHPA delineation and contaminant inventory, under the requirements for sanitary control and wellhead protection under WAC 246-290-135;

(f) Is designed and constructed in conformance with this chapter, and relevant requirements of chapter 173-160 WAC (department of ecology well construction standards);

(g) Meets water quality standards under WAC 246-290-310, as shown in an initial water quality analysis that includes, at a minimum, the following:

(i) Bacteriological;

(ii) Complete inorganic chemical and physical except that the MCL for arsenic under WAC 246-290-310 does not apply to TNC systems;

(iii) Complete VOC;

(iv) Radionuclides, if source approval is requested for a community system;

(v) SOC, except where waived or not required under WAC 246-290-310; and

(vi) Any other information required by the department relevant to the circumstances of the particular source.

Sources that otherwise would not meet water quality standards may be approved if treatment is provided.

(4) The required documentation under subsection (3) of this section shall include, at a minimum:

(a) A ~~((copy of the water right, or other written evidence of the existence of the right))~~ water right self-assessment;

(b) A map showing the project location and vicinity;

(c) A map depicting topography, distances to the surface water intake, well or spring from existing property lines, buildings, potential sources of contamination, ditches, drainage patterns, and any other natural or man-made features affecting the quality or quantity of water;

(d) The dimensions, location, and legal documentation of the ~~((sanitary control area (SCA)))~~ SCA(+) under WAC 246-290-135;

(e) A copy of the on-site inspection form completed by the department or local health department representative;

(f) A copy of the water well report including the unique well identification tag number, depth to open interval or top of screened interval, overall depth of well from the top of the casing, vertical elevation, and location (both plat location and latitude/longitude); and

(g) Documentation of source meter installation. The purveyor may utilize other documents, such as a water system plan, susceptibility assessment, wellhead protection program, project report, or construction documents, to provide ~~((such))~~ the documentation and information to the department, provided that ~~((such))~~ the documents are current, and the purveyor indicates the location in the document of the relevant information.

(5) If treatment of a source is necessary to meet water quality standards, the purveyor may be required to meet the provisions of WAC 246-290-250 and Part 6 of this chapter, if applicable, prior to or as a condition of approval.

(6) An intertie must be adequately described in a written agreement between the purveyor and the supplier of the water, and otherwise meet the requirements of WAC 246-290-132.

(7) The purveyor shall not construct facilities for source development and use without prior approval of the department pursuant to the provisions of WAC 246-290-120.

~~(8) ((The purveyor shall receive a written source approval when:~~

~~(a) The purveyor has complied with the relevant provisions of subsections (1) through (7) of this section; and~~

~~(b) The developed source provides water complying with this chapter.~~

~~(9))~~ The purveyor may ~~((receive))~~ request a conditional source approval, such as one that sets limits on use or requires interim treatment, if further analysis of the quality of the source is required before final approval.

~~((10))~~ (9) For sources or supplies of water used by bottled water or ice plants to produce bottled water or ice:

(a) If the bottled water or ice plant is a Group A community water system and the plant uses the system's source for the water that is bottled or made into ice, the source and supply used for the bottled water and ice shall meet the applicable Group A requirements;

(b) If the bottled water or ice plant uses its own source for the water that is bottled or made into ice, and the plant is not a Group A community water system, the owner or operator shall obtain source approval from the department, and the source water shall meet the ongoing source water quality monitoring requirements for a Group A community system;

(c) If the bottled water or ice plant purchases the water for bottling or making ice from another source or supply, the water shall meet the minimum requirements for a Group A community water system, and the owner or operator of the plant shall ensure that the water meets ~~((such))~~ the requirements;

(d) The source or supply for the water that is bottled or made into ice shall be protected from contamination prior to the bottling or ice making process; and

(e) In addition to the requirements imposed under this subsection, the processing of bottled water shall be subject to regulation by the state department of agriculture and the United States Food and Drug Administration.

AMENDATORY SECTION (Amending WSR 07-02-025B, filed 12/22/06, effective 1/22/07)

WAC 246-290-132 Interties. (1) No interties shall be used and/or constructed as a public water supply without department approval.

(2) Interties shall not be eligible for submittal exceptions pursuant to WAC 246-290-125.

(3) Prior to department approval, purveyors proposing nonemergency interties shall ensure that the intertie is addressed:

(a) In an approved coordinated water system plan, water system plan, water system plan update, water system plan amendment, or small water system management program including:

(i) Location of the proposed intertie;

(ii) Date it is proposed to be utilized;

(iii) The purpose, physical capacity, service area, and proposed usage of the intertie;

(iv) Copy of the intertie agreement between purveyors;

(v) Description of how the intertie:

(A) Improves overall system reliability;

(B) Enhances the manageability of the system;

(C) Provides opportunities for conjunctive use; or

(D) Delays or avoids the need to develop new water sources;

(vi) Identification of any potential public health or safety concerns;

(vii) Discussion of any water quality and treatment issues;

(viii) Demonstration of the source capacity and hydraulic capacity of the supplying and receiving systems at the designed flow rate through the intertie;

(ix) Water right self-assessment;

(x) Identification of alternative sources that will be utilized when the intertie agreement expires if the water is not being provided in perpetuity; and

(xi) Identification and comparison of alternatives if any.

(b) In construction documents ~~((in accordance with))~~ under WAC 246-290-120 including:

(i) Demonstration of the installation of a source meter to measure water exchanged; and

(ii) Water right self-assessment, if not previously provided to the department. ~~((Where))~~ When RCW 90.03.383 requires a water right or water right change to be issued by the department of ecology, construction work on the intertie shall not begin, ~~((notwithstanding any prior approval of the intertie by the department in a water system plan,))~~ until the department of ecology issues the required water right document.

(4) Emergency use interties are interconnections between public water systems permitting the temporary

exchange or delivery of water between those systems only in cases of emergency that result in permanent supplies being unavailable for use. Prior to department approval, purveyors proposing emergency use interties shall ensure that the emergency intertie is addressed:

(a) In an approved coordinated water system plan, water system plan, water system plan update, water system plan amendment, or small water system management ~~((plan))~~ program including:

- (i) Description of the intended use of the emergency intertie;
- (ii) Location of the proposed intertie;
- (iii) Date the intertie is intended to be operational;
- (iv) Copy of the intertie agreement between purveyors detailing the conditions and limitations of the intertie; and
- (v) Hydraulic analysis conducted to identify the impacts upon each water system.

(b) In a project report ~~((in accordance with))~~ under WAC 246-290-110 or in a construction document ~~((in accordance with))~~ under WAC 246-290-120.

(5) Purveyors proposing interties shall apply to the department of ecology for water right changes as provided in RCW 90.03.383. Except as provided in RCW 90.03.383(7) and 90.03.390, no interties may be constructed without department of ecology action on the proposed change.

(6) The purveyor may be required to have emergency interties approved as nonemergency interties where the interties are used frequently or on a long-term basis. If the department makes a determination, the intertie will require approval in accordance with subsection (3) of this section.

(7) Intertie agreements between purveyors shall include:

- (a) Identification of specific time periods in which water will be provided;
- (b) Identification of the volume of water available for use, including any seasonal or other restrictions; and
- (c) Identification of how water use efficiency programs, data collection, water demand forecasting, and other operational matters will be coordinated.

AMENDATORY SECTION (Amending WSR 99-07-021, filed 3/9/99, effective 4/9/99)

WAC 246-290-135 Source water protection. (1) The department may require monitoring and controls in addition to those specified in this section if, in the opinion of the department, a potential risk exists to the water quality of a source.

(2) ~~((Sanitary control area-))~~ SCA(~~(s)~~).

(a) The purveyor shall maintain an SCA around all sources for the purpose of protecting them from existing and potential sources of contamination.

(b) For wells and springs, the minimum SCA shall have a radius of one hundred feet (thirty meters) and two hundred feet (sixty meters) respectively, unless engineering justification demonstrates that a smaller area can provide an adequate level of source water protection. The justification shall address geological and hydrological data, well construction details, mitigation measures, and other relevant factors necessary to assure adequate sanitary control.

(c) The department may require a larger SCA than specified in (b) of this subsection, or additional mitigation measures if land use, geological, and/or hydrological data support ~~((such a))~~ the decision. It shall be the purveyor's responsibility to obtain the protection needed.

(d) ~~((No))~~ The purveyor shall prohibit the construction, storage, disposal, or application of any source of contamination ~~((may be constructed, stored, disposed of, or applied))~~ within the SCA without the permission of the ~~((department and the))~~ purveyor.

(e) The SCA shall be owned by the purveyor in fee simple, or the purveyor shall have the right to exercise complete sanitary control of the land through other legal provisions.

(f) A purveyor, owning all or part of the SCA in fee simple or having possession and control, shall send to the department copies of legal documentation, such as a duly recorded declaration of covenant, restricting the use of the land. This legal documentation shall state:

(i) ~~((No))~~ Constructing, storing, disposing, or applying any source of contamination ~~((may be constructed, stored, disposed of, or applied))~~ is prohibited without the permission of the ~~((department and the))~~ purveyor; and

(ii) If any change in ownership of the system or SCA is considered, all affected parties shall be informed of these requirements.

(g) Where portions of the control area are in the possession and control of another, the purveyor shall obtain a duly recorded restrictive covenant which shall run with the land, restricting the use of ~~((said))~~ the land in accordance with this chapter and provide the department with copies of the appropriate documentation.

(3) Wellhead protection.

(a) Purveyors of water systems using ground water or spring sources shall develop and implement a wellhead protection program.

(b) The wellhead protection program shall be part of the water system plan required under WAC 246-290-100 or the small water system management program required under WAC 246-290-105.

(c) The purveyor's wellhead protection program shall contain, at a minimum, the following elements:

(i) A completed susceptibility assessment or equivalent information;

(ii) ~~((Wellhead protection area-))~~ WHPA(~~(s)~~) delineation for each well, wellfield, or spring with the six month, one, five and ten year time of travel boundaries marked, or boundaries established using alternate criteria approved by the department in those settings where ground water time of travel is not a reasonable delineation criteria. WHPA delineations shall be done in accordance with recognized methods such as those described in the following sources:

(A) Department guidance on wellhead protection; or

(B) EPA guidance for delineation of wellhead protection areas;

(iii) An inventory, including identification of site locations and owners/operators, of all known and potential ground water contamination sources located within the defined WHPA(s) having the potential to contaminate the source water of the well(s) or spring(s). This list shall be updated every two years;

(iv) Documentation of purveyor's notification to all owners/operators of known or potential sources of ground water contamination listed in (c)(B)(iii) of this subsection;

(v) Documentation of purveyor's notification to regulatory agencies and local governments of the boundaries of the WHPA(s) and the findings of the WHPA inventory;

(vi) A contingency plan to ensure consumers have an adequate supply of potable water in the event that contamination results in the temporary or permanent loss of the principal source of supply (major well(s) or wellfield); and

(vii) Documentation of coordination with local emergency incident responders (including police, fire and health departments), including notification of WHPA boundaries, results of susceptibility assessment, inventory findings, and contingency plan.

(4) Watershed control program.

(a) Purveyors of water systems using surface water or GWI sources shall develop and implement a watershed control program ~~((in accordance with))~~ under Part 6 of chapter 246-290 WAC as applicable.

(b) The watershed control program shall be part of the water system plan required in WAC 246-290-100 or the small water system management program required in WAC 246-290-105.

(c) The purveyor's watershed control program shall contain, at a minimum, the following elements:

(i) Watershed description and inventory, including location, hydrology, land ownership and activities that may adversely affect source water quality;

(ii) An inventory of all potential surface water contamination sources and activities, including identification of site locations and owner/operators, located within the watershed and having the significant potential to contaminate the source water quality;

(iii) Watershed control measures, including documentation of ownership and relevant written agreements, and monitoring of activities and water quality;

(iv) System operation, including emergency provisions; and

(v) Documentation of water quality trends.

(d) The purveyor shall submit the watershed control program to the department for approval. Following ~~((department))~~ department approval, the purveyor shall implement the watershed control program as approved.

(e) Purveyors of systems using unfiltered surface or GWI sources and meeting the criteria to remain unfiltered as specified in WAC 246-290-690 shall submit an annual report to the department that summarizes the effectiveness of the watershed control program. Refer to WAC 246-290-690 for further information about this report.

(f) The purveyor shall update the watershed control program at least every six years, or more frequently if required by the department.

AMENDATORY SECTION (Amending WSR 99-07-021, filed 3/9/99, effective 4/9/99)

WAC 246-290-200 Design standards. (1) Purveyors shall ensure that good engineering criteria and practices are

used in the design and construction of all public water systems, such as those set out in:

(a) Department guidance on design for Group A public water systems;

(b) The most recent published edition of the ~~((Uniform Building Code (UBC) or))~~ International Building Code (IBC), the Uniform Plumbing Code (UPC), and other national model codes adopted in Washington state;

(c) The most recent published edition of *Recommended Standards for Water Works, A Committee Report of the Great Lakes - Upper Mississippi River Board of State Public Health and Environmental Managers*;

(d) Standard specifications of the American Public Works Association ~~((APWA))~~, the American Society of Civil Engineers ~~((ASCE))~~, ~~((the American Water Works Association))~~ AWWA ~~((A))~~, or the American Society for Testing and Materials ~~((ASTM))~~;

(e) Design criteria, such as contained in current college texts and professional journal articles, acceptable to the department;

(f) Chapter 173-160 WAC *Minimum Standards for Construction and Maintenance of Water Wells*;

(g) The latest edition of the PNWS-AWWA Cross-Connection Control Manual, or the University of Southern California (USC) Manual of Cross-Connection Control.

(2) In addition, purveyors of new or expanding public water systems shall consider and use, as appropriate, the following design factors:

(a) Historical water use;

(b) Community versus recreational uses of water;

(c) Local conditions and/or regulations;

(d) Community expectations;

(e) Public Water System Coordination Act considerations where appropriate;

(f) Provisions for systems and component reliability in accordance with WAC 246-290-420;

(g) Wind pressures, seismic risk, snow loads, and flooding;

(h) Other risks from potential disasters, as feasible; and

(i) Other information as required by the department.

AMENDATORY SECTION (Amending WSR 99-07-021, filed 3/9/99, effective 4/9/99)

WAC 246-290-235 ((Distribution reservoirs)) Finished water storage facilities. (1) ~~((Distribution reservoirs))~~ Finished water storage facilities shall be designed to:

(a) Prevent entry by birds, animals, insects, excessive dust, and other potential sources of external contamination. The design shall include provisions for a lockable weather-tight roof, a screened roof vent, an overflow pipe with atmospheric discharge or other suitable means to prevent a cross-connection, sample collection capability, a drain to daylight (or an approved alternative that is adequate to protect against cross-connection), a provision for tank isolation in order to perform maintenance procedures, and other appurtenances appropriate to the protection of stored water from contamination;

(b) Maintain water circulation, prevent water stagnation, and provide adequate disinfection contact time; and

(c) Be accessible for routine maintenance and water quality monitoring.

(2) Equalizing storage, as defined in WAC 246-290-010, shall be provided to meet peak periods of demand, either daily or longer, when determined to be necessary based on available, or designed, source pumping capacity.

(3) Operational, standby, and fire suppression storage volumes as defined in WAC 246-290-010 shall be provided, as applicable, for all pressure zones to meet both normal as well as abnormal demands of the system.

(4) Standby and fire suppression storage volumes may be nested with the larger of the two volumes being the minimum available, provided the local fire protection authority does not require them to be additive.

AMENDATORY SECTION (Amending WSR 04-04-056, filed 1/30/04, effective 3/1/04)

WAC 246-290-300 Monitoring requirements. (1) General.

(a) The monitoring requirements specified in this section are minimums. The department may require additional monitoring when:

(i) Contamination is present or suspected in the water system;

(ii) A ground water source is determined to be a potential GWI;

(iii) The degree of source protection is not satisfactory;

(iv) Additional monitoring is needed to verify source vulnerability for a requested monitoring waiver;

(v) Under other circumstances as identified in a (~~departmental~~) department order; or

(vi) Additional monitoring is needed to evaluate continuing effectiveness of a treatment process where problems with the treatment process may exist.

(b) Special purpose samples collected by the purveyor shall not count toward fulfillment of the monitoring requirements of this chapter unless the quality of data and method of sampling and analysis are acceptable to the department.

(c) The purveyor shall ensure samples required by this chapter are collected, transported, and submitted for analysis according to EPA-approved methods. The analyses shall be performed by a laboratory accredited by the state. Qualified water utility, accredited laboratory, health department personnel, and other parties approved by the department may conduct measurements for pH, temperature, residual disinfectant concentration, alkalinity, bromide, chlorite, TOC, SUVA, and turbidity as required by this chapter, provided, these measurements are made in accordance with EPA approved methods.

(d) Compliance samples required by this chapter shall be taken at locations listed in Table 3 of this section.

(e) Purveyors failing to comply with a monitoring requirement shall notify:

(i) The department (~~in accordance with~~) under WAC 246-290-480; and

(ii) The owner or operator of any consecutive system served and the appropriate water system users (~~in accordance with~~) under 40 CFR 141.201 and Part 7, Subpart A of this chapter.

(2) Selling and receiving water.

(a) Source monitoring. Purveyors, with the exception of those that "wheel" water to their consumers (i.e., sell water that has passed through another purchasing purveyor's distribution system), shall conduct source monitoring (~~in accordance with~~) under this chapter for the sources under their control. The level of monitoring shall satisfy the monitoring requirements associated with the total population served by the source.

(b) Distribution system monitoring. The purveyor of a system that receives and distributes water shall perform distribution-related monitoring requirements. Monitoring shall include, but not be limited to, the following:

(i) Collect coliform samples (~~in accordance with~~) under subsection (3) of this section;

(ii) Collect (~~trihalomethane samples if required by subsection (6) of this section or~~) disinfection by-product samples if required by (~~subsection (7) of~~) this section;

(iii) Perform the distribution system residual disinfectant concentration monitoring (~~in accordance with~~) under subsection (7) of this section, and as required under WAC 246-290-451 or 246-290-694;

(iv) Perform lead and copper monitoring required under 40 CFR 141.86, 141.87, and 141.88;

(v) Perform the distribution system monitoring (~~in accordance with~~) under 40 CFR 141.23(b) for asbestos if applicable;

(vi) Other monitoring as required by the department.

(c) Reduced monitoring for regional programs. The receiving purveyor may receive reductions in the coliform, lead and copper, disinfection by-product (including THMs) and distribution system disinfectant residual concentration monitoring requirements, provided the receiving system:

(i) Purchases water from a purveyor that has a department-approved regional monitoring program; and

(ii) Has a written agreement with the supplying system or regional water supplier that is acceptable to the department, and which identifies the responsibilities of both the supplying and receiving system(s) with regards to monitoring, reporting and maintenance of the distribution system.

(d) Periodic review of regional programs. The department may periodically review the sampling records of public water systems participating in a department-approved monitoring program to determine if continued reduced monitoring is appropriate. If the department determines a change in the monitoring requirements of the receiving system is appropriate:

(i) The department shall notify the purveyor of the change in monitoring requirements; and

(ii) The purveyor shall conduct monitoring as directed by the department.

(3) Bacteriological.

(a) The purveyor shall be responsible for collection and submittal of coliform samples from representative points throughout the distribution system. Samples shall be collected after the first service and at regular time intervals each month the system provides water to consumers. Samples shall be collected that represent normal system operating conditions.

(i) Systems providing disinfection treatment shall, when taking a routine or repeat sample, measure residual disinfectant concentration within the distribution system at the same time and location and comply with the residual disinfection monitoring requirements under WAC 246-290-451.

(ii) Systems providing disinfection treatment shall assure that disinfectant residual concentrations are measured and recorded on all coliform sample report forms submitted for compliance purposes.

(b) Coliform monitoring plan.

(i) The purveyor shall prepare a written coliform monitoring plan and base routine monitoring upon the plan. The plan shall include coliform sample collection sites and a sampling schedule.

(ii) The purveyor shall:

(A) Keep the coliform monitoring plan on file with the system and make it available to the department for inspection upon request;

(B) Revise or expand the plan at any time the plan no longer ensures representative monitoring of the system, or as directed by the department; and

(C) Submit the plan to the department for review and approval when requested and as part of the water system plan required under WAC 246-290-100.

(c) Monitoring frequency. The number of required routine coliform samples is based on total population served.

(i) Purveyors of **community** systems shall collect and submit for analysis no less than the number of routine samples listed in Table 2 during each calendar month of operation;

(ii) Unless directed otherwise by the department, purveyors of **noncommunity** systems shall collect and submit for analysis no less than the number of samples required in Table 2, and no less than required under 40 CFR 141.21. Each month's population shall be based on the average daily population and shall include all residents and nonresidents served during that month. During months when the average daily population served is less than twenty-five, routine sample collection is not required when:

(A) Using only protected ground water sources;

(B) No coliform were detected in samples during the previous month; and

(C) One routine sample has been collected and submitted for analysis during one of the previous two months.

(iii) Purveyors of systems serving both a resident and a nonresident population shall base their minimum sampling requirement on the total of monthly populations served, both resident and nonresident as determined by the department, but no less than the minimum required in Table 2; and

(iv) Purveyors of systems with a nonresident population lasting two weeks or less during a month shall sample as directed by the department. Sampling shall be initiated at least two weeks prior to the time service is provided to consumers.

(v) Purveyors of TNC systems shall not be required to collect routine samples in months where the population served is zero or the system has notified the department of an unscheduled closure.

(d) Invalid samples. When a coliform sample is determined invalid under WAC 246-290-320 (2)(d), the purveyor shall:

(i) Not include the sample in the determination of monitoring compliance; and

(ii) Take follow-up action as defined in WAC 246-290-320 (2)(d).

(e) The purveyor using a surface water or GWI source shall collect representative source water samples for bacteriological density analysis (~~in accordance with~~) under WAC 246-290-664 and 246-290-694 as applicable.

TABLE 2
MINIMUM MONTHLY ROUTINE COLIFORM
SAMPLING REQUIREMENTS

Population Served ¹	Minimum Number of Routine Samples/Calendar Month	
	When NO samples with a coliform presence were collected during the previous month	When ANY samples with a coliform presence were collected during the previous month
During Month		
1 - 1,000	1*	5
1,001 - 2,500	2*	5
2,501 - 3,300	3*	5
3,301 - 4,100	4*	5
4,101 - 4,900	5	5
4,901 - 5,800	6	6
5,801 - 6,700	7	7
6,701 - 7,600	8	8
7,601 - 8,500	9	9
8,501 - 12,900	10	10
12,901 - 17,200	15	15
17,201 - 21,500	20	20
21,501 - 25,000	25	25
25,001 - 33,000	30	30
33,001 - 41,000	40	40
41,001 - 50,000	50	50
50,001 - 59,000	60	60
59,001 - 70,000	70	70
70,001 - 83,000	80	80
83,001 - 96,000	90	90
96,001 - 130,000	100	100
130,001 - 220,000	120	120
220,001 - 320,000	150	150
320,001 - 450,000	180	180
450,001 - 600,000	210	210
600,001 - 780,000	240	240
780,001 - 970,000	270	270
970,001 - 1,230,000 ³	300	300

¹ Does not include the population of a consecutive system that purchases water. The sampling requirement for consecutive systems is a separate determination based upon the population of that system.

² Noncommunity systems using only protected ground water sources and serving less than 25 individuals, may collect and submit for analysis, one sample every three months.

³ Systems serving populations larger than 1,230,000 shall contact the department for the minimum number of samples required per month.

*In addition to the provisions of subsection (1)(a) of this section, if a system of this size cannot show evidence of having been subject to a sanitary survey on file with the department, or has been determined to be at risk to bacteriological concerns following a survey, the minimum number of samples required per month may be increased by the department after additional consideration of ~~((such))~~ factors such as monitoring history, compliance record, operational problems, and water quality concerns for the system.

(4) Inorganic chemical and physical.

(a) A complete inorganic chemical and physical analysis shall consist of the primary and secondary chemical and physical substances.

(i) Primary chemical and physical substances are antimony, arsenic, asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, nitrate (as N), nitrite (as N), selenium, sodium, thallium, and for unfiltered surface water, turbidity. (Except that the MCL for arsenic under WAC 246-290-310 does not apply to TNC systems.)

(ii) Secondary chemical and physical substances are chloride, color, hardness, iron, manganese, specific conductivity, silver, sulfate, total dissolved solids*, and zinc.

* Required only when specific conductivity exceeds seven hundred micromhos/centimeter.

(b) Purveyors shall monitor for all primary and secondary chemical and physical substances identified in Table 4 and Table 5. Samples shall be collected in accordance with the monitoring requirements referenced in 40 CFR 141.23 introductory text, 141.23(a) through 141.23(j), excluding (i)(2), and 40 CFR 143.4, except for composite samples for systems serving less than three thousand three hundred one persons. For these systems, compositing among different systems may be allowed if the systems are owned or operated by a department-approved satellite management agency.

(c) Samples required by this subsection shall be taken at designated locations ~~((in accordance with))~~ under 40 CFR 141.23(a) through 141.23(j), excluding (i)(2), and 40 CFR 143.4, and Table 3 herein.

(i) Wellfield samples shall be allowed from department designated wellfields; and

(ii) ~~((In accordance with))~~ Under 40 CFR 141.23 (a)(3), alternate sampling locations may be used if approved by the department. The process for determining these alternate sites is described in department guidance. Purveyors of community and NTNC systems may ask the department to approve an alternate sampling location for multiple sources within a single system that are blended prior to entry to the distribution system. Alternate sampling plans shall address the following:

- (A) Source vulnerability;
- (B) Individual source characteristics;
- (C) Previous water quality information;
- (D) Status of monitoring waiver applications; and

(E) Other information deemed necessary by the department.

(d) Composite samples:

(i) ~~((In accordance with))~~ Under 40 CFR 141.23 (a)(4), purveyors may ask the certified lab to composite samples representing as many as five individual samples from within one system. Sampling procedures and protocols are outlined in department guidance; and

(ii) For systems serving a population of less than three thousand three hundred one, the department may approve composite sampling between systems when those systems are part of an approved satellite management agency.

(e) When the purveyor provides treatment for one or more inorganic chemical or physical contaminants, the department may require the purveyor to sample before and after treatment. The department shall notify the purveyor if and when this additional source sampling is required.

(f) Inorganic monitoring plans.

(i) Purveyors of community and NTNC systems shall prepare an inorganic chemical monitoring plan and base routine monitoring on the plan.

(ii) The purveyor shall:

(A) Keep the monitoring plan on file with the system and make it available to the department for inspection upon request;

(B) Revise or expand the plan at any time the plan no longer reflects the monitoring requirements, procedures or sampling locations, or as directed by the department; and

(C) Submit the plan to the department for review and approval when requested and as part of the water system plan required under WAC 246-290-100.

(g) Monitoring waivers.

(i) Purveyors may request in writing, a monitoring waiver from the department for any nonnitrate/nitrite inorganic chemical and physical monitoring requirements identified in this chapter.

(ii) Purveyors requesting a monitoring waiver shall comply with applicable subsections of 40 CFR 141.23 (b)(3), and 141.23 (c)(3) ~~((, and 141.40 (n)(4)))~~.

(iii) Purveyors shall update and resubmit requests for waiver renewals as applicable during each compliance cycle or period or more frequently as directed by the department.

(iv) Failure to provide complete and accurate information in the waiver application shall be grounds for denial of the monitoring waiver.

(h) The department may require the purveyor to repeat sample for confirmation of results.

(i) Purveyors with emergency and seasonal sources shall monitor those sources when they are in use.

(5) Lead and copper. Monitoring for lead and copper shall be conducted in accordance with 40 CFR 141.86 (a) - (f), 141.87, and 141.88.

(6) ~~((Trihalomethanes (THMs))~~

~~((a) Purveyors of community systems serving at least ten thousand people and providing water treated with chlorine or other halogenated disinfectant shall monitor as follows:~~

~~((i) Ground water sources. Until December 31, 2003, the purveyor shall collect one sample from each treated ground water source every twelve months. This sample shall be taken at the source before treatment and analyzed for maxi-~~

imum total trihalomethane potential (MTTP). The purveyor may receive approval from the department for an alternate sample location if it would provide essentially the same information as an MTTP analysis regarding the levels of THMs that the consumers are, or could potentially be, exposed to in the drinking water. Beginning January 1, 2004, systems that add a chemical disinfectant shall meet the monitoring requirements in subsection (7) of this section.

(ii) Surface water sources. The purveyor shall meet the monitoring requirements in subsection (7) of this section.

(iii) Purchased surface water sources. Purveyors of consecutive systems that add a chemical disinfectant to either the surface water they purchase, or to additional ground water supplies they use, shall meet the monitoring requirements in subsection (7) of this section.

(b) Until December 31, 2003, purveyors of **community** systems shall monitor for TTHM(s) when serving a population less than ten thousand and providing surface water treated with chlorine or other halogenated disinfectant. The purveyor shall collect one water sample per treated source every three months for one year. The sample shall be taken at the extreme end of the distribution system and analyzed for TTHM(s). After the first year, the purveyor shall monitor surface water sources every thirty-six months. Beginning January 1, 2004, systems that add a chemical disinfectant shall meet the monitoring requirements in subsection (7) of this section.

(c) Until December 31, 2003, purveyors of **community** systems shall monitor for TTHM(s) when serving less than ten thousand people and purchasing surface water treated with chlorine or other halogenated disinfectant or adding a halogenated disinfectant after purchase. The purveyor shall collect one water sample every three months at the extreme end of the distribution system or at a department acceptable location. The sample shall be analyzed for TTHM(s). After the first year, the purveyor shall monitor every thirty-six months. Beginning January 1, 2004, systems that add a chemical disinfectant to either the surface water they purchase, or to additional ground water supplies they use, shall meet the monitoring requirements in subsection (7) of this section.

(d) After December 31, 2003, subsection (6) of this section no longer applies to any public water system.

(7)) Disinfection by-products (DBP), disinfectant residuals, and disinfection by-product precursors (DBPP). Purveyors of community and NTNC systems providing water treated with chemical disinfectants and TNC systems using chlorine dioxide shall monitor as follows:

(a) General requirements.

(i) Systems shall collect samples during normal operating conditions.

(ii) All monitoring shall be conducted in accordance with the analytical requirements in 40 CFR 141.131.

(iii) Systems may consider multiple wells drawing from a single aquifer as one treatment plant for determining the minimum number of TTHM and HAA5 samples required, with department approval in accordance with department guidance.

(iv) Systems required to monitor under this subsection shall prepare and implement a monitoring plan in accordance with 40 CFR 141.132(f).

(A) Community and NTNC surface water systems that add a chemical disinfectant and serve at least ten thousand people shall submit a monitoring plan to the department.

(B) Community and NTNC surface water systems that add a chemical disinfectant and serve less than ten thousand people, but more than three thousand three hundred people, shall submit a monitoring plan to the department ((by April 10, 2004)).

(C) The department may require submittal of a monitoring plan from systems not specified in subsection ((7)) (6)(a)(iv)(A) or (B) of this section, and may require revision of any monitoring plan.

(D) Failure to monitor will be treated as a violation for the entire period covered by the annual average where compliance is based on a running annual average of monthly or quarterly samples or averages and the systems' failure to monitor makes it impossible to determine compliance with MCL's or MRDL's.

(b) Disinfection by-products - **Community** and NTNC systems only.

(i) ((Compliance dates.

(A) A system that is installing Granular Activated Carbon (GAC) with a minimum ten minutes of empty bed contact time (GAC10) or membrane technology to comply with WAC 246-290-310(5) may apply to the department for an extension of time to comply with this subsection. The extension may not go beyond December 31, 2003.

(B) Surface water systems that serve less than ten thousand people, or systems using only ground water, and that add a chemical disinfectant, including, but not limited to, chlorine, chloramines, chlorine dioxide, and/or ozone, shall comply with the applicable requirements of this subsection beginning January 1, 2004.

((ii)) TTHMs and HAA5.

(A) Systems shall monitor for TTHMs and HAA5 in accordance with 40 CFR 141.132 (b)(1)(i).

(B) With department approval, systems may reduce monitoring in accordance with 40 CFR 141.132 (b)(1)(ii).

(C) Systems on department-approved reduced monitoring schedules may be required to return to routine monitoring, or initiate increased monitoring in accordance with 40 CFR 141.132 (b)(1)(iii).

(D) The department may return systems on increased monitoring to routine monitoring if, after one year, annual average results for TTHMs and HAA5 are less than or equal to 0.060 mg/L and 0.045 mg/L, respectively, or monitoring results are consistently below the MCLs indicating that increased monitoring is no longer necessary.

((iii)) (ii) Chlorite - Only systems that use **chlorine dioxide**.

(A) Systems using chlorine dioxide shall conduct daily and monthly monitoring in accordance with 40 CFR 141.132 (b)(2)(i) and additional chlorite monitoring in accordance with 40 CFR 141.132 (b)(2)(ii).

(B) With department approval, monthly monitoring may be reduced in accordance with 40 CFR 141.132 (b)(2)(iii)(B).

Daily monitoring at entry to distribution required by 40 CFR 141.132 (b)(2)(i)(A) may not be reduced.

~~((i+))~~ (iii) Bromate - Only systems that use ozone.

(A) Systems using ozone for disinfection or oxidation must conduct bromate monitoring in accordance with 40 CFR 141.132 (b)(3)(i).

(B) With department approval, monthly bromate monitoring may be reduced to once per quarter~~((s))~~ in accordance with ~~((the provisions and requirements of))~~ 40 CFR 141.132 (b)(3)(ii) and 40 CFR 141.132(e).

(c) Disinfectant residuals.

~~((i))~~ (i) ~~((Compliance dates.~~

~~((A))~~ ~~Community and NTNC surface water systems that add a chemical disinfectant, including, but not limited to, ehlorine, chloramines, chlorine dioxide, and/or ozone, and serve less than ten thousand people, or systems using only ground water, shall comply with the applicable requirements of this section beginning January 1, 2004.~~

~~((B))~~ ~~TNC surface water systems that add chlorine dioxide as a disinfectant or oxidant, and serve less than ten thousand people, or systems using only ground water, shall comply with the chlorine dioxide MRDL beginning January 1, 2004.~~

~~((ii))~~ Chlorine and chloramines. Systems that use chlorine or chloramines shall monitor and record the residual disinfectant level in the distribution system ~~((in accordance with))~~ under WAC 246-290-451(6), 246-290-664 (6)(a), or 246-290-694 (8)(a).

~~((iii))~~ (ii) Chlorine dioxide. Community, NTNC, or TNC systems that use chlorine dioxide shall monitor in accordance with 40 CFR 141.132 (c)(2) and record results.

(d) Disinfection by-product precursors.

~~((i))~~ (i) ~~((Compliance dates.~~

~~Community and NTNC surface water systems serving less than ten thousand people using conventional filtration that employs sedimentation shall comply with the applicable requirements of this subsection beginning January 1, 2004.~~

~~((ii))~~ Surface water systems that use conventional filtration with sedimentation shall monitor ~~((in accordance with))~~ under 40 CFR 141.132(d), and meet the requirements of 40 CFR 141.135.

~~((8))~~ (7) Organic chemicals.

(a) Purveyors of community and NTNC water systems shall comply with monitoring requirements ~~((in accordance with))~~ under 40 CFR 141.24 (a) - (d), 141.24 (f)(1) - (f)(15), 141.24 (f)(18) - (19), 141.24 (f)(21), 141.24 (g)(1) - (9), 141.24 (g)(12) - (14), 141.24 (h)(1) - (11), and 141.24 (h)(14) - (17)~~((, 141.40(a), 141.40(d), and 141.40(e))~~.

(b) Sampling locations shall be as defined in 40 CFR 141.24(f), 141.24(g), 141.24(h), and 141.40(b) ~~((and 141.40(e))~~.

(i) Wellfield samples shall be allowed from department designated wellfields; and

(ii) ~~((In accordance with))~~ Under 40 CFR 141.24 (f)(3) and 141.24 (h)(3), alternate sampling locations may be allowed if approved by the department. These alternate locations are described in department guidance. Purveyors may ask the department to approve an alternate sampling location for multiple sources within a single system that are blended prior to entry to the distribution system. The alternate sampling location shall consider the following:

(A) Source vulnerability;

(B) An updated organic monitoring plan showing location of all sources with current and proposed sampling locations;

(C) Individual source characteristics;

(D) Previous water quality information;

(E) Status of monitoring waiver applications; and

(F) Other information deemed necessary by the department.

(c) Composite samples:

(i) Purveyors may ask the certified lab to composite samples representing as many as five individual samples from within one system. Sampling procedures and protocols are outlined in department guidance;

(ii) For systems serving a population of less than three thousand three hundred one, the department may approve composite sampling between systems when those systems are part of an approved satellite management agency.

(d) The department may require the purveyor to sample both before and after treatment for one or more organic contaminants. The department shall notify the purveyor if and when this additional source sampling is required.

(e) Organic chemical monitoring plans.

(i) Purveyors of community and NTNC systems shall prepare an organic chemical monitoring plan and base routine monitoring on the plan.

(ii) The purveyor shall:

(A) Keep the monitoring plan on file with the system and make it available to the department for inspection upon request;

(B) Revise or expand the plan at any time the plan no longer reflects the monitoring requirements, procedures or sampling locations, or as directed by the department; and

(C) Submit the plan to the department for review and approval when requested and as part of the water system plan required under WAC 246-290-100.

(f) Monitoring waivers.

(i) Purveyors may request in writing, a monitoring waiver from the department for any organic monitoring requirement except those relating to unregulated VOCs;

(ii) Purveyors requesting a monitoring waiver shall comply with 40 CFR 141.24 (f)(7), 141.24 (f)(10), 141.24 (h)(6), and 141.24 (h)(7) ~~((or 141.40 (n)(4))~~);

(iii) Purveyors shall update and resubmit requests for waiver renewals as directed by the department; and

(iv) Failure to provide complete and accurate information in the waiver application shall be grounds for denial of the monitoring waiver.

(g) Purveyors with emergency and seasonal sources shall monitor those sources under the applicable requirements of this section when they are actively providing water to consumers.

~~((9))~~ (9) ~~Unregulated chemicals.~~

~~((a))~~ ~~Unregulated inorganic contaminants. Purveyors of community and NTNC systems shall:~~

~~((i))~~ ~~Monitor for the unregulated inorganic chemicals listed in 40 CFR 141.40 (n)(12);~~

~~((ii))~~ ~~Comply with monitoring methods, frequencies, and sampling locations in accordance with 40 CFR 141.40 (n)(2) through 141.40 (n)(9) and 141.40 (n)(12); and~~

~~(iii) Apply in writing for a monitoring waiver according to the conditions outlined in 40 CFR 141.40 (n)(3), and the departmental procedures described in subsection (8)(f) of this section.~~

~~(b) Unregulated VOCs. Purveyors shall:~~

~~(i) Monitor in accordance with 40 CFR 141.40(e) and 141.40(j);~~

~~(ii) Comply with monitoring methods, frequency and sampling locations in accordance with 40 CFR 141.40(a) through 141.40(d), 141.40(g) and 141.40(i); and~~

~~(iii) Perform repeat monitoring for these compounds in accordance with 40 CFR 141.40(l).~~

~~(c) Unregulated SOCs. Purveyors shall:~~

~~(i) Monitor for the unregulated SOCs listed in 40 CFR 141.40 (n)(11); and~~

~~(ii) Comply with monitoring methods, frequencies, and sampling locations in accordance with 40 CFR 141.40 (n)(1) through 141.40 (n)(9).~~

~~Purveyors may request that the department defer this monitoring if a system has less than one hundred fifty service connections.~~

~~(d) Purveyors with emergency and seasonal sources shall monitor those sources under the applicable requirements of this section whenever they are actively providing water to consumers.~~

~~(10)) (8) Radionuclides. Monitoring for radionuclides shall be conducted ((in accordance with)) under 40 CFR 141.26.~~

~~((11)) (9) Cryptosporidium and E. coli source monitoring. Purveyors with surface water or GWI sources shall monitor the sources in accordance with 40 CFR 141.701 and 702.~~

~~(10) Other substances.~~

On the basis of public health concerns, the department may require the purveyor to monitor for additional substances.

TABLE 3
MONITORING LOCATION

Sample Type	Sample Location
Asbestos	One sample from distribution system or if required by department, from the source.
Bacteriological	From representative points throughout distribution system.
<u>Cryptosporidium and E. coli (Source Water) - WAC 246-290-630(16)</u>	<u>Under 40 CFR 141.703.</u>
Complete Inorganic Chemical & Physical	From a point representative of the source, after treatment, and prior to entry to the distribution system.
Lead/Copper	From the distribution system at targeted sample tap locations.
Nitrate/Nitrite	From a point representative of the source, after treatment, and prior to entry to the distribution system.
((Total Trihalomethanes - Surface Water (WAC 246-290-300(6) only)	From points at extreme end, and at intermediate locations, in the distribution system from the source after treatment.

Sample Type	Sample Location
Potential Trihalomethanes - Ground Water (WAC 246-290-300(6) only)	From the source before treatment.)
Disinfection By-Products - TTHMs and HAA5 - WAC 246-290-300((7)) (6)	((In accordance with)) Under 40 CFR 141.132 (b)(1).
Disinfection By-Products - Chlorite (Systems adding chlorine dioxide)	((In accordance with)) Under 40 CFR 141.132 (b)(2).
Disinfection By-Products - Bromate (Systems adding ozone)	((In accordance with)) Under 40 CFR 141.132 (b)(3).
Disinfectant Residuals - Chlorine and Chloramines	((In accordance with)) Under 40 CFR 141.132 (c)(1).
Disinfectant Residuals - Chlorine dioxide	((In accordance with)) Under 40 CFR 141.132 (c)(2).
Disinfection Precursors - Total Organic Carbon (TOC)	((In accordance with)) Under 40 CFR 141.132(d).
Disinfection Precursors - Bromide (Systems using ozone)	From the source before treatment.
Radionuclides	From a point representative of the source, after treatment and prior to entry to distribution system.
Organic Chemicals (VOCs & SOCs)	From a point representative of the source, after treatment and prior to entry to distribution system.
Other Substances (unregulated chemicals)	From a point representative of the source, after treatment, and prior to entry to the distribution system, or as directed by the department.

AMENDATORY SECTION (Amending WSR 04-04-056, filed 1/30/04, effective 3/1/04)

WAC 246-290-310 Maximum contaminant levels (MCLs) and maximum residual disinfectant levels (MRDLs). (1) General.

(a) The purveyor shall be responsible for complying with the standards of water quality identified in this section. If a substance exceeds its ((maximum contaminant level (MCL))MCL((+)) or its maximum residual disinfectant level (MRDL), the purveyor shall take follow-up action ((in accordance with)) under WAC 246-290-320.

(b) When enforcing the standards described under this section, the department shall enforce compliance with the primary standards as its first priority.

(2) Bacteriological.

(a) MCLs under this subsection shall be considered primary standards.

(b) ((Notwithstanding subsection (1) of this section,)) If coliform presence is detected in any sample, the purveyor shall take follow-up action ((in accordance with)) under WAC 246-290-320(2).

(c) Acute MCL. An acute MCL for coliform bacteria occurs when there is:

- (i) Fecal coliform presence in a repeat sample;
- (ii) *E. coli* presence in a repeat sample; or
- (iii) Coliform presence in any repeat samples collected as a follow-up to a sample with fecal coliform or *E. coli* presence.

Note: For the purposes of the public notification requirements in Part 7, Subpart A of this chapter, an acute MCL is a violation that requires Tier 1 public notification.

(d) Nonacute MCL. A nonacute MCL for coliform bacteria occurs when:

- (i) Systems taking less than forty routine samples during the month have more than one sample with coliform presence; or
- (ii) Systems taking forty or more routine samples during the month have more than 5.0 percent with coliform presence.

(e) MCL compliance. The purveyor shall determine compliance with the coliform MCL for each month the system provides drinking water to the public. In determining MCL compliance, the purveyor shall:

- (i) Include:
 - (A) Routine samples; and
 - (B) Repeat samples.
- (ii) Not include:
 - (A) Samples invalidated under WAC 246-290-320(2)(d); and
 - (B) Special purpose samples.

(3) Inorganic chemical and physical.
 (a) The primary and secondary MCLs are listed in Table 4 and 5:

TABLE 4
 INORGANIC CHEMICAL CHARACTERISTICS

Substance	Primary MCLs (mg/L)
Antimony (Sb)	0.006
Arsenic (As)	0.010*
Asbestos	7 million fibers/liter (longer than 10 microns)
Barium (Ba)	2.0
Beryllium (Be)	0.004
Cadmium (Cd)	0.005
Chromium (Cr)	0.1
Copper (Cu)	**
Cyanide (HCN)	0.2
Fluoride (F)	4.0
Lead (Pb)	**
Mercury (Hg)	0.002
Nickel (Ni)	0.1
Nitrate (as N)	10.0
Nitrite (as N)	1.0
Selenium (Se)	0.05
Sodium (Na)	**

Substance	Primary MCLs (mg/L)
Thallium (Tl)	0.002
Substance	Secondary MCLs (mg/L)
Chloride (Cl)	250.0
Fluoride (F)	2.0
Iron (Fe)	0.3
Manganese (Mn)	0.05
Silver (Ag)	0.1
Sulfate (SO ₄)	250.0
Zinc (Zn)	5.0

Note* Does not apply to TNC systems. ((With regard to community and NTNC water systems, new systems or systems that use a new source of water, certified as complete in accordance with WAC 246-290-120(5) after January 22, 2004, must demonstrate compliance with this MCL within a period of time specified by the department. With regard to existing community and NTNC water systems, this arsenic MCL is effective January 23, 2006, for the purpose of compliance. Until that time, the MCL is 0.05 mg/L.))

Note** Although the state board of health has not established MCLs for copper, lead, and sodium, there is sufficient public health significance connected with copper, lead, and sodium levels to require inclusion in inorganic chemical and physical source monitoring. For lead and copper, the EPA has established distribution system related levels at which a system is required to consider corrosion control. These levels, called "action levels," are 0.015 mg/L for lead and 1.3 mg/L for copper and are applied to the highest concentration in ten percent of all samples collected from the distribution system. The EPA has also established a recommended level of twenty mg/L for sodium as a level of concern for those consumers that may be restricted for daily sodium intake in their diets.

TABLE 5
 PHYSICAL CHARACTERISTICS

Substance	Secondary MCLs
Color	15 Color Units
Specific Conductivity	700 umhos/cm
Total Dissolved Solids (TDS)	500 mg/L

(b) Compliance with the MCLs, except for nitrate and nitrite, in this subsection is determined by a running annual average at each sampling point. The system will not be considered in violation of the MCL until it has completed one year of quarterly sampling and at least one sampling point is in violation of the MCL. If one sampling point is in violation of the MCL, the system is in violation of the MCL.

(i) If any sample will cause the running annual average to exceed the MCL at any sampling point, the system is out of compliance with the MCL immediately.

(ii) If a system fails to collect the required number of samples, compliance will be based on the total number of samples collected.

(iii) If a sample result is less than the detection limit, zero will be used to calculate the running annual average.

(c) Compliance with the MCLs for nitrate and nitrite is determined based on one sample if the levels of these con-

taminants are below the MCLs as determined under Table 4 of this section. If the levels of nitrate or nitrite exceed the MCLs in the initial sample, a confirmation sample is required under 40 CFR 141.23 (f)(2), and compliance shall be determined based on the average of the initial and confirmation samples.

~~(4) (Trihalomethanes-~~

~~(a) The department shall consider standards under this subsection primary standards.~~

~~(b) The MCL for total trihalomethanes (TTHMs) is 0.10 mg/L calculated on the basis of a running annual average of quarterly samples. The concentrations of each of the trihalomethane compounds (trichloromethane, dibromochloromethane, bromodichloromethane, and tribromomethane) are totaled to determine the TTHM level.~~

~~(c) There is no MCL for maximum total trihalomethane potential (MTTP). When the MTTP value exceeds 0.10 mg/L, the purveyor shall follow up as described under WAC 246-290-320(6).~~

~~(d) The MCL for total trihalomethanes in this subsection applies only to monitoring required under WAC 246-290-300(6). After December 31, 2003, this section no longer applies to any public water system.~~

~~(5)) Disinfection by-products.~~

(a) The department shall consider standards under this subsection as primary standards. The MCLs in this subsection apply to monitoring required by WAC 246-290-300((7)) (6).

(b) The MCLs for disinfection by-products are as follows:

Disinfection By-Product	MCL (mg/L)
Total Trihalomethanes (TTHMs)	0.080
Haloacetic acids (five) (HAA5)	0.060
Bromate	0.010
Chlorite	1.0

(c) Whether a system has exceeded MCLs shall be determined in accordance with 40 CFR 141.133.

~~((6)) (5) Disinfectant residuals.~~

(a) The department shall consider standards under this subsection primary standards. The MRDLs in this subsection apply to monitoring required by WAC 246-290-300((7)) (6).

(b) The MRDL for disinfectants is as follows:

Disinfectant Residual	MRDL (mg/L)
Chlorine	4.0 (as Cl ₂)
Chloramines	4.0 (as Cl ₂)
Chlorine Dioxide	0.8 (as ClO ₂)

(c) Whether a system has exceeded MRDLs shall be determined in accordance with 40 CFR 141.133.

~~((7)) (6) Radionuclides.~~

(a) The department shall consider standards under this subsection primary standards.

(b) The MCLs for radium-226 and radium-228, gross alpha particle activity, beta particle and photon radioactivity, and uranium shall be as listed in 40 CFR 141.66.

~~((8)) (7) Organic chemicals.~~

(a) The department shall consider standards under this subsection primary standards.

(b) VOCs.

(i) The MCLs for VOCs shall be as listed in 40 CFR 141.61(a).

(ii) The department shall determine compliance with this subsection based on compliance with 40 CFR 141.24(f).

(c) SOCs.

(i) MCLs for SOCs shall be as listed in 40 CFR 141.61(c).

(ii) The department shall determine compliance with this subsection based on compliance with 40 CFR 141.24(h).

~~((9)) (8) Other chemicals.~~

(a) The state board of health shall determine maximum contaminant levels for any additional substances.

(b) Purveyors may be directed by the department to comply with state advisory levels (SALs) for contaminants that do not have a MCL established in chapter 246-290 WAC. SALs shall be:

(i) MCLs that have been promulgated by the EPA, but which have not yet been adopted by the state board of health; or

(ii) State board of health adopted levels for substances recommended by the department and not having an EPA established MCL. A listing of these may be found in the department document titled *Procedures and References for the Determination of State Advisory Levels for Drinking Water Contaminants* dated June 1996, that has been approved by the state board of health and is available.

AMENDATORY SECTION (Amending WSR 04-04-056, filed 1/30/04, effective 3/1/04)

WAC 246-290-320 Follow-up action. (1) General.

(a) When an MCL or MRDL violation or exceedance occurs, the purveyor shall take follow-up action as described in this section.

(b) When a primary standard violation occurs, the purveyor shall:

(i) Notify the department ~~((in accordance with))~~ under WAC 246-290-480;

(ii) Notify the consumers served by the system and the owner or operator of any consecutive system served in accordance with 40 CFR 141.201 through 208, and Part 7, Subpart A of this chapter;

(iii) Determine the cause of the contamination; and
(iv) Take action as directed by the department.

(c) When a secondary standard violation occurs, the purveyor shall notify the department and take action as directed by the department.

(d) The department may require additional sampling for confirmation of results.

(2) Bacteriological.

(a) When coliform bacteria are present in any sample and the sample is not invalidated under (d) of this subsection, the purveyor shall ensure the following actions are taken:

(i) The sample is analyzed for fecal coliform or *E. coli*. When a sample with a coliform presence is not analyzed for *E. coli* or fecal coliforms, the sample shall be considered as having a fecal coliform presence for MCL compliance purposes;

(ii) Repeat samples are collected in accordance with (b) of this subsection;

(iii) The department is notified in accordance with WAC 246-290-480; and

(iv) The cause of the coliform presence is determined and corrected.

(b) Repeat samples.

(i) The purveyor shall collect repeat samples in order to confirm the original sample results and to determine the cause of the coliform presence. Additional treatment, such as batch or shock chlorination, shall not be instituted prior to the collection of repeat samples unless prior authorization by the department is given. Following collection of repeat samples, and before the analytical results are known, there may be a need to provide interim precautionary treatment or other means to insure public health protection. The purveyor shall contact the department to determine the best interim approach in this situation.

(ii) The purveyor shall collect and submit for analysis a set of repeat samples for every sample in which the presence of coliforms is detected. A set of repeat coliform samples consists of:

(A) Four repeat samples for systems collecting one routine coliform sample each month; or

(B) Three repeat samples for all systems collecting more than one routine coliform sample each month.

(iii) The purveyor shall collect repeat sample sets according to Table 7;

(iv) The purveyor shall collect one set of repeat samples for each sample with a coliform presence. All samples in a set of repeat samples shall be collected on the same day and submitted for analysis within twenty-four hours after notification by the laboratory of a coliform presence, or as directed by the department.

(v) When repeat samples have coliform presence, the purveyor shall:

(A) Contact the department and collect a minimum of one additional set of repeat samples as directed by the department; or

(B) Collect one additional set of repeat samples for each sample where coliform presence was detected.

(vi) The purveyor of a system providing water to consumers via a single service shall collect repeat samples from the same location as the sample with a coliform presence. The set of repeat samples shall be collected:

(A) On the same collection date;

(B) Over consecutive days with one sample collected each day until the required samples in the set of repeat samples are collected; or

(C) As directed by the department.

(vii) If a sample with a coliform presence was collected from the first two or last two active services, the purveyor shall monitor as directed by the department;

(viii) The purveyor may change a previously submitted routine sample to a sample in a set of repeat samples when the purveyor:

(A) Collects the sample within five adjacent service connections of the location from which the initial sample with a coliform presence was collected;

(B) Collects the sample after the initial sample with a coliform presence was submitted for analysis;

(C) Collects the sample on the same day as other samples in the set of repeat samples, except under (b)(iv) of this subsection; and

(D) Requests and receives approval from the department for the change.

(ix) The department may determine that sets of repeat samples specified under this subsection are not necessary during a month when a nonacute coliform MCL violation is determined for the system.

Table 7
REPEAT SAMPLE REQUIREMENTS

# OF ROUTINE SAMPLES COLLECTED EACH MONTH	# OF SAMPLES IN A SET OF REPEAT SAMPLES	LOCATIONS FOR REPEAT SAMPLES (COLLECT AT LEAST ONE SAMPLE PER SITE)
1	4	<ul style="list-style-type: none"> ◆ Site of previous sample with a coliform presence ◆ Within 5 active services upstream of site of sample with a coliform presence ◆ Within 5 active services downstream of site of sample with a coliform presence ◆ At any other active service or from a location most susceptible to contamination (i.e., well or reservoir)
more than 1	3	<ul style="list-style-type: none"> ◆ Site of previous sample with a coliform presence ◆ Within 5 active services upstream of site of sample with a coliform presence ◆ Within 5 active services downstream of site of sample with a coliform presence

(c) Monitoring frequency following a coliform presence. Systems having one or more coliform presence samples that were not invalidated during the previous month shall collect and submit for analysis the minimum number of samples shown in the last column of Table 2.

(i) The purveyor may obtain a reduction in the monitoring frequency requirement when one or more samples with a coliform presence were collected during the previous month, if the purveyor proves to the satisfaction of the department;

(A) The cause of the sample with a coliform presence; and

(B) The problem is corrected before the end of the next month the system provides water to the public.

(ii) If the monitoring frequency requirement is reduced, the purveyor shall collect and submit at least the minimum number of samples required when no samples with a coliform presence were collected during the previous month.

(d) Invalid samples. Coliform samples may be determined to be invalid under any of the following conditions:

(i) A certified laboratory determines that the sample results show:

(A) Multiple tube technique cultures that are turbid without appropriate gas production;

(B) Presence-absence technique cultures that are turbid in the absence of an acid reaction;

(C) Occurrence of confluent growth patterns or growth of TNTC (too numerous to count) colonies without a surface sheen using a membrane filter analytic technique;

(ii) The analyzing laboratory determines there is excess debris in the sample.

(iii) The analyzing laboratory establishes that improper sample collection or analysis occurred;

(iv) The department determines that a nondistribution system problem has occurred as indicated by:

(A) All samples in the set of repeat samples collected at the same location, including households, as the original coliform presence sample also are coliform presence; and

(B) All other samples from different locations (households, etc.) in the set of repeat samples are free of coliform.

(v) The department determines a coliform presence result is due to a circumstance or condition that does not reflect water quality in the distribution system.

(e) Follow-up action when an invalid sample is determined. The purveyor shall take the following action when a coliform sample is determined to be invalid:

(i) Collect and submit for analysis an additional coliform sample from the same location as each invalid sample within twenty-four hours of notification of the invalid sample; or

(ii) In the event that it is determined that the invalid sample resulted from circumstances or conditions not reflective of distribution system water quality, collect a set of samples in accordance with Table 7; and

(iii) Collect and submit for analysis samples as directed by the department.

(f) Invalidated samples shall not be included in determination of the sample collection requirement for compliance with this chapter.

(3) Inorganic chemical and physical follow-up monitoring shall be conducted in accordance with the following:

(a) For nonnitrate/nitrite primary inorganic chemicals, 40 CFR 141.23 (a)(4), 141.23 (b)(8), 141.23 (c)(7), 141.23 (c)(9), 141.23 (f)(1), 141.23(g), 141.23(m) and 141.23(n);

(b) For nitrate, 40 CFR 141.23 (a)(4), 141.23 (d)(2), 141.23 (d)(3), 141.23 (f)(2), 141.23(g), 141.23(m), 141.23(n), and 141.23(o);

(c) For nitrite, 40 CFR 141.23 (a)(4), 141.23 (e)(3), 141.23 (f)(2), and 141.23(g); or

(d) The purveyor of any public water system providing service that has secondary inorganic MCL exceedances shall take follow-up action as required by the department. Follow-up action shall be commensurate with the degree of consumer acceptance of the water quality and their willingness to bear the costs of meeting the secondary standard. For new community water systems and new nontransient noncommunity water systems without active consumers, treatment for secondary contaminant MCL exceedances will be required.

(4) Lead and copper follow-up monitoring shall be conducted in accordance with 40 CFR 141.85(d), 141.86 (d)(2), 141.86 (d)(3), 141.87(d) and 141.88(b) through 141.88(d).

(5) Turbidity.

Purveyors monitoring turbidity in accordance with Part 6 of this chapter shall provide follow-up ~~((in accordance with))~~ under WAC 246-290-634.

~~(6) ((Trihalomethanes. For public water systems subject to WAC 246-290-300(6):~~

~~(a) When the average of all samples taken during any twelve-month period exceeds the MCL for total trihalomethanes as referenced in WAC 246-290-310 (4)(b), the violation is confirmed and the purveyor shall take corrective action as required by the department, and consistent with 40 CFR 141.30 (b)(3). When the maximum trihalomethane potential (MTTP) result is equal to or greater than 0.10 mg/L and the result is confirmed by a promptly collected repeat sample, the purveyor shall provide for additional monitoring and take action as directed by the department.~~

~~(7))~~ Organic chemicals. Follow-up monitoring shall be conducted in accordance with the following:

(a) For VOCs, 40 CFR 141.24 (f)(11) through 141.24 (f)(15), and 141.24 (f)(22); or

(b) For SOCs, 40 CFR 141.24(b), 141.24(c) and 141.24 (h)(7) through 141.24 (h)(11), and 141.24 (h)(20).

~~((8) Unregulated inorganic and organic chemicals.~~

~~(a) Follow up monitoring shall be conducted in accordance with 40 CFR 141.40 (n)(8) and 141.40 (n)(9).~~

~~(b) When an unregulated chemical is verified at a concentration above the detection limit, the purveyor shall:~~

~~(i) Submit the sample analysis results to the department within seven days of receipt from the laboratory; and~~

~~(ii) Sample the source a minimum of once every three months for one year and then annually thereafter during the three-month period when the highest previous measurement occurred.~~

~~(c) If the department determines that an unregulated chemical is verified at a level greater than a SAL, the department shall notify the purveyor in writing. The purveyor shall repeat sample the source as soon as possible after initial department notice that a SAL has been exceeded. The purveyor shall submit the analysis results to the department within seven days of receipt from the laboratory. If any repeat sample confirms that a SAL has been exceeded, the purveyor shall:~~

~~(i) Provide consumer information in accordance with Part 7, Subpart A of this chapter;~~

~~(ii) Investigate the cause of the contamination; and~~

~~(iii) Take follow-up or corrective action as required by the department.~~

~~(d) The department may reduce the purveyor's monitoring requirement for a source detecting an unregulated chemical if the source has been monitored annually for at least three years, and all analysis results are less than the SAL.~~

~~(9))~~ (7) Radionuclide follow-up monitoring shall be conducted ~~((in accordance with))~~ under 40 CFR 141.26 (a)(2)(iv), 141.26 (a)(3)(ii) through (v), 141.26 (a)(4), 141.26 (b)(6), and 141.26 (c)(5).

~~((10))~~ (8) The department shall determine the purveyor's follow-up action when a substance not included in this chapter is detected.

AMENDATORY SECTION (Amending WSR 99-07-021, filed 3/9/99, effective 4/9/99)

WAC 246-290-470 Uncovered ~~((distribution reservoirs))~~ finished water storage facilities. (1) Existing uncovered ~~((distribution reservoirs))~~ finished water storage facilities shall be operated based on a plan of operation approved by the department.

(2) Purveyors with uncovered ~~((distribution reservoirs))~~ finished water storage facilities shall have a department-approved plan and schedule to cover all reservoirs on file with the department.

(3) The plan of operation shall address the following elements as a minimum:

(a) Assurance of the means and levels associated with the provision of continuous disinfection at all times water is being delivered to the public, including the reliability provisions outlined in WAC 246-290-420;

(b) Description of the means for control of debris, algal, or other aquatic organism growths, surface water runoff, and atmospheric or avian-borne airborne contamination;

(c) Procedures for ensuring that construction will not lead to reservoir contamination;

(d) Provisions for ensuring adequate security measures are provided; and

(e) Any required, or department-directed, monitoring and reporting.

(4) Systems using uncovered finished water reservoirs must comply with 40 CFR 141.714.

AMENDATORY SECTION (Amending WSR 07-02-025B, filed 12/22/06, effective 1/22/07)

WAC 246-290-480 Recordkeeping and reporting. (1) Records. The purveyor shall keep the following records of operation and water quality analyses:

(a) Bacteriological and turbidity analysis results shall be kept for five years. Chemical analysis results shall be kept for as long as the system is in operation. Records of source meter readings shall be kept for ten years. Other records of operation and analyses required by the department shall be kept for three years. All records shall bear the signature of the operator in responsible charge of the water system or his or her representative. Systems shall keep these records available for inspection by the department and shall send the records to the department if requested. Actual laboratory reports may be kept or data may be transferred to tabular summaries, provided the following information is included:

(i) The date, place, and time of sampling, and the name of the person collecting the sample;

(ii) Identification of the sample type (routine distribution system sample, repeat sample, source or finished water sample, or other special purpose sample);

(iii) Date of analysis;

(iv) Laboratory and person responsible for performing analysis;

(v) The analytical method used; and

(vi) The results of the analysis.

(b) Records of action taken by the system to correct violations of primary drinking water standards. For each violation, records of actions taken to correct the violation, and copies of public notifications shall be kept for no less than three years after the last corrective action taken.

(c) Copies of any written reports, summaries, or communications relating to sanitary surveys or SPIs of the system conducted by system personnel, by a consultant or by any local, state, or federal agency, shall be kept for ten years after completion of the sanitary survey or SPI involved.

(d) Copies of project reports, construction documents and related drawings, inspection reports and approvals shall be kept for the life of the facility.

(e) Where applicable, records of the following shall be kept for a minimum of three years:

(i) Chlorine residual;

(ii) Fluoride level;

(iii) Water treatment plant performance including, but not limited to:

(A) Type of chemicals used and quantity;

(B) Amount of water treated; ~~((and))~~

(C) Results of analyses~~((:))~~; and

(iv) ~~((Turbidity;~~

~~((v) Source meter readings; and~~

~~((vi)))~~ Other information as specified by the department.

(f) The purveyor shall retain copies of public notices made ~~((in accordance with))~~ under Part 7, Subpart A of this chapter and certifications made to the department under 40 CFR 141.33(e) for a period of at least three years after issuance.

(g) Purveyors using conventional, direct, or in-line filtration that recycle spent filter backwash water, thickener supernatant, or liquids from dewatering processes within their treatment plant shall, beginning no later than June 8, 2004, collect and retain on file the following information for review and evaluation by the department:

(i) A copy of the recycle notification and information submitted to the department ~~((in accordance with))~~ under WAC 246-290-660 (4)(a)(i).

(ii) A list of all recycle flows and the frequency with which they are returned.

(iii) Average and maximum backwash flow rate through the filters and the average and maximum duration of the filter backwash process in minutes.

(iv) Typical filter run length and a written summary of how filter run length is determined.

(v) The type of treatment provided for the recycle flow.

(vi) Data on the physical dimensions of the equalization and/or treatment units, typical and maximum hydraulic loading rates, type of treatment chemicals used and average dose and frequency of use, and frequency at which solids are removed, if applicable.

(h) Purveyors required to conduct disinfection profiling and benchmarking ~~((in accordance with))~~ under 40 CFR 141.530 through 141.544 shall retain the results on file indefinitely.

(i) Purveyors using surface water or GWI sources must keep the records required by 40 CFR 141.722.

(2) Reporting.

(a) Unless otherwise specified in this chapter, the purveyor shall report to the department within forty-eight hours the failure to comply with any national primary drinking water regulation (including failure to comply with any monitoring requirements) as set forth in this chapter. For violations assigned to Tier 1 in WAC 246-290-71001, the department must be notified as soon as possible, but no later than twenty-four hours after the violation is known.

(b) The purveyor shall submit to the department reports required by this chapter, including tests, measurements, and analytic reports. Monthly reports are due before the tenth day of the following month, unless otherwise specified in this chapter.

(c) The purveyor shall submit to the department copies of any written summaries or communications relating to the status of monitoring waivers during each monitoring cycle or as directed by the department.

(d) Source meter readings shall be made available to the department.

(e) Water facilities inventory form (WFI).

(i) Purveyors of **community** and **NTNC** systems shall submit an annual WFI update to the department;

(ii) Purveyors of **TNC** systems shall submit an updated WFI to the department as requested;

(iii) Purveyors shall submit an updated WFI to the department within thirty days of any change in name, category, ownership, or responsibility for management of the water system, or addition of source or storage facilities; and

(iv) At a minimum the completed WFI shall provide the current names, addresses, and telephone numbers of the owners, operators, and emergency contact persons for the system.

(f) Bacteriological. The purveyor shall notify the department of the presence of:

(i) Coliform in a sample, within ten days of notification by the laboratory; and

(ii) Fecal coliform or *E. coli* in a sample, by the end of the business day in which the purveyor is notified by the laboratory. If the purveyor is notified of the results after normal close of business, then the purveyor shall notify the department before the end of the next business day.

~~(g) ((Systems monitoring for unregulated contaminants in accordance with WAC 246-290-300(9), shall send a copy of the monitoring results to the department within thirty days of receipt of analytical results.~~

~~((h))~~ Systems monitoring for disinfection by-products ~~((in accordance with))~~ under WAC 246-290-300~~((7))~~ (6) shall report information to the department as specified in 40 CFR 141.134.

~~((i))~~ (h) Systems monitoring for disinfectant residuals ~~((in accordance with))~~ under WAC 246-290-300~~((7))~~ (6) shall report information to the department as specified in subsection (2)(a) of this section, and 40 CFR 141.134~~((e))~~ (b).

~~((j))~~ (i) Systems required to monitor for disinfection by-product precursor removal ~~((in accordance with))~~ under WAC 246-290-300~~((7))~~ (6) shall report information to the department as specified in 40 CFR 141.134(d).

~~((k))~~ (j) Systems subject to the enhanced treatment requirements for *Cryptosporidium* under WAC 246-290-

630(4) shall report information to the department as specified in 40 CFR 141.706 and 141.721.

(k) Systems that use acrylamide and epichlorohydrin in the treatment of drinking water, must certify annually in writing to the department that the combination (or product) of dose and monomer level does not exceed the levels specified in (k)(i) and (ii) of this subsection. Certifications shall reference maximum use levels established by an ANSI-accredited listing organization approved by the department.

(i) Acrylamide = 0.05 percent dosed at 1 ppm (or equivalent); and

(ii) Epichlorohydrin = 0.01 percent dosed at 20 ppm (or equivalent).

(l) Use of products that exceed the specified levels constitutes a treatment technique violation and the public must be notified under the public notice requirements under Part 7, Subpart A of this chapter.

(m) Systems shall submit to the department, in accordance with 40 CFR 141.31(d), a certification that the system has complied with the public notification regulations (Part 7, Subpart A of this chapter) when a public notification is required. Along with the certification, the system shall submit a representative copy of each type of notice.

AMENDATORY SECTION (Amending WSR 03-08-037, filed 3/27/03, effective 4/27/03)

WAC 246-290-490 Cross-connection control. (1) Applicability, purpose, and responsibility.

(a) All community water systems shall comply with the cross-connection control requirements specified in this section.

(b) All noncommunity water systems shall apply the principles and provisions of this section, including subsection (4)(b) of this section, as applicable to protect the public water system from contamination via cross-connections. Noncommunity systems that comply with subsection (4)(b) of this section and the provisions of WAC 51-56-0600 of the UPC (which addresses the installation of backflow preventers at points of water use within the potable water system) shall be considered in compliance with the requirements of this section.

(c) The purpose of the purveyor's cross-connection control program shall be to protect the public water system, as defined in WAC 246-290-010, from contamination via cross-connections.

(d) The purveyor's responsibility for cross-connection control shall begin at the water supply source, include all the public water treatment, storage, and distribution facilities, and end at the point of delivery to the consumer's water system, which begins at the downstream end of the service connection or water meter located on the public right of way or utility-held easement.

(e) Under ~~((the provisions of))~~ this section, purveyors are not responsible for eliminating or controlling cross-connections within the consumer's water system. Under chapter 19.27 RCW, the responsibility for cross-connection control within the consumer's water system, i.e., within the property lines of the consumer's premises, ~~((falls under the jurisdiction~~

~~of the local administrative authority~~) lies with the authority having jurisdiction.

(2) General program requirements.

(a) The purveyor shall develop and implement a cross-connection control program that meets the requirements of this section, but may establish a more stringent program through local ordinances, resolutions, codes, bylaws, or operating rules.

(b) Purveyors shall ensure that good engineering and public health protection practices are used in the development and implementation of cross-connection control programs. Department publications and the most recently published editions of references, such as, but not limited to, those listed below, may be used as guidance for cross-connection program development and implementation:

(i) *Manual of Cross-Connection Control* published by the Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California (USC Manual); ~~(ø)~~

(ii) *Cross-Connection Control Manual, Accepted Procedure and Practice* published by the Pacific Northwest Section of the American Water Works Association (PNWS-AWWA Manual); or

(iii) Guidance document: *Cross-Connection Control for Small Water Systems* published by the department.

(c) The purveyor may implement the cross-connection control program, or any portion thereof, directly or by means of a contract with another agency or party acceptable to the department.

(d) The purveyor shall coordinate with the ~~(local administrative)~~ authority having jurisdiction in all matters concerning cross-connection control. The purveyor shall document and describe ~~((such)) the~~ coordination, including delineation of responsibilities, in the written cross-connection control program required in (e) of this subsection.

(e) The purveyor shall include a written description of the cross-connection control program in the water system plan required under WAC 246-290-100 or the small water system management program required under WAC 246-290-105. The cross-connection control program shall include the minimum program elements described in subsection (3) of this section.

(f) The purveyor shall ensure that cross-connections between the distribution system and a consumer's water system are eliminated or controlled by the installation of an approved backflow preventer commensurate with the degree of hazard. This can be accomplished by implementation of a cross-connection program that relies on:

(i) Premises isolation as defined in WAC 246-290-010; or

(ii) Premises isolation and in-premises protection as defined in WAC 246-290-010.

(g) Purveyors with cross-connection control programs that rely both on premises isolation and in-premises protection:

(i) Shall comply with the premises isolation requirements specified in subsection (4)(b) of this section; and

(ii) May reduce premises isolation requirements and rely on in-premises protection for premises other than the type

~~((not))~~ addressed in subsection (4)(b) of this section, only if the following conditions ~~((in (h) of this subsection are met.~~

~~(h) Purveyors may rely on in-premises protection only when the following conditions))~~ are met:

~~((+))~~ (A) The in-premises backflow preventers provide a level of protection commensurate with the purveyor's assessed degree of hazard;

~~((+))~~ (B) Backflow preventers which provide the in-premises backflow protection meet the definition of approved backflow preventers as described in WAC 246-290-010;

~~((+))~~ (C) The approved backflow preventers are installed, inspected, tested (if applicable), maintained, and repaired in accordance with subsections (6) and (7) of this section;

~~((+))~~ (D) Records of ~~((such)) the~~ backflow preventers are maintained in accordance with subsections (3)(j) and (8) of this section; and

~~((+))~~ (E) The purveyor has reasonable access to the consumer's premises to conduct an initial hazard evaluation and periodic reevaluations to determine whether the in-premises protection is adequate to protect the purveyor's distribution system.

~~((+))~~ (h) The purveyor shall take appropriate corrective action ~~((within its authority if))~~ as authorized by the legal instrument required by subsection (3)(b) of this section, when:

(i) A cross-connection exists that is not controlled commensurate to the degree of hazard assessed by the purveyor; or

(ii) A consumer fails to comply with the purveyor's requirements regarding the installation, inspection, testing, maintenance or repair of approved backflow preventers required by this chapter.

~~((+))~~ (i) The purveyor's corrective action may include, but is not limited to:

(i) Denying or discontinuing water service to a consumer's premises until the cross-connection hazard is eliminated or controlled to the satisfaction of the purveyor;

(ii) Requiring the consumer to install an approved backflow preventer for premises isolation commensurate with the degree of hazard; or

(iii) The purveyor installing an approved backflow preventer for premises isolation commensurate with the degree of hazard.

~~((k) Purveyors))~~ (j) Except in the event of an emergency, purveyors shall notify the authority having jurisdiction prior to denying or discontinuing water service to a consumer's premises for one or more of the reasons listed in ~~((+))~~ (h) of this subsection ~~((shall notify the local administrative authority prior to taking such action except in the event of an emergency)).~~

~~((+))~~ (k) The purveyor shall prohibit the intentional return of used water to the purveyor's distribution system. ~~((Such))~~ Used water ~~((would))~~ includes, but is not limited to, water used for heating, cooling, or other purposes within the consumer's water system.

(3) Minimum elements of a cross-connection control program.

(a) To be acceptable to the department, the purveyor's cross-connection control program shall include the minimum elements identified in this subsection.

(b) Element 1: The purveyor shall adopt a local ordinance, resolution, code, bylaw, or other written legal instrument that:

(i) Establishes the purveyor's legal authority to implement a cross-connection control program;

(ii) Describes the operating policies and technical provisions of the purveyor's cross-connection control program; and

(iii) Describes the corrective actions used to ensure that consumers comply with the purveyor's cross-connection control requirements.

(c) Element 2: The purveyor shall develop and implement procedures and schedules for evaluating new and existing service connections to assess the degree of hazard posed by the consumer's premises to the purveyor's distribution system and notifying the consumer within a reasonable time frame of the hazard evaluation results. At a minimum, the program shall meet the following:

(i) For ~~((new))~~ connections made on or after ~~((the effective date of these regulations))~~ April 9, 1999, procedures shall ensure that an initial evaluation is conducted before water service is provided;

(ii) For ~~((existing))~~ all other connections ~~((made prior to the effective date of these regulations))~~, procedures shall ensure that an initial evaluation is conducted in accordance with a schedule acceptable to the department; and

(iii) For all service connections, once an initial evaluation has been conducted, procedures shall ensure that periodic reevaluations are conducted in accordance with a schedule acceptable to the department and whenever there is a change in the use of the premises.

(d) Element 3: The purveyor shall develop and implement procedures and schedules for ensuring that:

(i) Cross-connections are eliminated whenever possible;

(ii) When cross-connections cannot be eliminated, they are controlled by installation of approved backflow preventers commensurate with the degree of hazard; and

(iii) Approved backflow preventers are installed in accordance with the requirements of subsection (6) of this section.

(e) Element 4: The purveyor shall ensure that personnel, including at least one person certified as a CCS, are provided to develop and implement the cross-connection control program.

(f) Element 5: The purveyor shall develop and implement procedures to ensure that approved backflow preventers relied upon to protect the public water system are inspected and/or tested (as applicable) ~~((in accordance with))~~ under subsection (7) of this section.

(g) Element 6: The purveyor shall develop and implement a backflow prevention assembly testing quality control assurance program, including, but not limited to, documentation of ~~((tester))~~ BAT certification and test kit calibration, test report contents, and time frames for submitting completed test reports.

(h) Element 7: The purveyor shall develop and implement (when appropriate) procedures for responding to backflow incidents.

(i) Element 8: The purveyor shall include information on cross-connection control in the purveyor's existing program for educating consumers about water system operation. ~~((Such a))~~ The public education program may include periodic bill inserts, public service announcements, pamphlet distribution, notification of new consumers and consumer confidence reports.

(j) Element 9: The purveyor shall develop and maintain cross-connection control records including, but not limited to, the following:

(i) A master list of service connections and/or consumer's premises where the purveyor relies upon approved backflow preventers to protect the public water system from contamination, the assessed hazard level of each, and the required backflow preventer(s);

(ii) Inventory information on backflow preventers that protect the public water system including:

(A) Approved air gaps installed in lieu of approved assemblies including exact air gap location, assessed degree of hazard, installation date, history of inspections, inspection results, and person conducting inspections;

(B) Approved backflow assemblies including exact assembly location, assembly description (type, manufacturer, model, size, and serial number), assessed degree of hazard, installation date, history of inspections, tests and repairs, test results, and person performing tests; and

(C) Approved AVBs used for irrigation system applications including location, description (manufacturer, model, and size), installation date, history of inspection(s), and person performing inspection(s).

(ii) Cross-connection program summary reports and backflow incident reports required under subsection (8) of this section.

(k) Element 10: Purveyors who distribute and/or have facilities that receive reclaimed water within their water service area shall meet any additional cross-connection control requirements imposed by the department ~~((under))~~ in a permit issued ~~((in accordance with))~~ under chapter 90.46 RCW.

(4) Approved backflow preventer selection.

(a) The purveyor shall ensure that a CCS:

(i) Assesses the degree of hazard posed by the consumer's water system upon the purveyor's distribution system; and

(ii) Determines the appropriate method of backflow protection for premises isolation ~~((in accordance with))~~ as described in Table 8.

**TABLE 8
APPROPRIATE METHODS OF BACKFLOW PROTECTION FOR
PREMISES ISOLATION**

Degree of Hazard	Application Condition	Appropriate Approved Backflow Preventer
High health cross-connection hazard	Backsiphonage or backpressure backflow	AG, RPBA, or RPDA

Degree of Hazard	Application Condition	Appropriate Approved Backflow Preventer
Low (health) cross-connection hazard	Backsiphonage or backpressure backflow	AG, RPBA, RPDA, DCVA, or DCDA

(b) Premises isolation requirements.

(i) The purveyor shall ensure that an approved air gap, RPBA, or RPDA is installed for premises isolation for service connections (with remises) to premises posing a high health cross-connection hazard including, but not limited to, those premises listed in Table 9, (the purveyor shall ensure that an approved air gap or RPBA is installed for premises isolation) except those premises identified as severe in (b)(ii) of this subsection.

(ii) For service connections to premises posing a severe health cross-connection hazard including wastewater treatment plants, radioactive material processing plants, and nuclear reactors, the purveyor shall ensure that either an:

(A) Approved air gap is installed for premises isolation;
or

(B) Approved RPBA or RPDA is installed for premises isolation in combination with an in-plant approved air gap.

(iii) If the purveyor's CCS determines that no hazard exists for a connection serving premises of the type listed in Table 9, the purveyor may grant an exception to the premises isolation requirements of (b)(i) of this subsection (do not apply).

(iv) The purveyor shall document, on a case-by-case basis, the reasons for (not applying the requirements of) granting an exception under (b)(i) of this subsection (to a connection serving premises of the type listed in Table 9) and include (such) the documentation in the cross-connection control program annual summary report required in subsection (8) of this section.

TABLE 9

SEVERE* AND HIGH HEALTH CROSS-CONNECTION HAZARD PREMISES REQUIRING PREMISES ISOLATION BY AG OR RPBA

- Agricultural (farms and dairies)
- Beverage bottling plants
- Car washes
- Chemical plants
- Commercial laundries and dry cleaners
- Premises where both reclaimed water and potable water are provided
- Film processing facilities
- Food processing plants
- Hospitals, medical centers, nursing homes, veterinary, medical and dental clinics, and blood plasma centers
- Premises with separate irrigation systems using the purveyor's water supply and with chemical addition⁺
- Laboratories
- Metal plating industries
- Mortuaries
- Petroleum processing or storage plants

Piers and docks

Radioactive material processing plants or nuclear reactors*

Survey access denied or restricted

Wastewater lift stations and pumping stations

Wastewater treatment plants*

Premises with an unapproved auxiliary water supply interconnected with the potable water supply

+ For example, parks, playgrounds, golf courses, cemeteries, estates, etc.

* RPBA's for connections serving these premises are acceptable only when used in combination with an in-plant approved air gap; otherwise, the purveyor shall require an approved air gap at the service connection.

(c) Backflow protection for single-family residences.

(i) For single-family residential service connections, the purveyor shall comply with the premises isolation requirements of (b) of this subsection when applicable.

(ii) If the requirements of (b) of this subsection do not apply and the requirements specified in subsection (2)(~~h~~) (~~g~~)(ii) of this section are met, the purveyor may rely on backflow protection provided at the point of hazard in accordance with WAC 51-56-0600 of the UPC for hazards such as, but not limited to:

- (A) Irrigation systems;
- (B) Swimming pools or spas;
- (C) Ponds; and
- (D) Boilers.

For example, the purveyor may accept an approved AVB on a residential irrigation system, if the AVB is properly installed (~~in accordance with~~) under the UPC.

(d) Backflow protection for fire protection systems.

(i) Backflow protection is not required for residential flow-through or combination fire protection systems constructed of potable water piping and materials.

(ii) For service connections with fire protection systems other than flow-through or combination systems, the purveyor shall ensure that backflow protection consistent with WAC 51-56-0600 of the UPC is installed. The UPC requires minimum protection as follows:

(A) An RPBA or RPDA for fire protection systems with chemical addition or using unapproved auxiliary water supply; and

(B) A DCVA or DCDA for all other fire protection systems.

(iii) For (~~new~~) connections made on or after (~~the effective date of these regulations~~) April 9, 1999, the purveyor shall ensure that backflow protection is installed before water service is provided.

(iv) For existing fire protection systems:

(A) With chemical addition or using unapproved auxiliary supplies, the purveyor shall ensure that backflow protection is installed within ninety days of the purveyor notifying the consumer of the high health cross-connection hazard or in accordance with an alternate schedule acceptable to the purveyor.

(B) Without chemical addition, without on-site storage, and using only the purveyor's water (i.e., no unapproved auxiliary supplies on or available to the premises), the purveyor shall ensure that backflow protection is installed in accor-

dance with a schedule acceptable to the purveyor or at an earlier date if required by the ~~((agency))~~ code official administering the ~~((Uniform))~~ State Building Code as ~~((adopted under chapter 19.27 RCW))~~ defined in chapter 51-04 WAC.

(C) When establishing backflow protection retrofitting schedules for fire protection systems that have the characteristics listed in (d)(iv)(B) of this subsection, the purveyor may consider factors such as, but not limited to, impacts of assembly installation on sprinkler performance, costs of retrofitting, and difficulty of assembly installation.

(e) Purveyors may require approved backflow preventers commensurate with the degree of hazard as determined by the purveyor to be installed for premises isolation for connections serving premises that have characteristics such as, but not limited to, the following:

(i) Complex plumbing arrangements or plumbing potentially subject to frequent changes that make it impracticable to assess whether cross-connection hazards exist;

(ii) A repeated history of cross-connections being established or reestablished; or

(iii) Cross-connection hazards are unavoidable or not correctable, such as, but not limited to, tall buildings.

(5) Approved backflow preventers.

(a) The purveyor shall ensure that all backflow prevention assemblies relied upon by the purveyor are models included on the current list of backflow prevention assemblies approved for use in Washington state. The current approved assemblies list is available from the department upon request.

(b) The purveyor may rely on testable backflow prevention assemblies that are not currently approved by the department, if the assemblies:

(i) Were included on the department and/or USC list of approved backflow prevention assemblies at the time of installation;

(ii) Have been properly maintained;

(iii) Are commensurate with the purveyor's assessed degree of hazard; and

(iv) Have been inspected and tested at least annually and have successfully passed the annual tests.

(c) The purveyor shall ensure that an unlisted backflow prevention assembly is replaced by an approved assembly commensurate with the degree of hazard, when the unlisted assembly:

(i) Does not meet the conditions specified in (b)(i) through (iv) of this subsection;

(ii) Is moved; or

(iii) Cannot be repaired using spare parts from the original manufacturer.

(d) The purveyor shall ensure that AVBs meet the definition of approved atmospheric vacuum breakers as described in WAC 246-290-010.

(6) Approved backflow preventer installation.

(a) The purveyor shall ensure that approved backflow preventers are installed in the orientation for which they are approved (if applicable).

(b) The purveyor shall ensure that approved backflow preventers are installed in a manner that:

(i) Facilitates their proper operation, maintenance, inspection, ~~((and/or))~~ in-line testing (as applicable), and

repair using standard installation procedures acceptable to the department such as those in the USC Manual or PNWS-AWWA Manual;

(ii) Ensures that the assembly will not become submerged due to weather-related conditions such as flooding; and

(iii) Ensures compliance with all applicable safety regulations.

(c) The purveyor shall ensure that approved backflow assemblies for premises isolation are installed at a location adjacent to the meter or property line or an alternate location acceptable to the purveyor.

(d) When premises isolation assemblies are installed at an alternate location acceptable to the purveyor, the purveyor shall ensure that there are no connections between the point of delivery from the public water system and the approved backflow assembly, unless the installation of ~~((such a))~~ the connection meets the purveyor's cross-connection control requirements and is specifically approved by the purveyor.

(e) The purveyor shall ensure that approved backflow preventers are installed in accordance with the following time frames:

(i) For ~~((new))~~ connections made on or after ~~((the effective date of these regulations))~~ April 9, 1999, the following conditions shall be met before service is provided:

(A) The provisions of subsection (3)(d)(ii) of this section; and

(B) Satisfactory completion of ~~((a test by a BAT in accordance with))~~ the requirements of subsection (7) of this section.

(ii) For existing connections where the purveyor identifies a high health cross-connection hazard, the provisions of (3)(d)(ii) of this section shall be met:

(A) Within ninety days of the purveyor notifying the consumer of the high health cross-connection hazard; or

(B) In accordance with an alternate schedule acceptable to the purveyor.

(iii) For existing connections where the purveyor identifies a low ~~((health))~~ cross-connection hazard, the provisions of subsection (3)(d)(ii) of this section shall be met in accordance with a schedule acceptable to the purveyor.

(f) The purveyor shall ensure that bypass piping installed around any approved backflow preventer is equipped with an approved backflow preventer that:

(i) Affords at least the same level of protection as the approved backflow preventer that is being bypassed; and

(ii) Complies with all applicable requirements of this section.

(7) Approved backflow preventer inspection and testing.

(a) For backflow preventers that protect the public water system, the purveyor shall ensure that:

(i) A CCS inspects backflow preventer installations to ensure that protection is provided commensurate with the assessed degree of hazard;

(ii) Either a BAT or CCS inspects:

(A) Air gaps installed in lieu of approved backflow prevention assemblies for compliance with the approved air gap definition; and

(B) Backflow prevention assemblies for correct installation and approval status.

(iii) A BAT tests approved backflow prevention assemblies for proper operation.

(b) The purveyor shall ensure that inspections and/or tests of approved air gaps and approved backflow assemblies that protect the public water system are conducted:

(i) ~~((At the time of installation;))~~ When any of the following occur:

(A) Upon installation, repair, reinstallation, or relocation of an assembly;

(B) Upon installation or replumbing of an air gap;

(C) After a backflow incident involving the assembly or air gap; and

(ii) Annually ~~((after installation, or))~~ thereafter, unless the purveyor requires more ((frequently, if required by the purveyor)) frequent testing for ((connections serving premises or systems that pose a high health cross-connection)) high hazard premises or for assemblies that repeatedly fail(;

~~(iii) After a backflow incident; and~~

~~(iv) After an assembly is repaired, reinstalled, or relocated or an air gap is replumbed)).~~

(c) The purveyor shall ensure that inspections of AVBs installed on irrigation systems are conducted:

(i) At the time of installation;

(ii) After a backflow incident; and

(iii) After repair, reinstallation, or relocation.

(d) The purveyor shall ensure that approved backflow prevention assemblies are tested using procedures acceptable to the department, such as those specified in the most recently published edition of the USC Manual. When circumstances, such as, but not limited to, configuration or location of the assembly, preclude the use of USC test procedures, the purveyor may allow, on a case-by-case basis, the use of alternate (non-USC) test procedures acceptable to the department.

(e) The purveyor shall ensure that results of backflow prevention assembly inspections and tests are documented and reported in a manner acceptable to the purveyor.

(f) The purveyor shall ensure that an approved backflow prevention assembly or AVB, whenever found to be improperly installed, defective, not commensurate with the degree of hazard, or failing a test (if applicable) is properly reinstalled, repaired, overhauled, or replaced.

(g) The purveyor shall ensure that an approved air gap, whenever found to be altered or improperly installed, is properly replumbed or, if commensurate with the degree of hazard, is replaced by an approved RPBA.

(8) Recordkeeping and reporting.

(a) Purveyors shall keep cross-connection control records for the following time frames:

(i) Records pertaining to the master list of service connections and/or consumer's premises required in subsection (3)(j)(i) of this section shall be kept as long as the premises pose a cross-connection hazard to the purveyor's distribution system;

(ii) Records regarding inventory information required in subsection (3)(j)(ii) of this section shall be kept for five years or for the life of the approved backflow preventer whichever is shorter; and

(iii) Records regarding backflow incidents and annual summary reports required in subsection (3)(j)(iii) of this section shall be kept for five years.

(b) Purveyors may maintain cross-connection control records in original form or transfer data to tabular summaries.

(c) Purveyors may maintain records or data in any media, such as paper, film, or electronic format.

(d) The purveyor shall complete the cross-connection control program summary report annually. Report forms and guidance on completing the report are available from the department.

(e) The purveyor shall make all records and reports required in subsection (3)(j) of this section available to the department or its representative upon request.

(f) The purveyor shall notify the department, ~~((local administrative))~~ authority having jurisdiction, and local health jurisdiction as soon as possible, but no later than the end of the next business day, when a backflow incident is known by the purveyor to have:

(i) Contaminated the public water system; or

(ii) Occurred within the premises of a consumer served by the purveyor.

(g) The purveyor shall:

(i) Document details of backflow incidents contaminating the public water system on a backflow incident report form ~~((acceptable to))~~ available from the department ~~((such as the backflow incident report form included in the most recent edition of the PNWS-AWWA Manual));~~ and

(ii) Include all backflow incident report(s) in the annual cross-connection program summary report referenced in (d) of this subsection, unless otherwise requested by the department.

AMENDATORY SECTION (Amending WSR 04-04-056, filed 1/30/04, effective 3/1/04)

WAC 246-290-601 Purpose of surface water treatment. (1) Part 6 of chapter 246-290 WAC establishes filtration and disinfection as treatment technique requirements for water systems using surface or GWI sources. The Part 6 treatment technique requirements are established in lieu of maximum contaminant levels (MCLs) for the following contaminants:

(a) *Giardia lamblia*;

(b) Viruses;

(c) Heterotrophic plate count bacteria;

(d) *Legionella*;

(e) *Cryptosporidium* ~~((for systems serving at least ten thousand people and beginning January 14, 2005, for systems serving less than ten thousand people));~~ and

(f) Turbidity.

(2) For water systems using unfiltered surface sources, in whole or part, and that have been required to install, but have yet to complete the installation and operation of, filtration facilities, the turbidity levels at entry points to distribution and sampling/analytical requirements shall be ~~((in accordance with))~~ under 40 CFR 141.13 and 40 CFR 141.22, respectively.

AMENDATORY SECTION (Amending WSR 04-04-056, filed 1/30/04, effective 3/1/04)

WAC 246-290-630 General requirements. (1) The purveyor shall ensure that treatment is provided for surface

and GWI sources consistent with the treatment technique requirements specified in Part 6 of chapter 246-290 WAC.

(2) The purveyor shall install and properly operate water treatment processes to ensure at least:

(a) 99.9 percent (3 log) removal and/or inactivation of *Giardia lamblia* cysts;

(b) 99.99 percent (4 log) removal and/or inactivation of viruses; and

(c) 99 percent (2 log) removal of *Cryptosporidium* oocysts if required to filter.

(3) The purveyor shall ensure that the requirements of subsection (2) of this section are met between a point where the source water is not subject to contamination by untreated surface water and a point at or before the first consumer.

(4) The department may require higher levels of removal and/or inactivation of *Giardia lamblia* cysts, *Cryptosporidium* oocysts, and viruses than specified in subsection (2) of this section if deemed necessary to protect the health of consumers served by the system.

(5) The purveyor shall ensure that personnel operating a system subject to Part 6 of chapter 246-290 WAC meet the requirements under chapter 70.119 RCW and chapter 246-292 WAC.

(6) The purveyor of a **Group A community** system serving water from a surface or GWI source to the public before January 1, 1991, shall comply with applicable minimum treatment requirements. The purveyor shall meet either:

(a) The filtration and disinfection requirements under WAC 246-290-660 and 246-290-662 respectively;

(b) The criteria to remain unfiltered under WAC 246-290-690 and the disinfection requirements under WAC 246-290-692; or

(c) The criteria to provide a limited alternative to filtration under WAC 246-290-691 and the disinfection requirements under WAC 246-290-692.

(7) The purveyor of a **Group A noncommunity** system serving water from a surface or GWI source, shall meet either:

(a) The filtration and disinfection requirements under WAC 246-290-660 and 246-290-662, respectively; or

(b) The criteria to provide a limited alternative to filtration under WAC 246-290-691 and the disinfection requirements under WAC 246-290-692.

(8) The purveyor of a **Group A** system first serving water from a surface or GWI source to the public after December 31, 1990, shall meet either:

(a) The filtration and disinfection requirements under WAC 246-290-660 and 246-290-662, respectively; or

(b) The criteria to provide a limited alternative to filtration under WAC 246-290-691 and the disinfection requirements under WAC 246-290-692.

(9) The purveyor of a system required to install filtration may choose to provide a limited alternative to filtration or abandon the surface or GWI source as a permanent or seasonal source and develop an alternate, department-approved source. Purveyors that develop alternate ground water sources or purchase water from a department-approved public water system using a ground water source shall no longer

be subject to Part 6 of chapter 246-290 WAC, once the alternate source is approved by the department and is on line.

(10) A purveyor that chooses to provide a limited alternative to filtration shall submit an application to the department that contains the information necessary to determine whether the source can meet the criteria.

(11) If a limited alternative to filtration is provided, then the purveyor shall install and properly operate treatment processes to ensure greater removal and/or inactivation efficiencies of *Giardia lamblia* cysts, viruses, or other pathogenic organisms of public health concern (including *Cryptosporidium* oocysts) than would be achieved by the combination of filtration and chlorine disinfection.

(12) Systems that were required to develop a disinfection profile under 40 CFR 141.172 shall provide that profile and a calculated disinfection benchmark, as described in 40 CFR 141.172 (c)(2) and (3), along with other project information specified in WAC 246-290-110, when proposing any change to the disinfection treatment system. The proposal for change shall include an analysis of how the proposed change will affect the current level of disinfection. The profile must also be available for inspection during routine sanitary surveys conducted under WAC 246-290-416.

(13) Community and nontransient noncommunity systems serving less than ten thousand persons must meet the disinfection profiling and benchmarking provisions required ~~((in accordance with))~~ under 40 CFR 141.530 through 141.544.

(14) Systems required to develop a disinfection profile under 40 CFR 141.530 shall provide that profile and a calculated disinfection benchmark, as described in 40 CFR 141.543 along with other project information specified in WAC 246-290-110, when proposing any change to the disinfection treatment system. The proposal for change shall include an analysis of how the proposed change will affect the current level of disinfection. The profile must also be available for inspection during routine sanitary surveys conducted ~~((in accordance with))~~ under WAC 246-290-416.

(15) A system using conventional, direct, or in-line filtration that must arrange for the conduct of a ~~((comprehensive performance evaluation-))~~CPE(~~(+)~~), ~~((in accordance with))~~ under 40 CFR 141.175 (b)(4) or 40 CFR 141.563, may be required to arrange for ~~((comprehensive technical assistance-))~~CTA(~~(+)~~). The department will determine the need for CTA on a case-by-case basis.

(16) Water systems subject to the requirements of Part 6 of this chapter must also comply with the enhanced treatment requirements for *Cryptosporidium* under 40 CFR Subpart W. The requirements are in addition to the requirements of Part 6 of this chapter and include:

(a) General requirements under 40 CFR 141.700;

(b) Source monitoring requirements under 40 CFR 141.701-707;

(c) Disinfection profiling and benchmarking requirements under 40 CFR 141.708-709;

(d) Treatment technique requirements under 40 CFR 141.710-714;

(e) Requirements for microbial toolbox components under 40 CFR 141.715-720; and

(f) Reporting and recordkeeping requirements under 40 CFR 141.721-722.

(17) Water systems using UV reactors to obtain treatment credit for *Cryptosporidium* removal must:

(a) Validate the reactors using the validation testing procedures specified under 40 CFR 141.720 (d)(2); or

(b) Validate the reactor under Austrian ONORM Standards or German DVGW Standards.

AMENDATORY SECTION (Amending WSR 99-07-021, filed 3/9/99, effective 4/9/99)

WAC 246-290-632 Treatment technique violations.

(1) A treatment technique violation shall be considered a violation of a primary drinking water standard and in the case of an unfiltered system, may result in the purveyor of an unfiltered system being required to install filtration.

(2) A treatment technique violation occurs when a system using a surface or GWI source is identified by the department as the source of a waterborne disease outbreak or any of the following occur as applicable:

(a) The purveyor providing filtration delivers unfiltered water or fails to meet one or more of the following requirements:

(i) Filtration treatment in accordance with WAC 246-290-660; or

(ii) Disinfection treatment in accordance with WAC 246-290-662.

(b) The purveyor required to install filtration:

(i) Fails to meet the interim disinfection requirements ~~((in accordance with))~~ under WAC 246-290-672 or as otherwise directed by the department; or

(ii) Fails to install filtration or develop an alternate source by the applicable time lines specified in WAC 246-290-670.

(c) The purveyor of an unfiltered surface water, or GWI source, meeting the criteria to remain unfiltered:

(i) Delivers water with a turbidity level exceeding 5.0 NTU measured at a point immediately prior to the point of primary disinfection; or

(ii) Fails to meet one or more of the disinfection requirements ~~((in accordance with))~~ under WAC 246-290-692 after the dates specified in WAC 246-290-686.

(d) The purveyor of an unfiltered source meeting the criteria to provide a limited alternative to filtration:

(i) Delivers water with a turbidity level exceeding 5.0 NTU measured at a point immediately prior to the point of primary disinfection; or

(ii) Fails to meet one or more of the disinfection requirements ~~((in accordance with))~~ under WAC 246-290-692.

(e) A purveyor supplies water from an unfiltered source that has not been previously approved by the department.

(f) A purveyor of a department approved unfiltered source that fails to meet the on-going criteria to remain unfiltered:

(i) Delivers water with a turbidity level exceeding 5.0 NTU measured at a point immediately prior to the point of primary disinfection; or

(ii) Fails to meet one or more of the disinfection requirements ~~((in accordance with))~~ under WAC 246-290-692.

(g) A purveyor of a department approved unfiltered source that has failed to meet the criteria to provide a limited alternative to filtration:

(i) Delivers water with a turbidity level exceeding 5.0 NTU measured at a point immediately prior to the point of primary disinfection; or

(ii) Fails to meet one or more of the disinfection requirements ~~((in accordance with))~~ under WAC 246-290-692.

(h) A purveyor fails to meet the enhanced *Cryptosporidium* treatment requirements under 40 CFR 141.711 or 141.712.

AMENDATORY SECTION (Amending WSR 03-08-037, filed 3/27/03, effective 4/27/03)

WAC 246-290-638 Analytical requirements. (1) The purveyor shall ensure that only qualified persons conduct measurements for pH, temperature, turbidity, and residual disinfectant concentrations. In this section, qualified shall mean:

(a) A person certified under chapter 246-292 WAC;

(b) An analyst, with experience conducting these measurements, from the state public health laboratory or another laboratory certified by the department; or

(c) A state or local health agency professional experienced in conducting these measurements.

(2) The purveyor shall ensure that measurements for temperature, turbidity, pH, and residual disinfectant concentration are made in accordance with "standard methods," or other EPA approved methods.

(3) The purveyor shall ensure that samples for coliform and HPC analysis are:

(a) Collected and transported in accordance with department-approved methods; and

(b) Submitted to the state public health laboratory or another laboratory certified by the department to conduct the analyses.

(4) Turbidity monitoring.

(a) The purveyor shall equip the system's water treatment facility laboratory with a:

(i) Bench model turbidimeter; and

(ii) Continuous turbidimeter and recorder if required under WAC 246-290-664 or 246-290-694.

(b) The purveyor shall ensure that bench model and continuous turbidimeters are:

(i) Designed to meet the criteria in "standard methods," EPA Method 180.1, or Great Lakes Instruments Method 2; and

(ii) Properly operated, calibrated, and maintained at all times in accordance with the manufacturer's recommendations.

(c) The purveyor shall validate continuous turbidity measurements for accuracy as follows:

(i) Calibrate turbidity equipment based upon a primary standard in the expected range of measurements; and

(ii) Verify continuous turbidimeter performance on a weekly basis, not on consecutive days, with grab sample measurements made using a properly calibrated bench model turbidimeter.

(d) When continuous turbidity monitoring equipment fails, the purveyor shall measure turbidity on grab samples collected at least every four hours from the combined filter effluent and individual filters while the system serves water to the public and the equipment is being repaired or replaced. The purveyor shall have continuous monitoring equipment on-line within five working days of failure.

(5) Purveyors monitoring for *Cryptosporidium* or *E. coli* as required under 40 CFR 141.701 shall collect samples and have them analyzed under 40 CFR 141.704 and 141.705.

AMENDATORY SECTION (Amending Order 352B, filed 3/25/93, effective 4/25/93)

WAC 246-290-639 SWTR records. (1) Purveyors using surface or GWI sources shall maintain accurate and complete operations records.

(2) Operations records shall include, but not be limited to, the following as applicable:

(a) Results of all monitoring conducted under Part 6 of chapter 246-290 WAC;

(b) Quantity of water produced, plant flow rates, and hours of operation;

(c) Types and quantities of chemicals used;

(d) Dates and information pertaining to filter and/or disinfection system maintenance;

(e) Dates and results of filter and/or disinfection system inspections including records of filtration and backwash rates; ~~(and)~~

(f) Dates and descriptions of major equipment and/or treatment process failures and corrective actions taken; and

(g) The information and data specified under 40 CFR 141.721 related to enhanced treatment for *Cryptosporidium*.

(3) Operations records not reported to the department under WAC 246-290-666 or 246-290-696 shall be maintained at the purveyor's treatment facility.

AMENDATORY SECTION (Amending WSR 03-08-037, filed 3/27/03, effective 4/27/03)

WAC 246-290-654 Treatment criteria for filtered systems. (1) The purveyor shall operate filters so that maximum flow rates do not exceed those specified in Table 10. The purveyor may operate filters at higher flow rates, if the purveyor demonstrates to the department's satisfaction that filtration at the higher rate consistently achieves at least 99 percent (2 log) removal of *Giardia lamblia* cysts and 99 percent (2 log) removal of *Cryptosporidium* oocysts and meets the turbidity performance requirements of Table 11.

**Table 10
FILTRATION OPERATION CRITERIA**

FILTRATION TECHNOLOGY/MEDIA	MAXIMUM FILTRATION RATE (gpm/ft ²)
Conventional, Direct and In-Line	
Gravity Filters with Single Media	3
Gravity Filters with Deep Bed, Dual or Mixed Media	6

FILTRATION TECHNOLOGY/MEDIA	MAXIMUM FILTRATION RATE (gpm/ft ²)
Pressure Filters with Single Media	2
Pressure Filters with Deep Bed, Dual or Mixed Media	3
Slow Sand	0.1
Diatomaceous Earth	1.0

(2) The purveyor using conventional, direct or in-line filtration shall ensure that effective coagulation is in use at all times the water treatment facility produces water served to the public.

(3) The purveyor using conventional, direct, or in-line filtration shall demonstrate treatment effectiveness for *Giardia lamblia* cyst and *Cryptosporidium* oocyst removal by one of the following methods:

(a) Turbidity reduction method.

(i) The purveyor shall make source and filtered water turbidity measurements in accordance with WAC 246-290-664 (2) and (3) respectively.

(ii) The purveyor shall achieve:

(A) The turbidity performance requirements specified in WAC 246-290-660(1) and at least an eighty percent reduction in source turbidity based on an average of the daily turbidity reductions measured in a calendar month; or

(B) An average daily filtered water turbidity less than or equal to 0.1 NTU.

(b) Particle counting method. The purveyor shall:

(i) Use a particle counting protocol acceptable to the department; and

(ii) Demonstrate at a frequency acceptable to the department at least the following log reduction of particles in the size range of five to fifteen microns (*Giardia lamblia* cyst-sized particles) and three to five microns (*Cryptosporidium* oocyst-sized particles), as applicable:

(A) 2.5 log reduction in *Giardia lamblia* cyst-sized particles and a 2 log reduction in *Cryptosporidium* particles for systems using conventional filtration; or

(B) 2.0 log reduction for systems using direct or in-line filtration.

(c) Microscopic particulate analysis method. The purveyor shall:

(i) Use a protocol acceptable to the department; and

(ii) Demonstrate at a frequency acceptable to the department at least the following log reduction of *Giardia lamblia* cysts and *Cryptosporidium* oocysts or *Giardia lamblia* cyst and *Cryptosporidium* oocyst surrogate indicators as applicable:

(A) 2.5 log reduction in *Giardia lamblia* cysts or surrogates and a 2 log reduction in *Cryptosporidium* oocyst or surrogates for systems using conventional filtration; and

(B) 2.0 log reduction for systems using direct or in-line filtration.

(d) Other methods acceptable to the department.

(4) The purveyor shall ensure continuous disinfection of all water delivered to the public and shall:

(a) Maintain an adequate supply of disinfection chemicals and keep back-up system components and spare parts on hand;

(b) Develop, maintain, and post at the water treatment facility a plan detailing:

(i) How water delivered to the public will be continuously and adequately disinfected; and

(ii) The elements of an emergency notification plan to be implemented whenever the residual disinfectant concentration at entry to distribution falls below 0.2 mg/L for more than one hour.

(c) Implement the plan during an emergency affecting disinfection.

(5) Operations program.

(a) For each water treatment facility treating a surface or GWI source, the purveyor shall develop an operations program and make it available to the department for review upon request.

(b) The program shall be submitted to the department as an addendum to the purveyor's water system plan (WAC 246-290-100) or small water system management program (WAC 246-290-105).

(c) The program shall detail how the purveyor will produce optimal filtered water quality at all times the water treatment facility produces water to be served to the public.

(d) The purveyor shall operate the water treatment facility in accordance with the operations program.

(e) The operations program shall include, but not be limited to, a description of:

(i) For conventional, direct or in-line filtration, procedures used to determine and maintain optimized coagulation as demonstrated by meeting the requirements of WAC 246-290-654(3);

(ii) Procedures used to determine chemical dose rates;

(iii) How and when each unit process is operated;

(iv) Unit process equipment maintenance program;

(v) Treatment plant performance monitoring program;

(vi) Laboratory procedures;

(vii) Records;

(viii) Reliability features; and

(ix) Response plans for water treatment facility emergencies, including disinfection failure and watershed emergencies.

(f) The purveyor shall ensure the operations program is:

(i) Readily available at the water treatment facility for use by operators and for department inspection;

(ii) Consistent with department guidelines for operations procedures such as those described in department guidance on surface water treatment and water system planning; and

(iii) Updated as needed to reflect current water treatment facility operations.

(6) Pressure filters. Purveyors using pressure filters shall:

(a) Inspect and evaluate the filters, at least every six months, for conditions that would reduce their effectiveness in removing *Giardia lamblia* cysts;

(b) Maintain, and make available for department review, a written record of pressure filter inspections; and

(c) Be prepared to conduct filter inspections in the presence of a department representative, if requested.

AMENDATORY SECTION (Amending WSR 04-04-056, filed 1/30/04, effective 3/1/04)

WAC 246-290-660 Filtration. (1) Turbidity performance requirements.

(a) The purveyor shall ensure that the turbidity level of representative filtered water samples:

(i) Complies with the performance standards in Table 11 ~~((A) until January 14, 2005, and Table 11(B) beginning January 14, 2005; and))~~;

(ii) Never exceeds 5.0 NTU for any system using slow sand, diatomaceous earth;

~~(iii) ((Never exceeds 5.0 NTU for any system serving less than ten thousand people and using conventional, direct, or in-line filtration until January 14, 2005, and never exceeds 1.0 NTU beginning January 14, 2005;~~

~~(iv))~~ Never exceeds 1.0 NTU for any system ~~((serving at least ten thousand people and))~~ using conventional, direct, or in-line filtration; and

~~((iv))~~ (iv) Never exceeds the maximum allowable turbidity determined by the department on a case-by-case basis for any system using an ~~((alternate))~~ alternative filtration technology approved under WAC 246-290-676 (2)(b).

~~((Table 11(A))~~

~~TURBIDITY PERFORMANCE REQUIREMENTS (UNTIL JANUARY 14, 2005)~~

Filtration Technology	Filtered water turbidity (in NTUs) shall be less than or equal to this value in at least 95% of the measurements made each calendar month	
	Systems serving < 10,000 people	Systems serving > 10,000 people
Conventional, Direct and In-line	0.50	0.30
Slow Sand	1.0	1.0
Diatomaceous Earth	1.0	1.0
Alternate Technology	As determined by the department through case-by-case approval of technology, in accordance with WAC 246-290-676 (2)(b).)	

Table 11((B))

TURBIDITY PERFORMANCE STANDARDS ((BEGINNING JANUARY 14, 2005))

Filtration Technology	Filtered water turbidity (in NTUs) shall be less than or equal to this value in at least 95% of the measurements made each calendar month
Conventional, Direct and In-line	0.30
Slow Sand	1.0
Diatomaceous Earth	1.0
((Alternate)) <u>Alternative</u> Technology	As determined by the department through case-by-case approval of technology, ((in accordance with)) <u>under</u> WAC 246-290-676 (2)(b).

(b) The department may allow the turbidity of filtered water from a system using slow sand filtration to exceed 1.0 NTU, but never 5.0 NTU, if the system demonstrates to the department's satisfaction that the higher turbidity level will not endanger the health of consumers served by the system. As a condition of being allowed to produce filtered water with a turbidity exceeding 1.0 NTU, the purveyor may be required to monitor one or more parameters in addition to the parameters specified under WAC 246-290-664. The department shall notify the purveyor of the type and frequency of monitoring to be conducted.

(2) *Giardia lamblia*, *Cryptosporidium*, and virus removal credit.

Filtration Technology	Percent Removal Credit (log)					
	<i>Giardia</i>		Virus		<i>Cryptosporidium</i>	
	Percent	log	Percent	log	Percent	log
Conventional	99.7	2.5	99	2.0	99	2.0
Direct and in-line	99	2.0	90	1.0	99	2.0

(ii) A system using conventional, direct, or in-line filtration shall be considered to provide effective treatment, if the purveyor demonstrates to the satisfaction of the department that the system meets the:

(A) Turbidity performance requirements under subsection (1) of this section; and

(B) Operations requirements of WAC 246-290-654.

~~(iii) ((The department may grant a higher level of *Giardia lamblia*, *Cryptosporidium*, and virus removal credit than listed under (b)(i) of this subsection, if the purveyor demonstrates to the department's satisfaction that the higher level can be consistently achieved.~~

~~(iv) As a condition of maintaining the maximum removal credit, purveyors may be required to periodically monitor one or more parameters not routinely monitored under WAC 246-290-664. The department shall notify the purveyor of the type and frequency of monitoring to be conducted.~~

~~(v)) The department shall not grant removal credit to a system using conventional, direct, or in-line filtration that:~~

~~(A) Fails to meet the minimum turbidity performance requirements under subsection (1) of this section; or~~

~~(B) Fails to meet the operating requirements under WAC 246-290-654.~~

(c) Slow sand filtration.

The department may grant a system using slow sand filtration 99 percent (2 log) *Giardia lamblia* cyst and *Cryptosporidium* oocyst removal credit and 99 percent (2 log) virus removal credit, if the system meets the department design requirements under WAC 246-290-676 and meets the minimum turbidity performance requirements in subsection (1) of this section.

(d) Diatomaceous earth filtration.

The department may grant a system using diatomaceous earth filtration 99 percent (2 log) *Giardia lamblia* cyst and *Cryptosporidium* oocyst removal credit and 90 percent (1 log) virus removal credit, if the system meets the department design requirements under WAC 246-290-676 and meets the minimum turbidity performance requirements in subsection (1) of this section.

(e) ~~((Alternate))~~ Alternative filtration technology.

(a) The department shall notify the purveyor of the removal credit granted for the system's filtration process. The department shall specify removal credit for:

(i) Existing filtration facilities based on periodic evaluations of performance and operation; and

(ii) New or modified filtration facilities based on results of pilot plant studies or full scale operation.

(b) Conventional, direct, and in-line filtration.

(i) The removal credit the department may grant to a system using conventional, direct, or in-line filtration and demonstrating effective treatment is as follows:

The department shall grant, on a case-by-case basis, *Giardia lamblia* cyst, *Cryptosporidium* oocyst, and virus removal credit for systems using ~~((alternate))~~ alternative filtration technology based on results of product testing acceptable to the department.

(f) The purveyor granted no *Giardia lamblia* cyst removal credit and no *Cryptosporidium* oocyst removal credit shall:

(i) Provide treatment ~~((in accordance with))~~ under WAC 246-290-662 (2)(d); and

(ii) Within ninety days of department notification regarding removal credit, submit an action plan to the department for review and approval. The plan shall:

(A) Detail how the purveyor plans to comply with the turbidity performance requirements in subsection (1) of this section and operating requirements of WAC 246-290-654; and

(B) Identify the proposed schedule for implementation.

(iii) Be considered in violation of the treatment technique specified in WAC 246-290-632 (2)(a)(i) and shall take follow-up action specified in WAC 246-290-634.

(g) Higher level removal credit.

(i) The department may grant a higher level of *Giardia lamblia*, *Cryptosporidium*, and virus removal credit than listed under (b) through (e) of this subsection, if the purveyor demonstrates to the department's satisfaction that the higher level can be consistently achieved.

(ii) As a condition of maintaining the maximum removal credit, purveyors may be required to periodically monitor one or more parameters not routinely monitored under WAC 246-290-664. The department shall notify the purveyor of the type and frequency of monitoring to be conducted.

(3) Disinfection by-product precursor removal requirements.

(a) Conventional systems using sedimentation shall meet the treatment technique requirements for control of disinfection by-product precursors specified in 40 CFR 141.135.

(i) Applicability of this requirement shall be determined in accordance with 40 CFR 141.135(a).

(ii) Enhanced coagulation and enhanced softening shall be provided in accordance with 40 CFR 141.135(b), if applicable.

(iii) Compliance with the treatment technique requirements for control of disinfection by-product precursors shall be determined in accordance with 40 CFR 141.135(c).

(b) For the purposes of compliance with (a) of this subsection, sedimentation shall be considered applicable when:

(i) Surface overflow rates and other design parameters are in conformance with traditionally accepted industry standards and textbook values, such as those prescribed in nationally accepted standards, including the most recent version of the *Recommended Standards for Water Works, A Committee Report of the Great Lakes - Upper Mississippi River Board of State Public Health and Environmental Managers*; and

(ii) The system has received pathogen removal credit for the sedimentation basin.

(4) Filter backwash recycling requirements.

(a) By no later than December 8, 2003, purveyors using conventional, direct, or in-line filtration must **report** to the department, in writing, whether they recycle spent filter backwash water, thickener supernatant, or liquids from dewatering processes within the treatment plant.

(i) Purveyors that **do** recycle spent filter backwash water, thickener supernatant, or liquids from dewatering processes must also report the following information:

(A) A plant schematic showing the origin of all flows that are recycled (including, but not limited to, spent filter backwash water, thickener supernatant, and liquids from dewatering processes), the hydraulic conveyance (i.e., pipe, open channel) used to transport them, and the location where they are reintroduced back into the treatment plant.

(B) Typical recycle flow in gallons per minute (gpm), the highest observed plant flow experienced in the previous year (gpm), design flow for the treatment plant (gpm), and the approved operating capacity for the plant.

(b) By no later than June 8, 2004, purveyors using conventional, direct, or in-line filtration that recycle spent filter backwash water, thickener supernatant, or liquids from dewatering processes within the treatment plant shall:

(i) Return the recycled flow prior to, or concurrent with the location where primary coagulant is introduced into the flow stream.

(ii) By no later than June 8, 2006, complete any capital improvements (physical modifications requiring engineering planning, design, and construction) necessary to meet the requirements of (b)(i) of this subsection.

(iii) On a case-by-case basis, the department may approve an alternate location for the return of recycle flows.

AMENDATORY SECTION (Amending WSR 04-04-056, filed 1/30/04, effective 3/1/04)

WAC 246-290-664 Monitoring for filtered systems.

(1) Source coliform monitoring.

(a) The purveyor shall ensure that source water samples of each surface or GWI source are:

(i) Collected before the first point of disinfectant application and before coagulant chemical addition; and

(ii) Analyzed for fecal coliform density in accordance with methods acceptable to the department.

(b) At a minimum, the purveyor shall ensure source samples are collected for fecal coliform analysis at a frequency equal to ten percent of the number of routine coliform samples collected within the distribution system each month under WAC 246-290-300, or once per calendar month, whichever is greater up to a maximum of one sample per day.

(c) With written approval from the department, purveyors of filtered water systems serving less than ten thousand people may collect twenty-six consecutive monthly fecal coliform samples instead of collecting *E. coli* samples every two weeks for twelve months as specified in 40 CFR 141.701 (a)(3)(i). The fecal coliform levels that will trigger *Cryptosporidium* monitoring will be the same as the *E. coli* levels specified in 40 CFR 141.701 (a)(4)(i), (ii), or (iv).

(2) Source turbidity monitoring.

(a) The purveyor using conventional, direct, or in-line filtration shall measure source turbidity at least once per day on a representative sample collected before disinfection and coagulant addition.

(b) Grab sampling or continuous turbidity monitoring and recording may be used to meet the requirement specified in (a) of this subsection.

(c) Purveyors using continuous turbidity monitoring shall record continuous turbidity measurements at equal intervals, at least every four hours, in accordance with a department-approved sampling schedule.

(d) Purveyors using an approved (~~alternate~~) alternative filtration technology may be required to monitor source water turbidity at least once per day on a representative sample as determined by the department.

(3) Filtered water turbidity monitoring.

(a) The purveyor using direct, conventional, or in-line filtration shall:

(i) Continuously monitor turbidity on representative samples from each individual filter unit and from the system's combined filter effluent, prior to clearwell storage;

(ii) For systems serving at least ten thousand people, record continuous turbidity measurements from each individual filter unit at equal intervals of at least every fifteen minutes, and for all systems, from the combined filter effluent at equal intervals of at least every four hours, in accordance with a department-approved sampling schedule;

(iii) Beginning January 14, 2005, systems serving less than ten thousand people shall record continuous turbidity measurements from each individual filter unit at equal intervals of at least every fifteen minutes;

(iv) Systems serving less than ten thousand people and consisting of two or fewer filters may record continuous turbidity measurements from the combined filter effluent at equal intervals of at least fifteen minutes in lieu of recording individual filter turbidity measurements; and

(v) Conduct monitoring in accordance with the analytical techniques under WAC 246-290-638.

(b) The purveyor using slow sand or diatomaceous earth filtration shall:

(i) Continuously monitor turbidity on representative samples from each individual filter unit and from the system's combined filter effluent, prior to clearwell storage;

(ii) Record continuous turbidity measurements from the combined filter effluent at equal intervals of at least every four hours in accordance with a department-approved sampling schedule; and

(iii) Conduct monitoring in accordance with the analytical techniques under WAC 246-290-638.

(c) Purveyors using an ~~((alternate))~~ alternative filtration technology approved under WAC 246-290-676 shall provide monitoring in accordance with the technology-specific approval conditions determined by the department.

(d) Purveyors using slow sand filtration or an ~~((alternate))~~ alternative filtration technology may reduce filtered water turbidity monitoring to one grab sample per day with ~~((departmental))~~ department approval. Reduced turbidity monitoring shall be allowed only where the purveyor demonstrates to the department's satisfaction that a reduction in monitoring will not endanger the health of consumers served by the water system.

(4) Monitoring the level of inactivation and removal.

(a) Each day the system is in operation, the purveyor shall determine the total level of inactivation and removal of *Giardia lamblia* cysts, viruses, and *Cryptosporidium* oocysts achieved.

(b) The purveyor shall determine the total level of inactivation and removal based on:

(i) *Giardia lamblia* cyst, *Cryptosporidium* oocyst, and virus removal credit granted by the department for filtration; and

(ii) Level of inactivation of *Giardia lamblia* cysts and viruses achieved through disinfection.

(c) At least once per day, purveyors shall monitor the following to determine the level of inactivation achieved through disinfection:

(i) Temperature of the disinfected water at each residual disinfectant concentration sampling point used for CT calculations; and

(ii) If using chlorine, pH of the disinfected water at each chlorine residual disinfectant concentration sampling point used for CT calculations.

(d) Each day during peak hourly flow (based on historical information), the purveyor shall:

(i) Determine disinfectant contact time, T, to the point at which C is measured; and

(ii) Measure the residual disinfectant concentration, C, of the water at the point for which T is calculated. The C measurement point shall be located before or at the first consumer.

(e) The department may reduce CT monitoring requirements for purveyors that demonstrate to the department's satisfaction that the required levels of inactivation are consistently exceeded. Reduced CT monitoring shall only be allowed where the purveyor demonstrates to the department's satisfaction that a reduction in monitoring will not endanger the health of consumers.

(5) Monitoring the residual disinfectant concentration entering the distribution system.

(a) Systems serving more than thirty-three hundred people per month.

(i) The purveyor shall continuously monitor and record the residual disinfectant concentration of water entering the distribution system and report the lowest value each day.

(ii) If the continuous monitoring equipment fails, the purveyor shall measure the residual disinfectant concentration on grab samples collected at least every four hours at the entry to the distribution system while the equipment is being repaired or replaced. The purveyor shall have continuous monitoring equipment back on-line within five working days following failure.

(b) Systems serving thirty-three hundred or less people per month.

(i) The purveyor shall collect grab samples or use continuous monitoring and recording to measure the residual disinfectant concentration entering the distribution system.

(ii) Purveyors of **community** systems choosing to take grab samples shall collect:

(A) Samples at the following minimum frequencies:

<u>Population Served</u>	<u>Number/day</u>
25 - 500	1
501 - 1,000	2
1,001 - 2,500	3
2,501 - 3,300	4

(B) At least one of the grab samples at peak hourly flow; and

(C) The remaining samples evenly spaced over the time the system is disinfecting water that will be delivered to the public.

(iii) Purveyors of **noncommunity** systems choosing to take grab samples shall collect samples for disinfectant residual concentration entering the distribution system as directed by the department.

(iv) When grab samples are collected and the residual disinfectant concentration at the entry to distribution falls below 0.2 mg/L, purveyors shall collect a grab sample every four hours until the residual disinfectant concentration is 0.2 mg/L or more.

(6) Monitoring residual disinfectant concentrations within the distribution system.

(a) The purveyor shall measure the residual disinfectant concentration at representative points within the distribution system on a daily basis or as otherwise approved by the department.

(b) At a minimum, the purveyor shall measure the residual disinfectant concentration within the distribution system at the same time and location that a routine or repeat coliform sample is collected ~~((in accordance with))~~ under WAC 246-290-300(3) or 246-290-320(2).

(c) The purveyor may measure HPC within the distribution system in lieu of measuring the residual disinfectant concentration ~~((in accordance with))~~ under this subsection.

AMENDATORY SECTION (Amending WSR 03-08-037, filed 3/27/03, effective 4/27/03)

WAC 246-290-676 Filtration technology and design criteria. (1) General.

(a) The purveyor proposing to construct new water treatment facilities or to make additions to existing water treatment facilities for surface and GWI sources shall ensure that the facilities comply with the treatment, design, and reliability requirements of Part 6 of chapter 246-290 WAC.

(b) The purveyor shall submit an engineering report to the department describing how the treatment facilities will be designed to comply with the requirements specified in Subparts A, B, and C of Part 6 of chapter 246-290 WAC.

(2) Filtration technology.

(a) The purveyor shall select a filtration technology acceptable to the department using criteria such as those outlined in department guidance on surface water treatment. The following filtration technologies are considered acceptable:

- (i) Conventional;
- (ii) Direct;
- (iii) Diatomaceous earth; and
- (iv) Slow sand.

(b) In addition to the technologies specified in subsection ((+)) (2)(a) of this section, ((alternate)) alternative filtration technologies may be acceptable, if the purveyor demonstrates to the department's satisfaction all of the following:

(i) Through acceptable third party testing, that system components do not leach or otherwise add substances to the finished water that would violate drinking water standards, or otherwise pose a threat to public health;

(ii) The technology's effectiveness in achieving at least 99 percent (2 log) removal of *Giardia lamblia* cysts or cyst surrogate particles, and at least 99 percent (2 log) removal of *Cryptosporidium* oocysts or oocyst surrogate particles. The purveyor shall further demonstrate the technology's removal capability through research conducted:

(A) By a party acceptable to the department; and

(B) In accordance with protocol and standards acceptable to the department.

(iii) Through on-site pilot plant studies or other means, that the filtration technology:

(A) In combination with disinfection treatment consistently achieves 99.9 percent (3 log) removal and inactivation of *Giardia lamblia* cysts and 99.99 percent (4 log) removal and inactivation of viruses; and

(B) Meets the applicable turbidity performance requirements as determined by the department for the specific treatment process being considered, but in no case to exceed 1.0 NTU for the finished water.

(3) Pilot studies.

(a) The purveyor shall ensure pilot studies are conducted for all proposed filtration facilities, except where waived based on engineering justification acceptable to the department.

(b) The purveyor shall obtain department approval for the pilot study plan before the pilot filter is constructed and before the pilot study is undertaken.

(c) The pilot study plan shall identify at a minimum:

- (i) Pilot filter design;
- (ii) Water quality and operational parameters to be monitored;
- (iii) Type of data to be collected, frequency of data collection, and length of pilot study; and

(iv) Pilot plant operator qualifications.

(d) The purveyor shall ensure that the pilot study is:

(i) Conducted to simulate proposed full-scale design conditions;

(ii) Conducted over a time period that will demonstrate the effectiveness and reliability of the proposed treatment system during changes in seasonal and climatic conditions; and

(iii) Designed and operated in accordance with good engineering practices and that ANSI/NSF standards 60 and 61 are considered.

(e) When the pilot study is complete, the purveyor shall submit a project report to the department for approval (~~in accordance with~~) under WAC 246-290-110.

(4) Design criteria.

(a) The purveyor shall ensure that water treatment facilities for surface and GWI sources are designed and constructed in accordance with good engineering practices documented in references such as those identified in WAC 246-290-200.

(b) Filtration facilities.

(i) The purveyor shall ensure that all new filtration facilities and improvements to any existing filtration facilities (excluding disinfection) are designed to achieve at least 99 percent (2 log) removal of *Giardia lamblia* cysts, and 99 percent (2 log) removal of *Cryptosporidium* oocysts; and

(ii) The purveyor shall ensure that all new filtration facilities contain provisions for filtering to waste with appropriate measures for backflow prevention.

(c) The purveyor shall ensure that disinfection systems for new filtration facilities or improvements to existing disinfection facilities are designed to meet the requirements of WAC 246-290-662.

AMENDATORY SECTION (Amending WSR 03-08-037, filed 3/27/03, effective 4/27/03)

WAC 246-290-690 Criteria to remain unfiltered. (1)

For a system not using the "limited alternative to filtration" option to remain unfiltered, the purveyor using a surface water or GWI source shall meet the source water quality and site-specific conditions under this section, as demonstrated through monitoring conducted in accordance with WAC 246-290-694.

(2) Source water quality conditions necessary to remain unfiltered.

(a) Coliform limits.

(i) The purveyor shall ensure that representative source water samples taken before the first point of disinfection have a fecal coliform density less than or equal to 20/100 ml in ninety percent or more of all samples taken during the six previous calendar months the system served water to the public. Samples collected on days when source water turbidity exceeds 1.0 NTU shall be included when determining compliance with this requirement.

(ii) The purveyor shall submit a written report to the department if no source fecal coliform data has been submitted for days when source turbidity exceeded 1.0 NTU. The report shall document why sample results are not available

and shall be submitted with the routine monitoring reports for the month in which the sample results are not available.

(b) Turbidity limits.

(i) The purveyor shall ensure that the turbidity level in representative source water samples taken before primary disinfection does not exceed 5.0 NTU.

(ii) A system failing to meet the turbidity requirements in (b)(i) of this subsection may remain unfiltered, if:

(A) The purveyor demonstrates to the department's satisfaction that the most recent turbidity event was caused by unusual and unpredictable circumstances; and

(B) Including the most recent turbidity event, there have not been more than:

(I) Two turbidity events in the twelve previous calendar months the system served water to the public; or

(II) Five turbidity events in the one-hundred-twenty previous calendar months the system served water to the public.

(iii) The purveyor of a system experiencing a turbidity event shall submit a written report to the department documenting why the turbidity event(s) occurred. The purveyor shall submit the report with the routine monitoring reports for the month in which the turbidity event(s) occurred.

(iv) The purveyor of a system with alternate, department-approved sources or sufficient treated water storage may avoid a turbidity event by implementing operational adjustments to prevent water with a turbidity exceeding 5.0 NTU from being delivered to consumers.

(v) When an alternate source or treated water storage is used during periods when the turbidity of the surface or GWI source exceeds 5.0 NTU, the purveyor shall not put the surface or GWI source back on-line, until the source water turbidity is 5.0 NTU or less.

(3) Site-specific conditions to remain unfiltered.

(a) Level of inactivation.

(i) The purveyor shall ensure that the *Giardia lamblia* cyst and virus inactivation levels required under WAC 246-290-692(1) are met in at least eleven of the twelve previous calendar months that the system served water to the public.

(ii) A system failing to meet the inactivation requirements during two of the twelve previous calendar months that the system served water to the public may remain unfiltered, if the purveyor demonstrates to the department's satisfaction that at least one of the failures was caused by unusual and unpredictable circumstances.

(iii) To make ((~~such~~)) a demonstration, the purveyor shall submit to the department a written report documenting the reasons for the failure. The purveyor shall submit the report with the routine monitoring reports for the month in which the failure occurred.

(b) Redundant disinfection components or automatic shutoff.

The purveyor shall ensure that the requirement for redundant disinfection system components or automatic shutoff of water to the distribution system under WAC 246-290-692(3) is met at all times the system serves water to the public.

(c) Disinfectant residual entering the distribution system.

(i) The purveyor shall ensure that the requirement for having a residual entering the distribution system under

WAC 246-290-692(4) is met at all times the system serves water to the public.

(ii) A system failing to meet the disinfection requirement under (c)(i) of this subsection may remain unfiltered, if the purveyor demonstrates to the department's satisfaction that the failure was caused by unusual and unpredictable circumstances.

(iii) To make ((~~such~~)) a demonstration, the purveyor shall submit to the department a written report documenting the reasons for the failure. The purveyor shall submit the report with the routine monitoring reports for the month in which the failure occurred.

(d) Disinfectant residuals within the distribution system.

(i) The purveyor shall ensure that the requirement for maintaining a residual within the distribution system under WAC 246-290-692(5) is met on an ongoing basis.

(ii) A system failing to meet the disinfection requirements under (d)(i) of this subsection may remain unfiltered, if the purveyor demonstrates to the department's satisfaction that the failure was caused by something other than a deficiency in source water treatment.

(iii) To make ((~~such~~)) a demonstration, the purveyor shall submit to the department a written report documenting the reasons for the failure. The purveyor shall submit the report with the routine monitoring reports for the month in which the failure occurred.

(e) Watershed control.

(i) The purveyor shall develop and implement a department-approved watershed control program.

(ii) The purveyor shall monitor, limit, and control all facilities and activities in the watershed affecting source quality to preclude degradation of the physical, chemical, microbiological (including viral contamination and contamination by *Cryptosporidium* oocysts), and radiological quality of the source. The purveyor shall demonstrate, through ownership and/or written agreements acceptable to the department, control of all human activities that may adversely impact source quality.

(iii) At a minimum, the purveyor's watershed control program shall:

(A) Characterize the watershed hydrology and land ownership;

(B) Identify watershed characteristics and activities that may adversely affect source water quality; and

(C) Monitor the occurrence of activities that may adversely affect source water quality.

(iv) If the department determines significant changes have occurred in the watershed, the purveyor shall submit, within ninety days of notification, an updated watershed control program to the department for review and approval.

(v) The department may require an unfiltered system to conduct additional monitoring to demonstrate the adequacy of the watershed control program.

(vi) A purveyor shall be considered out of compliance when failing to:

(A) Have a department-approved watershed control program;

(B) Implement the watershed control program to the satisfaction of the department; or

(C) Conduct additional monitoring as directed by the department.

(f) On-site inspections.

(i) The department shall conduct on-site inspections to assess watershed control and disinfection treatment.

(ii) The department shall conduct annual inspections unless more frequent inspections are deemed necessary to protect the health of consumers served by the system.

(iii) For a system to remain unfiltered, the on-site inspection shall indicate to the department's satisfaction that the watershed control program and disinfection treatment comply with (e) of this subsection and WAC 246-290-692, respectively.

(iv) The purveyor with unsatisfactory on-site inspection results shall take action as directed by the department in accordance with a department-established schedule.

(g) Waterborne disease outbreak.

(i) To remain unfiltered, a system shall not have been identified by the department as the cause of a waterborne disease outbreak attributable to a failure in treatment of the surface or GWI source.

(ii) The purveyor of a system identified by the department as the cause of a waterborne disease outbreak may remain unfiltered, if the purveyor demonstrates to the department's satisfaction that system facilities and/or operations have been sufficiently modified to prevent another waterborne disease outbreak.

(h) Total coliform MCL.

(i) For a system to remain unfiltered, the purveyor shall ensure that the MCL for total coliform under WAC 246-290-310 is met in at least eleven of the twelve previous calendar months the system served water to the public.

(ii) A system failing to meet the criteria in (i) of this subsection, may remain unfiltered, if the purveyor demonstrates to the department's satisfaction that the total coliform MCL violations were not caused by a deficiency in source water treatment.

(iii) The department shall determine the adequacy of source water treatment based on results of total coliform monitoring at the entry to the distribution system in accordance with WAC 246-290-694(3).

(i) Disinfectant residuals MRDL and disinfection by-products MCLs - Monitoring and compliance.

For a system to remain unfiltered, the purveyor shall comply with the monitoring and MCL requirements under WAC 246-290-300((7)) (6) and 246-290-310 (5) and (6), respectively.

(j) Laboratory services.

(i) For a system to remain unfiltered, the purveyor shall retain the services of the public health laboratory or another laboratory certified by the department to analyze samples for total and fecal coliform. Laboratory services shall be available on an as needed basis, seven days a week, including holidays. The purveyor shall identify in the annual comprehensive report required under WAC 246-290-696 the certified laboratory providing these services.

(ii) The department may waive this requirement, if the purveyor demonstrates to the department's satisfaction that an alternate, department-approved source is used when the turbidity of the surface or GWI source exceeds 1.0 NTU.

AMENDATORY SECTION (Amending WSR 03-08-037, filed 3/27/03, effective 4/27/03)

WAC 246-290-692 Disinfection for unfiltered systems. (1) General requirements.

(a) The purveyor without a limited alternative to filtration shall:

(i) Provide continuous disinfection treatment to ensure at least 99.9 percent (3 log) inactivation of *Giardia lamblia* cysts and 99.99 percent (4 log) inactivation of viruses at all times the system serves water to the public.

(ii) Failure to provide the required inactivation level on more than one day in any calendar month shall be considered a treatment technique violation.

(b) The purveyor with a limited alternative to filtration shall meet the treatment requirements in WAC 246-290-630(11) at all times the system serves water to the public.

(c) The purveyor may be required to provide greater levels of inactivation of *Giardia lamblia* cysts, other pathogenic microorganisms of public health concern, and viruses to protect the health of consumers.

~~((d) Failure to meet the inactivation level requirements of WAC 246-290-690 (3)(a) or 246-290-691 (3)(a) shall be considered a violation.))~~

(2) Determining the level of inactivation.

(a) Each day the system without a limited alternative to filtration serves water to the public, the purveyor, using procedures and CT_{99.9} values specified in 40 CFR 141.74, Vol. 54, No. 124, (published June 29, 1989(~~and copies of which are available from the department~~))), shall determine:

(i) CT values using the system's treatment parameters and calculate the total inactivation ratio achieved by disinfection; and

(ii) Whether the system's disinfection treatment process is achieving the minimum levels of inactivation of *Giardia lamblia* cysts and viruses required by the department. For purposes of determining compliance with the inactivation requirements specified in subsection (1) of this section, no credit shall be granted for disinfection applied to a source water with a turbidity greater than 5.0 NTU.

(b) Each day the system with a limited alternative to filtration serves water to the public, the purveyor, using appropriate guidance, shall determine:

(i) CT values using the system's treatment parameters and calculate the total inactivation ratio achieved by disinfection; and

(ii) Whether the system's treatment process is achieving the minimum levels of inactivation of *Giardia lamblia* cysts, viruses, or other pathogenic organisms of health concern including *Cryptosporidium* oocysts that would be greater than what would be expected from the combination of filtration plus chlorine disinfection.

(c) The purveyor shall be considered in compliance with the daily inactivation requirement when a total inactivation ratio equal to or greater than 1.0 is achieved.

(d) The purveyor of a system using a disinfectant or combination of disinfectants may use CT values lower than those specified in (a) of this subsection, if the purveyor demonstrates to the department's satisfaction that the required levels of inactivation of *Giardia lamblia* cysts, viruses, and, if providing a limited alternative to filtration, any other

pathogenic organisms of public health concern including *Cryptosporidium* oocysts, can be achieved using the lower CT values.

(e) The purveyor of a system using preformed chloramines or adding ammonia to the water before chlorine shall demonstrate to the department's satisfaction that the system achieves at least 99.99 percent (4 log) inactivation of viruses.

(3) The purveyor using either unfiltered or "limited alternative to filtration" treated sources shall ensure that disinfection facilities provide either:

(a) Redundant components, including an auxiliary power supply with automatic start up and alarm, to ensure continuous disinfection. Redundancy shall ensure that both the minimum inactivation requirements and the requirement for a 0.2 mg/L residual disinfectant concentration at entry to the distribution system are met at all times water is delivered to the distribution system; or

(b) Automatic shutoff of delivery of water to the distribution system when the residual disinfectant concentration in the water is less than 0.2 mg/L. Automatic shutoff shall be allowed only in systems where the purveyor demonstrates to the department's satisfaction that automatic shutoff will not endanger health or interfere with fire protection.

(4) Disinfectant residual entering the distribution system.

(a) The purveyor shall ensure that water entering the distribution system contains a residual disinfectant concentration, measured as free or combined chlorine, of at least 0.2 mg/L at all times the system serves water to the public; and

(b) Failure to provide a 0.2 mg/L residual at entry to distribution for more than four hours on any day shall be considered a treatment technique violation.

(5) Disinfectant residuals within the distribution system.

(a) The purveyor shall ensure that the residual disinfectant concentration in the distribution system, measured as total chlorine, free chlorine, combined chlorine, or chlorine dioxide, is detectable in at least ninety-five percent of the samples taken each calendar month.

(b) The purveyor of a system that purchases completely treated surface or GWI water as determined by the department shall comply with the requirements specified in (a) of this subsection.

(c) Water in the distribution system with an HPC level less than or equal to 500 organisms/ml is considered to have a detectable residual disinfectant concentration.

AMENDATORY SECTION (Amending WSR 03-08-037, filed 3/27/03, effective 4/27/03)

WAC 246-290-694 Monitoring for unfiltered systems. (1) Source coliform monitoring for systems without a limited alternative to filtration.

(a) The purveyor shall ensure that source water samples of each surface or GWI source are representative and:

(i) Collected before the first point of disinfectant application; and

(ii) Analyzed for fecal coliform density in accordance with methods acceptable to the department.

(b) The purveyor shall ensure source samples are collected for fecal coliform analysis each week the system serves water to the public based on the following schedule:

Population Served	Minimum Number/week*
25 - 500	1
501 - 3,300	2
3,301 - 10,000	3
10,001 - 25,000	4
>25,000	5

*Must be taken on separate days.

(c) Each day the system serves water to the public and the turbidity of the source water exceeds 1.0 NTU, the purveyor shall ensure one representative source water sample is collected before the first point of disinfectant application and analyzed for fecal coliform density. This sample shall count toward the weekly source coliform sampling requirement.

(d) The purveyor using a surface water or GWI source and that meets the criteria to remain unfiltered under WAC 246-290-690, shall collect at least one sample near the first service connection each day the turbidity level of the source water, measured as specified under WAC 246-290-694, exceeds 1 NTU. This sample must be analyzed for the presence of total coliform. When one or more turbidity measurements in any day exceed 1 NTU, the system must collect this coliform sample within twenty-four hours of the first exceedance, unless the department determines that the system, for logistical reasons outside the system's control, cannot have the sample analyzed within thirty hours of collection. Sample results from this coliform monitoring must be included in determining compliance with the MCL for total coliforms under WAC 246-290-310(2).

(e) A purveyor shall not be considered in violation of (c) of this subsection, if the purveyor demonstrates to the department's satisfaction that, for valid logistical reasons outside the purveyor's control, the additional fecal coliform sample could not be analyzed within a time frame acceptable to the department.

(2) Source coliform monitoring for systems with a limited alternative to filtration.

(a) The purveyor shall ensure that source water samples of each surface or GWI source are:

(i) Collected before the first point of primary disinfection; and

(ii) Analyzed for fecal coliform density in accordance with methods acceptable to the department.

(b) At a minimum, the purveyor shall ensure source samples are collected for fecal coliform analysis at a frequency equal to ten percent the number of routine coliform samples collected within the distribution system each month under WAC 246-290-300, or once per calendar month, whichever is greater, up to a maximum of one sample per day.

(3) Coliform monitoring at entry to distribution for systems without a limited alternative to filtration.

(a) The purveyor shall collect and have analyzed one coliform sample at the entry point to the distribution system each day that a routine or repeat coliform sample is collected

within the distribution system under WAC 246-290-300(3) or 246-290-320(2), respectively.

(b) The purveyor shall use the results of the coliform monitoring at entry to distribution along with inactivation ratio monitoring results to demonstrate the adequacy of source treatment.

(4) Source turbidity monitoring for systems without a limited alternative to filtration.

(a) The purveyor shall continuously monitor and record turbidity:

(i) On representative source water samples before the first point of primary disinfectant application; and

(ii) In accordance with the analytical techniques ~~((under))~~ in WAC 246-290-638.

(b) If source water turbidity is not the same as the turbidity of water delivered to consumers, the purveyor shall continuously monitor and record turbidity of water delivered.

(5) Source turbidity monitoring for systems with a limited alternative to filtration. The purveyor shall:

(a) Continuously monitor turbidity on representative source samples before the first point of primary disinfection application;

(b) Record continuous turbidity measurements at equal intervals, of at least four hours, in accordance with a department-approved sampling schedule; and

(c) Conduct monitoring in accordance with the analytical techniques under WAC 246-290-638.

(6) Monitoring the level of inactivation.

(a) Each day the system is in operation, the purveyor shall determine the total level of inactivation of *Giardia lamblia* cysts, viruses, and, if providing a limited alternative to filtration, any other pathogenic organisms of health concern including *Cryptosporidium* oocysts, achieved through disinfection.

(b) At least once per day, the purveyor shall monitor the following parameters to determine the total inactivation ratio achieved through disinfection:

(i) Temperature of the disinfected water at each residual disinfectant concentration sampling point used for CT calculations; and

(ii) If using chlorine, pH of the disinfected water at each chlorine residual disinfectant concentration sampling point used for CT calculations.

(c) Each day during peak hourly flow, the purveyor shall:

(i) Determine disinfectant contact time, T, to the point at which C is measured; and

(ii) Measure the residual disinfectant concentration, C, of the water at the point for which T is calculated. The C measurement point must be before or at the first consumer.

(7) Monitoring the residual disinfectant concentration entering the distribution system for either unfiltered systems, or systems using a limited alternative to filtration.

(a) Systems serving more than thirty-three hundred people.

(i) The purveyor shall continuously monitor and record the residual disinfectant concentration of water entering the distribution system and report the lowest value each day.

(ii) If the continuous monitoring equipment fails, the purveyor shall measure the residual disinfectant concentration on grab samples collected at least every four hours at the

entry to the distribution system while the equipment is being repaired or replaced. The purveyor shall have continuous monitoring equipment back on-line within five working days following failure.

(b) Systems serving thirty-three hundred or less people.

(i) The purveyor shall collect grab samples or use continuous monitoring and recording to measure the residual disinfectant concentration entering the distribution system.

(ii) A purveyor choosing to take grab samples shall collect:

(A) Samples at the following minimum frequencies:

Population Served	Number/day
25 - 500	1
501 - 1,000	2
1,001 - 2,500	3
2,501 - 3,300	4

(B) At least one of the grab samples at peak hourly flow based on historical flows for the system; and

(C) The remaining sample or samples at intervals evenly spaced over the time the system is disinfecting water that will be delivered to the public.

(ii) When grab samples are collected and the residual disinfectant concentration at the entry to distribution falls below 0.2 mg/L, the purveyor shall collect a grab sample every four hours until the residual disinfectant concentration is 0.2 mg/L or more.

(8) Monitoring residual disinfectant concentration within the distribution system for either ~~((unfiltration))~~ unfiltered systems, or systems using a limited alternative to filtration.

(a) The purveyor shall measure the residual disinfectant concentration within the distribution system at the same time and location that a routine or repeat coliform sample is collected ~~((in accordance with))~~ under WAC 246-290-300(3) or 246-290-320(2) or once per day, whichever is greater.

(b) The purveyor of a system that purchases completely treated surface or GWI water as determined by the department shall comply with the requirements of (a) of this subsection or as otherwise directed by the department under WAC 246-290-300 (2)(c). At a minimum, the purveyor shall measure the residual disinfectant concentration within the distribution system at the same time and location that a routine or repeat coliform sample is collected ~~((in accordance with))~~ under WAC 246-290-300(3) or 246-290-320(2).

(c) The purveyor may measure HPC within the distribution system in lieu of measuring the residual disinfectant concentration ~~((in accordance with))~~ under this subsection.

AMENDATORY SECTION (Amending WSR 03-08-037, filed 3/27/03, effective 4/27/03)

WAC 246-290-71001 Public notification. (1) The purveyor shall notify the water system users and the owner or operator of any consecutive water system served in accordance with 40 CFR 141.201 through 208. Notice is to be provided when the system violates a National Primary Drinking Water Regulation and when any of the situations listed in

Table 1 of 40 CFR 141.201 occur, except for (3)((b)) (ii). Public notifications for violations and other situations are categorized into the following Tiers (~~in accordance with the following~~):

- (a) Tier 1 as described in Table 1 of 40 CFR 141.202(a);
- (b) Tier 2 as described in Table 1 of 40 CFR 141.203(a);

or

- (c) Tier 3 as described in Table 1 of 40 CFR 141.204(a).

(2) The purveyor shall initiate consultation with the department as soon as possible, but no later than twenty-four hours after they learn their system has a Tier 1 violation or situation in order to determine if additional public notice is required. The purveyor shall comply with any additional public notification requirements established as a result of the consultation.

(3) The purveyor shall notify the water system users when the system:

- (a) Is issued a (~~departmental~~) department order;
- (b) Fails to comply with a (~~departmental~~) department order; or
- (c) Is issued a category red operating permit.

AMENDATORY SECTION (Amending WSR 03-08-037, filed 3/27/03, effective 4/27/03)

WAC 246-290-71005 Special public notification requirements. (1) The purveyor of community or NTNC water systems required to monitor under WAC 246-290-300(~~(8)~~) (7) shall notify the water system users of the availability of the results of monitoring for unregulated contaminants no later than twelve months after the monitoring results are known. The form and manner of the public notice to the water system users shall be in accordance with 40 CFR 141.204 (c), (d)(1), and (d)(3). The notice must also identify a person and provide the telephone number to contact for information on the monitoring results.

(2) The purveyor of a community water system that experiences a secondary MCL violation for fluoride shall provide notice, in accordance with the form, manner, timing and content requirements of 40 CFR 141.208.

(3) The purveyor of a water system using surface water or GWI sources that repeatedly fails to monitor for *Cryptosporidium* or determine the bin classification or mean *Cryptosporidium* level, must notify the public under 40 CFR 141.211.

AMENDATORY SECTION (Amending WSR 03-08-037, filed 3/27/03, effective 4/27/03)

WAC 246-290-72001 Purpose and applicability of the consumer confidence report requirements. WAC 246-290-72001 through 246-290-72012 establishes minimum requirements for the content of annual reports that community water systems must deliver to their customers. These reports must contain information on the quality of the water delivered by the systems and characterize the risks (if any) from exposure to contaminants detected in the drinking water in an accurate and understandable manner.

(1) (~~Notwithstanding the provisions of WAC 246-290-020~~) This section applies only to community water systems.

(2) For the purpose of WAC 246-290-72001 through 246-290-72012:

(a) "Customers" means billing units or service connections to which water is delivered by a community water system.

(b) "Detected" means at or above the levels prescribed by WAC 246-290-300(4) for inorganic contaminants, at or above the levels prescribed by WAC 246-290-300(~~(8)~~) (7) for organic contaminants, and at or above the levels prescribed by 40 CFR 141.25(c) for radioactive contaminants.

AMENDATORY SECTION (Amending WSR 03-08-037, filed 3/27/03, effective 4/27/03)

WAC 246-290-72005 Report contents—Information on detected contaminants. (1) This section specifies the requirements for information to be included in each report for contaminants subject to mandatory monitoring. It applies to:

(a) Contaminants subject to an MCL, action level, maximum residual disinfectant level or treatment technique (regulated contaminants);

(b) Contaminants for which monitoring is required (~~by WAC 246-290-300(9)~~) under 40 CFR 140.40; and

(c) Disinfection by-products for which monitoring is required by WAC 246-290-300(~~(7)~~) (6) and 40 CFR 141.142 or microbial contaminants for which monitoring is required by WAC 246-290-300(3) and 40 CFR 141.143, except as provided under WAC 246-290-72006(1), and which are detected in the finished water.

(2) The data relating to these contaminants must be displayed in one table or in several adjacent tables. Any additional monitoring results which a community water system chooses to include in its report must be displayed separately.

(3) The data must be derived from data collected to comply with (~~the Environmental Protection Agency~~) EPA and state monitoring and analytical requirements during the previous calendar year except that:

(a) Where a system is allowed to monitor for regulated contaminants less than once a year, the table(s) must include the date and results of the most recent sampling and the report must include a brief statement indicating that the data presented in the report are from the most recent testing done in accordance with the regulations. No data older than five years need be included.

(b) Results of monitoring in compliance with 40 CFR 141.142 and 40 CFR 141.143 need only be included for five years from the date of last sample or until any of the detected contaminants becomes regulated and subject to routine monitoring requirements, whichever comes first.

(4) For detected regulated contaminants listed in WAC 246-290-72012, the table(s) must contain:

(a) The MCL for that contaminant expressed as a number equal to or greater than 1.0 (as provided in WAC 246-290-72012);

(b) The MCLG for that contaminant expressed in the same units as the MCL;

(c) If there is no MCL for a detected contaminant, the table must indicate that there is a treatment technique, or specify the action level, applicable to that contaminant, and the report must include the definitions for treatment tech-

nique and/or action level, as appropriate, specified in WAC 246-290-72004;

(d) For contaminants subject to an MCL, except turbidity and total coliforms, the highest contaminant level used to determine compliance with a National Primary Drinking Water Regulation and the range of detected levels, as follows:

(i) When compliance with the MCL is determined annually or less frequently: The highest detected level at any sampling point and the range of detected levels expressed in the same units as the MCL.

(ii) When compliance with the MCL is determined by calculating a running annual average of all samples taken at a sampling point: The highest average of any of the sampling points and the range of all sampling points expressed in the same units as the MCL.

(iii) When compliance with the MCL is determined on a system-wide basis by calculating a running annual average of all samples at all sampling points: The average and range of detection expressed in the same units as the MCL.

(iv) Note to WAC 246-290-72005 (4)(d): When rounding of results to determine compliance with the MCL is allowed by the regulations, rounding should be done prior to multiplying the results by the factor listed in WAC 246-290-72012;

(e) For turbidity.

(i) When it is reported under chapter 246-290 WAC Part 6, Subpart C: The highest average monthly value.

(ii) When it is reported under the requirements of chapter 246-290 WAC Part 6, Subpart D: The highest monthly value. The report should include an explanation of the reasons for measuring turbidity.

(iii) When it is reported under chapter 246-290 WAC Part 6, Subpart B: The highest single measurement and the lowest monthly percentage of samples meeting the turbidity limits specified in chapter 246-290 WAC Part 6, Subpart B for the filtration technology being used. The report should include an explanation of the reasons for measuring turbidity;

(f) For lead and copper: The 90th percentile value of the most recent round of sampling and the number of sampling sites exceeding the action level;

(g) For total coliform:

(i) The highest monthly number of positive samples for systems collecting fewer than 40 samples per month; or

(ii) The highest monthly percentage of positive samples for systems collecting at least 40 samples per month;

(h) For fecal coliform: The total number of positive samples; and

(i) The likely source(s) of detected contaminants to the best of the purveyor's knowledge. Specific information regarding contaminants may be available in sanitary surveys and source water assessments, and should be used when available to the purveyor. If the purveyor lacks specific information on the likely source, the report must include one or more of the typical sources for that contaminant listed in WAC 246-290-72012 which are most applicable to the system.

(5) If a community water system distributes water to its customers from multiple hydraulically independent distribution systems that are fed by different raw water sources, the

table should contain a separate column for each service area and the report should identify each separate distribution system. Alternatively, systems could produce separate reports tailored to include data for each service area.

(6) The table(s) must clearly identify any data indicating violations of MCLs, MRDLs, or treatment techniques and the report must contain a clear and readily understandable explanation of the violation including: The length of the violation, the potential adverse health effects, and actions taken by the system to address the violation. To describe the potential health effects, the system must use the relevant language of WAC 246-290-72012.

(7) For detected unregulated contaminants for which monitoring is required, the table(s) must contain the average and range at which the contaminant was detected. The report may include a brief explanation of the reasons for monitoring for unregulated contaminants.

AMENDATORY SECTION (Amending WSR 00-15-080, filed 7/19/00, effective 8/19/00)

WAC 246-290-72006 Report contents—Information on Cryptosporidium, radon, and other contaminants. (1) If the system has performed any monitoring for Cryptosporidium, (~~including monitoring performed to satisfy the requirements of 40 CFR 141.143 which~~) and the results indicate~~(s)~~ that Cryptosporidium may be present in the source water or the finished water, the report must include:

(a) A summary of the results of the monitoring; and

(b) An explanation of the significance of the results.

(2) If the system has performed any monitoring for radon which indicates that radon may be present in the finished water, the report must include:

(a) The results of the monitoring; and

(b) An explanation of the significance of the results.

(3) If the system has performed additional monitoring which indicates the presence of other contaminants in the finished water, the department strongly encourages systems to report any results which may indicate a health concern. To determine if results may indicate a health concern, the department recommends that systems find out if (~~the Environmental Protection Agency~~) EPA has proposed a National Primary Drinking Water Regulation or issued a health advisory for that contaminant by calling the Safe Drinking Water Hotline (800-426-4791). (~~The Environmental Protection Agency~~) EPA considers detects above a proposed MCL or health advisory level to indicate possible health concerns. For (~~such~~) the contaminants, the department recommends that the report include:

(a) The results of the monitoring; and

(b) An explanation of the significance of the results noting the existence of a health advisory or a proposed regulation.

AMENDATORY SECTION (Amending WSR 03-08-037, filed 3/27/03, effective 4/27/03)

WAC 246-290-72007 Report contents—Compliance with National Primary Drinking Water Regulations. In addition to the requirements of WAC 246-290-72005(6), the report must note any violation that occurred during the year

covered by the report of a requirement listed below, and include a clear and readily understandable explanation of the violation, any potential adverse health effects, and the steps the system has taken to correct the violation.

(1) Monitoring and reporting of compliance data;

(2) Filtration and disinfection prescribed by chapter 246-290 WAC, Part 6. For systems which have failed to install adequate filtration or disinfection equipment or processes, or have had a failure of the equipment or processes which constitutes a violation, the report must include the following language as part of the explanation of potential adverse health effects: Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.

(3) Lead and copper control requirements prescribed by WAC 246-290-025, specifically CFR 141.80 through 141.91: For systems which fail to take one or more actions prescribed by WAC 246-290-025, specifically CFR 141.80 through 141.84, the report must include the applicable language of WAC 246-290-72012 for lead, copper, or both.

(4) Treatment techniques for Acrylamide and Epichlorohydrin prescribed by ~~((40-CFR, Subpart K))~~ WAC 246-290-480 (2)(k). For systems which violate the requirements of ~~((40-CFR, Subpart K))~~ WAC 246-290-480 (2)(k), the report must include the relevant language from WAC 246-290-72012.

(5) Recordkeeping of compliance data.

(6) Special monitoring requirements prescribed ~~((by))~~ under WAC ~~((246-290-300(9) (unregulated contaminants) and))~~ 246-290-310(3) ~~((sodium))~~; and

(7) Violation of the terms of a variance, an exemption, or an administrative or judicial order.

AMENDATORY SECTION (Amending WSR 04-04-056, filed 1/30/04, effective 3/1/04)

WAC 246-290-72010 Report contents—Required additional health information. All reports must prominently display the following language: Some people may be more vulnerable to contaminants in drinking water than the general population. Immuno-compromised persons such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants can be particularly at risk from infections. These people should seek advice about drinking water from their health care providers. Environmental Protection Agency/Centers for Disease Control guidelines on appropriate means to lessen the risk of infection by *Cryptosporidium* and other microbial contaminants are available from the Safe Drinking Water Hotline (800-426-4791).

(1) Beginning in the report due by July 1, 2002, a system which detects arsenic levels above 0.005 mg/L and up to and including 0.010 mg/L:

(a) Must include in its report a short informational statement about arsenic, using language such as: While your drinking water meets EPA's standard for arsenic, it does contain low levels of arsenic. EPA's standard balances the current understanding of arsenic's possible health effects against

the cost of removing arsenic from drinking water. EPA continues to research the health effects of low levels of arsenic, which is a mineral known to cause cancer in humans at high concentrations and is linked to other health effects such as skin damage and circulatory problems.

(b) May write its own educational statement, but only in consultation with the department.

(2) A system which detects nitrate at levels above 5 mg/l, but below the MCL:

(a) Must include a short informational statement about the impacts of nitrate on children using language such as: Nitrate in drinking water at levels above 10 ppm is a health risk for infants of less than six months of age. High nitrate levels in drinking water can cause blue-baby syndrome. Nitrate levels may rise quickly for short periods of time because of rainfall or agricultural activity. If you are caring for an infant, you should ask for advice from your health care provider.

(b) May write its own educational statement, but only in consultation with the department.

(3) Systems which detect lead above the action level in more than five percent, and up to and including ten percent, of homes sampled:

(a) Must include a short informational statement about the special impact of lead on children using language such as: Infants and young children are typically more vulnerable to lead in drinking water than the general population. It is possible that lead levels at your home may be higher than at other homes in the community as a result of materials used in your home's plumbing. If you are concerned about elevated lead levels in your home's water, you may wish to have your water tested and flush your tap for thirty seconds to two minutes before using tap water. Additional information is available from the Safe Drinking Water Hotline (800-426-4791).

(b) May write its own educational statement, but only in consultation with the department.

~~((4) Community water systems that detect TTHM above 0.080 mg/l, but below the MCL in WAC 246-290-310(4), as an annual average, monitored and calculated under the provisions of WAC 246-290-300(6), must include health effects language prescribed by WAC 246-290-72012.~~

~~((5) Beginning in the report due by July 1, 2002, and ending January 22, 2006, a community water system that detects arsenic above 0.01 mg/L and up to and including 0.05 mg/L must include the arsenic health effects language prescribed in WAC 246-290-72012.))~~

AMENDATORY SECTION (Amending WSR 00-15-080, filed 7/19/00, effective 8/19/00)

WAC 246-290-72011 Report delivery and record-keeping. Each community water system must mail or otherwise directly deliver one copy of the report to each customer.

(1) The system must make a good faith effort to reach consumers who do not get water bills. The department expects that an adequate good faith effort will be tailored to the consumers who are served by the system but are not bill-paying customers, such as renters or workers. A good faith effort to reach consumers would include a mix of methods appropriate to the particular system such as: Posting the

reports on the internet; mailing to postal patrons in metropolitan areas; advertising the availability of the report in the news media; publication in a local newspaper; posting in public places such as cafeterias or lunch rooms of public buildings; delivery of multiple copies for distribution by single-biller customers such as apartment buildings or large private employers; delivery to community organizations.

(2) No later than the date the system is required to distribute the report to its customers, each community water system must ~~((mail))~~ submit a copy of the report to the department, followed within three months by a certification that the report has been distributed to customers, and that the information is correct and consistent with the compliance monitoring data previously submitted to the department.

(3) No later than the date the system is required to distribute the report to its customers, each community water system must deliver the report to any other agency or clearinghouse identified by the department.

(4) Each community water system must make its reports available to the public upon request.

(5) Each community water system serving one hundred thousand or more persons must post its current year's report to a publicly accessible site on the internet.

(6) Any system subject to WAC 246-290-72001 through 246-290-72012 must retain copies of its consumer confidence report for no less than three years.

AMENDATORY SECTION (Amending WSR 04-04-056, filed 1/30/04, effective 3/1/04)

WAC 246-290-72012 Regulated contaminants.

Contaminant (units)	traditional MCL in mg/L	to convert for CCR, multiply by	MCL in CCR units	MCLG	Major Sources in Drinking Water	Health Effects Language
Microbiological Contaminants						
Total Coliform Bacteria	MCL: (systems that collect ≥ 40 samples/ month) <u>more than 5%</u> of monthly samples are positive; (systems that collect < 40 samples/ month) ((1 positive monthly sample)) <u>2 or more positive samples per monthly sampling period</u>		MCL: (systems that collect ≥ 40 samples/ month) <u>more than 5%</u> of monthly samples are positive; (systems that collect < 40 samples/ month) ((1 positive monthly sample)) <u>2 or more positive samples per monthly sampling period</u>	0	Naturally present in the environment	Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.
Fecal coliform and <i>E. coli</i>	0		0	0	Human and animal fecal waste	Fecal coliforms and <i>E. coli</i> are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly, and people with severely-compromised immune systems.
Total organic carbon (ppm)	TT	-	TT	n/a	Naturally present in the environment	Total organic carbon (TOC) has no health effects. However, total organic carbon provides a medium for the formation of disinfection by-products. These by-products include trihalomethanes (THMs) and haloacetic acids (HAAs). Drinking water containing these by-products in excess of the MCL may lead to adverse health effects, liver or kidney problems, or nervous system

Contaminant (units)	traditional MCL in mg/L	to convert for CCR, multiply by	MCL in CCR units	MCLG	Major Sources in Drinking Water	Health Effects Language
						effects, and may lead to an increased risk of getting cancer.
Turbidity (NTU)	TT.	-	TT	n/a	Soil runoff	Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea and associated headaches.
<u>Giardia lamblia</u> Viruses <u>Cryptosporidium</u>	TT.	=	TT.	n/a	Human and animal fecal waste	<u>Inadequately treated water may contain disease-causing organisms. These organisms include bacteria viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.</u>
Heterotrophic plate count (HPC) bacteria	TT.	=	TT.	n/a	HPC measures a range of bacteria that are naturally present in the environment	<u>Inadequately treated water may contain disease-causing organisms. These organisms include bacteria viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.</u>
Legionella	TT.	=	TT.	n/a	Found naturally in water; multiplies in heating systems	<u>Inadequately treated water may contain disease-causing organisms. These organisms include bacteria viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.</u>
Radioactive Contaminants						
Beta/photon emitters (mrem/yr)	4 mrem/yr	-	4	n/a 0	Decay of natural and man-made deposits	Certain minerals are radioactive and may emit forms of radiation known as photons and beta radiation. Some people who drink water containing beta and photon emitters in excess of the MCL over many years may have an increased risk of getting cancer.
Alpha emitters (pCi/l)	15 pCi/l	-	15	n/a 0	Erosion of natural deposits	Certain minerals are radioactive and may emit a form of radiation known as alpha radiation. Some people who drink water containing alpha emitters in excess of the MCL over many years may have an increased risk of getting cancer.
Combined radium (pCi/l)	5 pCi/l	-	5	n/a 0	Erosion of natural deposits	Some people who drink water containing radium 226 or 228 in excess of the MCL over many years may have an increased risk of getting cancer.

Contaminant (units)	traditional MCL in mg/L	to convert for CCR, multiply by	MCL in CCR units	MCLG	Major Sources in Drinking Water	Health Effects Language
Uranium (pCi/l)	30 micro g/l	-	30	0	Erosion of natural deposits	Some people who drink water containing uranium in excess of the MCL over many years may have an increased risk of getting cancer and kidney toxicity.
Inorganic Contaminants						
Antimony (ppb)	.006	1000	6	6	Discharge from petroleum refineries; fire retardants; ceramics; electronics; solder	Some people who drink water containing antimony well in excess of the MCL over many years could experience increases in blood cholesterol and decreases in blood sugar.
Arsenic (ppb)	.05	1000	50	n/a	Erosion of natural deposits; Runoff from orchards; Runoff from glass and electronics production wastes	Some people who drink water containing arsenic in excess of the MCL over many years could experience skin damage or problems with their circulatory system, and may have an increased risk of getting cancer.
*Effective 1/23/06	0.010	1000	10	0		
Asbestos (MFL)	7 MFL	-	7	7	Decay of asbestos cement water mains; Erosion of natural deposits	Some people who drink water containing asbestos in excess of the MCL over many years may have an increased risk of developing benign intestinal polyps.
Barium (ppm)	2	-	2	2	Discharge of drilling wastes; Discharge from metal refineries; Erosion of natural deposits	Some people who drink water containing barium in excess of the MCL over many years could experience an increase in their blood pressure.
Beryllium (ppb)	.004	1000	4	4	Discharge from metal refineries and coal-burning factories; Discharge from electrical, aerospace, and defense industries	Some people who drink water containing beryllium well in excess of the MCL over many years could develop intestinal lesions.
Cadmium (ppb)	.005	1000	5	5	Corrosion of galvanized pipes; Erosion of natural deposits; Discharge from metal refineries; Runoff from waste batteries and paints	Some people who drink water containing cadmium in excess of the MCL over many years could experience kidney damage.
Chromium (ppb)	.1	1000	100	100	Discharge from steel and pulp mills; Erosion of natural deposits	Some people who use water containing chromium well in excess of the MCL over many years could experience allergic dermatitis.
Copper (ppm)	AL = 1.3	-	AL = 1.3	1.3	Corrosion of household plumbing systems; Erosion of natural deposits	Copper is an essential nutrient, but some people who drink water containing copper in excess of the action level over a relatively short amount of time could experience gastrointestinal distress. Some people who drink water containing copper in excess of the action level over many years could suffer liver or kidney damage. People with Wilson's Disease should consult their personal doctor.

Contaminant (units)	traditional MCL in mg/L	to convert for CCR, multiply by	MCL in CCR units	MCLG	Major Sources in Drinking Water	Health Effects Language
Cyanide (ppb)	.2	1000	200	200	Discharge from steel/metal factories; Discharge from plastic and fertilizer factories	Some people who drink water containing cyanide well in excess of the MCL over many years could experience nerve damage or problems with their thyroid.
Fluoride (ppm)	4	-	4	4	Erosion of natural deposits; Water additive which promotes strong teeth; Discharge from fertilizer and aluminum factories	Some people who drink water containing fluoride in excess of the MCL over many years could get bone disease, including pain and tenderness of the bones. Fluoride in drinking water at half the MCL or more may cause mottling of children's teeth, usually in children less than nine years old. Mottling, also known as dental fluorosis, may include brown staining and/or pitting of the teeth, and occurs only in developing teeth before they erupt from the gums.
Lead (ppb)	AL = .015	1000	AL = 15	0	Corrosion of household plumbing systems; Erosion of natural deposits	Infants and children who drink water containing lead in excess of the action level could experience delays in their physical or mental development. Children could show slight deficits in attention span and learning abilities. Adults who drink this water over many years could develop kidney problems or high blood pressure.
Mercury [inorganic] (ppb)	.002	1000	2	2	Erosion of natural deposits; Discharge from refineries and factories; Runoff from landfills; Runoff from cropland	Some people who drink water containing inorganic mercury well in excess of the MCL over many years could experience kidney damage.
Nitrate (ppm)	10	-	10	10	Runoff from fertilizer use; Leaching from septic tanks, sewage; Erosion of natural deposits	Infants below the age of six months who drink water containing nitrate in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.
Nitrite (ppm)	1	-	1	1	Runoff from fertilizer use; Leaching from septic tanks, sewage; Erosion of natural deposits	Infants below the age of six months who drink water containing nitrite in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.
Selenium (ppb)	.05	1000	50	50	Discharge from petroleum and metal refineries; Erosion of natural deposits; Discharge from mines	Selenium is an essential nutrient. However, some people who drink water containing selenium in excess of the MCL over many years could experience hair or fingernail losses, numbness in fingers or toes, or problems with their circulation.

Contaminant (units)	traditional MCL in mg/L	to convert for CCR, multiply by	MCL in CCR units	MCLG	Major Sources in Drinking Water	Health Effects Language
Thallium (ppb)	.002	1000	2	0.5	Leaching from ore-processing sites; Discharge from electronics, glass, and drug factories	Some people who drink water containing thallium in excess of the MCL over many years could experience hair loss, changes in their blood, or problems with their kidneys, intestines, or liver.
Synthetic Organic Contaminants including Pesticides and Herbicides						
2,4-D (ppb)	.07	1000	70	70	Runoff from herbicide used on row crops	Some people who drink water containing the weed killer 2,4-D well in excess of the MCL over many years could experience problems with their kidneys, liver, or adrenal glands.
2,4,5-TP [Silvex](ppb)	.05	1000	50	50	Residue of banned herbicide	Some people who drink water containing silvex in excess of the MCL over many years could experience liver problems.
Acrylamide	TT	-	TT	0	Added to water during sewage/ wastewater treatment	Some people who drink water containing high levels of acrylamide over a long period of time could have problems with their nervous system or blood, and may have an increased risk of getting cancer.
Alachlor (ppb)	.002	1000	2	0	Runoff from herbicide used on row crops	Some people who drink water containing alachlor in excess of the MCL over many years could have problems with their eyes, liver, kidneys, or spleen, or experience anemia, and may have an increased risk of getting cancer.
Atrazine (ppb)	.003	1000	3	3	Runoff from herbicide used on row crops	Some people who drink water containing atrazine well in excess of the MCL over many years could experience problems with their cardiovascular system or reproductive difficulties.
Benzo(a)pyrene [PAH] (nanograms/l)	.0002	1,000,000	200	0	Leaching from linings of water storage tanks and distribution lines	Some people who drink water containing benzo(a)pyrene in excess of the MCL over many years may experience reproductive difficulties and may have an increased risk of getting cancer.
Carbofuran (ppb)	.04	1000	40	40	Leaching of soil fumigant used on rice and alfalfa	Some people who drink water containing carbofuran in excess of the MCL over many years could experience problems with their blood, or nervous or reproductive systems.
Chlordane (ppb)	.002	1000	2	0	Residue of banned termiticide	Some people who drink water containing chlordane in excess of the MCL over many years could experience problems with their liver or nervous system, and may have an increased risk of getting cancer.

Contaminant (units)	traditional MCL in mg/L	to convert for CCR, multiply by	MCL in CCR units	MCLG	Major Sources in Drinking Water	Health Effects Language
Dalapon (ppb)	.2	1000	200	200	Runoff from herbicide used on rights of way	Some people who drink water containing dalapon well in excess of the MCL over many years could experience minor kidney changes.
Di(2-ethylhexyl) adipate (ppb)	.4	1000	400	400	Discharge from chemical factories	Some people who drink water containing di (2-ethylhexyl) adipate well in excess of the MCL over many years could experience toxic effects or reproductive difficulties.
Di(2-ethylhexyl) phthalate (ppb)	.006	1000	6	0	Discharge from rubber and chemical factories	Some people who drink water containing di (2-ethylhexyl) phthalate well in excess of the MCL over many years may have problems with their liver, or experience reproductive difficulties, and may have an increased risk of getting cancer.
Dibromochloropropane (ppt)	.0002	1,000,000	200	0	Runoff/leaching from soil fumigant used on soybeans, cotton, pineapples, and orchards	Some people who drink water containing DBCP in excess of the MCL over many years could experience reproductive problems and may have an increased risk of getting cancer.
Dinoseb (ppb)	.007	1000	7	7	Runoff from herbicide used on soybeans and vegetables	Some people who drink water containing dinoseb well in excess of the MCL over many years could experience reproductive difficulties.
Diquat (ppb)	.02	1000	20	20	Runoff from herbicide use	Some people who drink water containing diquat in excess of the MCL over many years could get cataracts.
Dioxin [2,3,7,8-TCDD] (ppq)	.00000003	1,000,000,000	30	0	Emissions from waste incineration and other combustion; Discharge from chemical factories	Some people who drink water containing dioxin in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer.
Endothall (ppb)	.1	1000	100	100	Runoff from herbicide use	Some people who drink water containing endothall in excess of the MCL over many years could experience problems with their stomach or intestines.
Endrin (ppb)	.002	1000	2	2	Residue of banned insecticide	Some people who drink water containing endrin in excess of the MCL over many years could experience liver problems.
Epichlorohydrin	TT	-	TT	0	Discharge from industrial chemical factories; An impurity of some water treatment chemicals	Some people who drink water containing high levels of epichlorohydrin over a long period of time could experience stomach problems, and may have an increased risk of getting cancer.

Contaminant (units)	traditional MCL in mg/L	to convert for CCR, multiply by	MCL in CCR units	MCLG	Major Sources in Drinking Water	Health Effects Language
Ethylene dibromide (ppt)	.00005	1,000,000	50	0	Discharge from petroleum refineries	Some people who drink water containing ethylene dibromide in excess of the MCL over many years could experience problems with their liver, stomach, reproductive system, or kidneys, and may have an increased risk of getting cancer.
Glyphosate (ppb)	.7	1000	700	700	Runoff from herbicide use	Some people who drink water containing glyphosate in excess of the MCL over many years could experience problems with their kidneys or reproductive difficulties.
Heptachlor (ppt)	.0004	1,000,000	400	0	Residue of banned pesticide	Some people who drink water containing heptachlor in excess of the MCL over many years could experience liver damage and may have an increased risk of getting cancer.
Heptachlor epoxide (ppt)	.0002	1,000,000	200	0	Breakdown of heptachlor	Some people who drink water containing heptachlor epoxide in excess of the MCL over many years could experience liver damage, and may have an increased risk of getting cancer.
Hexachlorobenzene (ppb)	.001	1000	1	0	Discharge from metal refineries and agricultural chemical factories	Some people who drink water containing hexachlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys, or adverse reproductive effects, and may have an increased risk of getting cancer.
Hexachlorocyclopentadiene (ppb)	.05	1000	50	50	Discharge from chemical factories	Some people who drink water containing hexachlorocyclopentadiene well in excess of the MCL over many years could experience problems with their kidneys or stomach.
Lindane (ppt)	.0002	1,000,000	200	200	Runoff/leaching from insecticide used on cattle, lumber, gardens	Some people who drink water containing lindane in excess of the MCL over many years could experience problems with their kidneys or liver.
Methoxychlor (ppb)	.04	1000	40	40	Runoff/leaching from insecticide used on fruits, vegetables, alfalfa, livestock	Some people who drink water containing methoxychlor in excess of the MCL over many years could experience reproductive difficulties.
Oxamyl [Vydate] (ppb)	.2	1000	200	200	Runoff/leaching from insecticide used on apples, potatoes and tomatoes	Some people who drink water containing oxamyl in excess of the MCL over many years could experience slight nervous system effects.

Contaminant (units)	traditional MCL in mg/L	to convert for CCR, multiply by	MCL in CCR units	MCLG	Major Sources in Drinking Water	Health Effects Language
PCBs [Polychlorinated biphenyls] (ppt)	.0005	1,000,000	500	0	Runoff from landfills; Discharge of waste chemicals	Some people who drink water containing PCBs in excess of the MCL over many years could experience changes in their skin, problems with their thymus gland, immune deficiencies, or reproductive or nervous system difficulties, and may have an increased risk of getting cancer.
Pentachlorophenol (ppb)	.001	1000	1	0	Discharge from wood preserving factories	Some people who drink water containing pentachlorophenol in excess of the MCL over many years could experience problems with their liver or kidneys, and may have an increased risk of getting cancer.
Picloram (ppb)	.5	1000	500	500	Herbicide runoff	Some people who drink water containing picloram in excess of the MCL over many years could experience problems with their liver.
Simazine (ppb)	.004	1000	4	4	Herbicide runoff	Some people who drink water containing simazine in excess of the MCL over many years could experience problems with their blood.
Toxaphene (ppb)	.003	1000	3	0	Runoff/leaching from insecticide used on cotton and cattle	Some people who drink water containing toxaphene in excess of the MCL over many years could have problems with their kidneys, liver, or thyroid, and may have an increased risk of getting cancer.
Volatile Organic Contaminants						
Benzene (ppb)	.005	1000	5	0	Discharge from factories; Leaching from gas storage tanks and landfills	Some people who drink water containing benzene in excess of the MCL over many years could experience anemia or a decrease in blood platelets, and may have an increased risk of getting cancer.
Bromate (ppb)	.010	1000	10	0	By-product of drinking water disinfection	Some people who drink water containing bromate in excess of the MCL over many years may have an increased risk of getting cancer.
Carbon tetrachloride (ppb)	.005	1000	5	0	Discharge from chemical plants and other industrial activities	Some people who drink water containing carbon tetrachloride in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.
Chloramines (ppm)	MRDL = 4	-	MRDL = 4	MRDLG = 4	Water additive used to control microbes	Some people who use drinking water containing chloramines well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chloramines well in excess of the MRDL could

Contaminant (units)	traditional MCL in mg/L	to convert for CCR, multiply by	MCL in CCR units	MCLG	Major Sources in Drinking Water	Health Effects Language
						experience stomach discomfort or anemia.
Chlorine (ppm)	MRDL = 4	-	MRDL = 4	MRDLG = 4	Water additive used to control microbes	Some people who use drinking water containing chlorine well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chlorine well in excess of the MRDL could experience stomach discomfort.
Chlorite (ppm)	1	-	1	0.8	By-product of drinking water disinfection	Some infants and young children who drink water containing chlorite in excess of the MCL could experience nervous system effects. Similar effects may occur in fetuses of pregnant mothers who drink water containing chlorite in excess of the MCL. Some people may experience anemia.
Chlorine dioxide (ppb)	MRDL = .8	1000	MRDL = 800	MRDLG = 800	Water additive used to control microbes	Some infants and young children who drink water containing chlorine dioxide in excess of the MRDL could experience nervous system effects. Similar effects may occur in fetuses of pregnant mothers who drink water containing chlorine dioxide in excess of the MRDL. Some people may experience anemia.
Chlorobenzene (ppb)	.1	1000	100	100	Discharge from chemical and agricultural chemical factories	Some people who drink water containing chlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys.
o-Dichlorobenzene (ppb)	.6	1000	600	600	Discharge from industrial chemical factories	Some people who drink water containing o-dichlorobenzene well in excess of the MCL over many years could experience problems with their liver, kidneys, or circulatory systems.
p-Dichlorobenzene (ppb)	.075	1000	75	75	Discharge from industrial chemical factories	Some people who drink water containing p-dichlorobenzene in excess of the MCL over many years could experience anemia, damage to their liver, kidneys, or spleen, or changes in their blood.
1,2-Dichloroethane (ppb)	.005	1000	5	0	Discharge from industrial chemical factories	Some people who drink water containing 1,2-dichloroethane in excess of the MCL over many years may have an increased risk of getting cancer.
1,1-Dichloroethylene (ppb)	.007	1000	7	7	Discharge from industrial chemical factories	Some people who drink water containing 1,1-dichloroethylene in excess of the MCL over many years could experience problems with their liver.

Contaminant (units)	traditional MCL in mg/L	to convert for CCR, multiply by	MCL in CCR units	MCLG	Major Sources in Drinking Water	Health Effects Language
cis-1,2-Dichloroethylene (ppb)	.07	1000	70	70	Discharge from industrial chemical factories	Some people who drink water containing cis-1,2-dichloroethylene in excess of the MCL over many years could experience problems with their liver.
trans-1,2-Dichloroethylene (ppb)	.1	1000	100	100	Discharge from industrial chemical factories	Some people who drink water containing trans-1,2-dichloroethylene well in excess of the MCL over many years could experience problems with their liver.
Dichloromethane (ppb)	.005	1000	5	0	Discharge from pharmaceutical and chemical factories	Some people who drink water containing dichloromethane in excess of the MCL over many years could have liver problems and may have an increased risk of getting cancer.
1,2-Dichloropropane (ppb)	.005	1000	5	0	Discharge from industrial chemical factories	Some people who drink water containing 1,2-dichloropropane in excess of the MCL over many years may have an increased risk of getting cancer.
Ethylbenzene (ppb)	.7	1000	700	700	Discharge from petroleum refineries	Some people who drink water containing ethylbenzene well in excess of the MCL over many years could experience problems with their liver or kidneys.
Haloacetic Acids (HAA) (ppb)	.060	1000	60	n/a	By-product of drinking water disinfection	Some people who drink water containing haloacetic acids in excess of the MCL over many years may have an increased risk of getting cancer.
Styrene (ppb)	.1	1000	100	100	Discharge from rubber and plastic factories; Leaching from landfills	Some people who drink water containing styrene well in excess of the MCL over many years could have problems with their liver, kidneys, or circulatory system.
Tetrachloroethylene (ppb)	.005	1000	5	0	Discharge from factories and dry cleaners	Some people who drink water containing tetrachloroethylene in excess of the MCL over many years could have problems with their liver, and may have an increased risk of getting cancer.
1,2,4-Trichlorobenzene (ppb)	.07	1000	70	70	Discharge from textile-finishing factories	Some people who drink water containing 1,2,4-trichlorobenzene well in excess of the MCL over many years could experience changes in their adrenal glands.
1,1,1-Trichloroethane (ppb)	.2	1000	200	200	Discharge from metal degreasing sites and other factories	Some people who drink water containing 1,1,1-trichloroethane in excess of the MCL over many years could experience problems with their liver, nervous system, or circulatory system.

Contaminant (units)	traditional MCL in mg/L	to convert for CCR, multiply by	MCL in CCR units	MCLG	Major Sources in Drinking Water	Health Effects Language
1,1,2-Trichloroethane (ppb)	.005	1000	5	3	Discharge from industrial chemical factories	Some people who drink water containing 1,1,2-trichloroethane well in excess of the MCL over many years could have problems with their liver, kidneys, or immune systems.
Trichloroethylene (ppb)	.005	1000	5	0	Discharge from metal degreasing sites and other factories	Some people who drink water containing trichloroethylene in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.
TTHMs [Total trihalomethanes] (ppb)	((0-10/) .080	1000	((100/) 80	n/a	By-product of drinking water disinfection	Some people who drink water containing trihalomethanes in excess of the MCL over many years may experience problems with their liver, kidneys, or central nervous systems, and may have an increased risk of getting cancer.
Toluene (ppm)	1	-	1	1	Discharge from petroleum factories	Some people who drink water containing toluene well in excess of the MCL over many years could have problems with their nervous system, kidneys, or liver.
Vinyl Chloride (ppb)	.002	1000	2	0	Leaching from PVC piping; Discharge from plastics factories	Some people who drink water containing vinyl chloride in excess of the MCL over many years may have an increased risk of getting cancer.
Xylenes (ppm)	10	-	10	10	Discharge from petroleum factories; Discharge from chemical factories	Some people who drink water containing xylenes in excess of the MCL over many years could experience damage to their nervous system.

Key

AL = Action Level

MCL = Maximum Contaminant Level

MCLG = Maximum Contaminant Level Goal

MFL = million fibers per liter

MRDL = Maximum Residual Disinfectant Level

MRDLG = Maximum Residual Disinfectant Level Goal

mrem/year = millirems per year (a measure of radiation absorbed by the body)

N/A = Not Applicable

NTU = Nephelometric Turbidity Units (a measure of water clarity)

pCi/l = picocuries per liter (a measure of radioactivity)

ppm = parts per million, or milligrams per liter (mg/l)

ppb = parts per billion, or micrograms per liter (μ g/l)

ppt = parts per trillion, or nanograms per liter

ppq = parts per quadrillion, or picograms per liter

TT = Treatment Technique

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 07-02-025B, filed 12/22/06, effective 1/22/07)

WAC 246-290-820 Distribution system leakage standard. (1) Municipal water suppliers shall determine distribution system leakage annually (~~(in accordance with)~~) under subsection (2) of this section or an alternative methodology (~~(in accordance with)~~) under subsection (3) of this section.

(a) Municipal water suppliers shall include (i), (ii), or (iii) of this subsection in water use efficiency performance reports developed under WAC 246-290-840 and water use efficiency programs developed under WAC 246-290-810:

(i) Distribution system leakage totals calculated (~~(in accordance with)~~) under subsection (2) of this section shall be recorded in annual percent and volume;

(ii) Distribution system leakage totals calculated (~~(in accordance with)~~) under subsection (3) of this section shall include annual figures and the (~~chosen~~) approved alternative methodology's numerical standard(s); and

(iii) For systems not fully metered, the status of meter installation and any actions taken to minimize leakage.

(b) Municipal water suppliers will be considered in compliance with this section if any of the following conditions are satisfied:

(i) Distribution system leakage calculated in accordance with subsection (2) of this section is ten percent or less for the last three-year average;

(ii) Distribution system leakage calculated (~~(in accordance with)~~) under subsection (3) of this section meets the (~~(compliance level(s) established under subsection (3)(e) of this section)~~) numerical standards for the approved alternative methodology for the last three-year average;

(iii) For systems serving less than five hundred total connections, distribution system leakage calculated in accordance with subsection (2) of this section is (~~less than~~) twenty percent or less for the last three-year average and the steps outlined in subsection (5) of this section are completed; or

(iv) A water loss control action plan has been developed and implemented (~~(in accordance with)~~) under subsection (4) of this section and the system is meeting the implementation schedule.

(2) Calculate the percent of distribution system leakage annually using the following equation:

$$DSL = [(TP - AC)/(TP)] \times 100$$

Where:

DSL = Percent of Distribution System Leakage (%)

TP = Total Water Produced and Purchased

AC = Authorized Consumption

(a) Total water produced and purchased, and authorized consumption must be calculated using data from meters installed under WAC 246-290-496. Elements of authorized consumption that cannot be metered, such as fire flow, must be estimated.

(b) All or portions of transmission lines may be excluded when determining distribution system leakage.

(c) Any water that cannot be accounted for shall be considered distribution system leakage.

(3) Municipal water suppliers may use an alternative methodology to calculate distribution system leakage if both (a) and (b) of this subsection are satisfied.

(a) The alternative methodology is contained in published standards or specifications of the department, Environmental Protection Agency, American Water Works Association, American Public Works Association, or American Society of Civil Engineers.

(b) The alternative methodology is approved for state-wide use by the department, to provide a better evaluation of distribution system leakage than percent of total water produced and purchased, is appropriate for the system requesting to use it, and uses numerical standards so that compliance and action levels can be determined.

(4) If the average distribution system leakage for the last three years does not meet the standard calculated (~~(in accordance with)~~) under subsection (1)(b)(i), (ii), or (iii) of this section, the municipal water supplier shall develop and implement a water loss control action plan. Municipal water suppliers shall submit the water loss control action plan to the department as part of a water use efficiency program under WAC 246-290-810 and upon request by the department. The control methods described in a water loss control action plan shall be commensurate with the level of leakage reported. The following items shall be included in the water loss control action plan:

(a) The control methods necessary to achieve compliance with the distribution system leakage standard;

(b) An implementation schedule;

(c) A budget that demonstrates how the control methods will be funded;

(d) Any technical or economic concerns which may affect the system's ability to implement a program or comply with the standard including past efforts and investments to minimize leakage;

(e) If the average distribution system leakage calculated under subsection (2) of this section is greater than ten and less than (~~nineteen~~) twenty percent of total water produced and purchased, the water loss control action plan must assess data accuracy and data collection;

(f) If the average distribution system leakage calculated under subsection (2) of this section is between twenty and twenty-nine percent of total water produced and purchased, the water loss control action plan must include elements listed under (e) of this subsection and implementation of field activities such as actively repairing leaks or maintaining meters within twelve months of determining standard exceedance;

(g) If the average distribution system leakage calculated under subsection (2) of this section is at thirty percent or above the total water produced and purchased, the water loss control action plan must include elements listed under (e) and (f) of this subsection and include implementation of additional control methods to reduce leakage within six months of determining standard exceedance; and

(h) If the average distribution system leakage calculated under subsection (3) of this section is over the approved alternative methodology's numerical standard, the department

will take appropriate compliance actions and work collaboratively with the municipal water supplier to ensure the control methods and level of activity are commensurate with the level of leakage.

(5) Systems serving less than five hundred total connections may submit a request to the department for approval of an average distribution system leakage up to twenty percent. The following information must be submitted to the department with the request:

- (a) Production volume;
- (b) Distribution system leakage volume;
- (c) Evidence documenting that:
 - (i) A leak detection survey using best available technologies has been completed on the system within the past six years;
 - (ii) All leaks found have been repaired;
 - (iii) The system is unable to locate additional leaks; and
 - (iv) Ongoing efforts to minimize leakage are included as part of the system's water use efficiency program; and
- (d) Any technical concerns or economic concerns, or other system characteristics justifying the higher distribution system 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.

WSR 08-03-062

PERMANENT RULES

GAMBLING COMMISSION

[Order 623—Filed January 14, 2008, 11:57 a.m., effective February 14, 2008]

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

Purpose: The gambling commission has rewritten its rules manual using plain English techniques which became effective [January] 1, 2008. This filing includes rule changes that were inadvertently missed during the rewrite process as well as some house-keeping changes to correct inconsistent usage of words.

Citation of Existing Rules Affected by this Order: Amending 6 [WAC 230-06-125, 230-07-140, 230-10-350, 230-14-080, 230-14-120, and 230-16-015].

Statutory Authority for Adoption: RCW 9.46.070.

Adopted under notice filed as WSR 07-23-086 on November 20, 2007, and published December 5, 2007.

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 11, Amended 6, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 11, Amended 6, 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 11, Amended 6, Repealed 0.

Date Adopted: January 14, 2008.

Susan Arland
Rules Coordinator

NEW SECTION

WAC 230-03-018 One annual change of bingo premises allowed. (1) Once each license year, a bingo licensee may apply to play bingo at a different location (special property bingo).

(2) The bingo activity is limited to:

- (a) Three consecutive days; and
- (b) Sixteen consecutive hours each day.

(3) The application must include the following information and fee, at least fifteen days before the first date, which includes:

- (a) Name and address of the proposed location and dates of activity; and
 - (b) Names and addresses of all persons who have an interest of any kind in those premises; and
 - (c) Amount of rent, if any, that would be paid for the use of the premises; and
 - (d) Rent calculation.
- (4) The special property bingo permit must be posted on the premises during the event.

NEW SECTION

WAC 230-06-007 Licensed employees must wear nametags. (1) Licensed employees must wear a nametag when working or playing cards at their place of employment.

(2) Off-duty card room employees do not have to wear a nametag while playing if the card room operator clearly posts a sign stating, "Employees of this card room may participate in the card games while off-duty as players. Upon your request, the card room floor person will identify any employee playing cards."

(3) The nametag must:

- (a) Be provided by the operator; and
- (b) Be a minimum of three inches by two inches; and
- (c) Display at least the employee's first name; and
- (d) Display the employer's name; and
- (e) Be worn on the employee's chest; and
- (f) Be clear and visible to the players in the gambling activity.

(4) The employee and operator are equally responsible to ensure the nametag is properly displayed.

NEW SECTION

WAC 230-06-106 Limited transfers of ownership allowed. Gambling licenses must not be transferred to another person or entity until the licensee requesting the transfer has received written approval from us. All requests to transfer a license must be in the format we require. Licensees may request to transfer a gambling license under the following conditions:

Commercial businesses

(1) A commercial business may request to transfer their license to another business when:

(a) The ownership is exactly the same for both businesses, for example a partnership becomes a limited liability company (LLC); and

(b) The licensed gambling activity will be conducted at the same business premises.

Charitable or nonprofit organizations

(2) A bona fide charitable or nonprofit organization may request to transfer their gambling license to another bona fide charitable or nonprofit organization after a completed merger or consolidation.

Partnerships

(3) If one partner in a partnership leaves and is not replaced, the remaining partner(s) must submit a transfer application to document the transfer of ownership to the remaining partner(s).

Sole proprietorship

(4) A sole proprietor may request to transfer their license to a partnership, corporation or LLC, which is solely owned by the same person.

Death, bankruptcy and other special circumstances

(5) A licensed operator may transfer their license when proven incapacity, death, receivership, bankruptcy or assignment for benefit of creditors to a court-appointed or court-confirmed guardian, executor or administrator, receiver, trustee, or assignee for the benefit of creditors occurs. The person to whom the license is transferred may continue to operate under the license.

(a) Transfers are allowed when:

(i) A transfer fee is paid; and

(ii) The person to whom the license is transferred is qualified to hold a gambling license; and

(iii) We give prior written approval.

(b) The license is renewable based on the original expiration date of the license; and

(c) Any transferred license will be void when the person to whom the license was transferred no longer holds the court-appointed, or court-confirmed, position.

NEW SECTION

WAC 230-06-107 Ownership changes—Allowed. A licensee must report any change in ownership when the change would result in any person or organization becoming a substantial interest holder. Changes in ownership are allowed under the following conditions:

Ownership changes to be reported

(1) The following changes must be reported to us when:

(a) A person or organization becomes a substantial interest holder when they were not a substantial interest holder immediately before the transaction; or

(b) A substantial interest holder purchases any additional stock.

Reporting requirements

(2) Each notification must:

(a) Be submitted in writing on a form provided by us within thirty days of the close of a change of ownership; and

(b) Include the required fee; and

(c) Include:

(i) **For corporations**—A copy of the meeting minutes detailing the change of ownership; or

(ii) **For limited liability companies (LLC)**—An amended LLC agreement that includes the new member(s).

New owners must qualify for a license

(3) The gambling license(s) of any corporation or LLC in which a person holds or acquires a substantial interest may be revoked if the new person is not qualified to hold a gambling license.

Review and investigation

(4) An investigation of each transaction will be conducted by us to determine the details of the transaction and the qualifications of each substantial interest holder.

NEW SECTION

WAC 230-06-108 Ownership changes—Prohibited. All gambling licenses held by a business will become void when the following changes in ownership occur and a new license must be obtained before operating any gambling activities:

(1) A person or business becomes the owner of more than fifty percent of corporate stock or limited liability membership shares/units, when the person or business did not have at least the following substantial interest in the business immediately before the transaction:

(a) Ten or more percent ownership in a privately held corporation or limited liability company (LLC); or

(b) Five or more percent ownership in a publicly traded corporation or LLC; or

(2) The business is sold; or

(3) A sole proprietorship brings in a new person and forms a partnership, corporation or LLC; or

(4) A partnership adds another partner or changes partners; or

(5) A change in a person's ownership, together with ownership of any members of his or her immediate family, who are under the age of eighteen years of age, results in the person having more than fifty percent interest in the business when the person did not have at least the following substantial interest in the business:

(a) Ten or more percent ownership in a privately held corporation or LLC; or

(b) Five or more percent ownership in a publicly traded corporation or LLC.

AMENDATORY SECTION (Amending Order 601, filed 8/22/06, effective 1/1/08)

WAC 230-06-125 Renew your license in a timely manner. (1) Licensees must ensure a properly completed renewal application and all applicable fees are received at our ((headquarters)) administrative office in Lacey at least fifteen days before the expiration date on their license.

(2) If licensees do not submit a properly completed application and all fees((;)) and their license expires, ((and)) they must immediately stop the gambling activity covered by their license.

(3) If your license expires, you must submit ((a new)) an application and you must not operate any gambling activity until a new license is issued.

NEW SECTION

WAC 230-07-051 Accumulating excessive reserves. A charitable or nonprofit organization must not accumulate excessive reserves. Organizations accumulating excessive reserves may be deemed as organized primarily for purposes of gambling. Reserves must be computed by using the financial data most recently filed with us. Funds transferred to an endowment or specifically restricted trust fund will not be treated as excessive reserves if the following restrictions are met:

(1) The endowment or dedicated trust fund is either legally irrevocable or restricted in a manner that approval is required by a majority of the membership prior to use or transfer of the endowment or dedicated trust principal; and

(2) The funds are expressly dedicated for funding new programs, capital projects, or to endow service-providing activities; and

(3) The funds are saved according to a plan that includes the amount to be reserved, the purpose for which the funds are being reserved, and the estimated time the reserves will be used; and

(4) The plan is approved by the organization's officers or board of directors and documentation for the endowment or trust fund is submitted to us for review and approval; and

(5) The total amount of net gambling income that is transferred to endowment or trust funds may exceed two million dollars only if the organization petitions the director to exceed this limitation and the director approves the petition. The director may disapprove with written comments or approve a modified level based on facts presented. The director's decision may be appealed to the commission. Appeal of this decision will be heard at a regular public meeting of the commission. The commission's decision shall be final. Petitions for relief must include:

(a) The reason for the request, including whether the increased reserves are for charitable or nonprofit purposes and planned timelines for use; and

(b) The total amount of reserves requested; and

(c) The impact on programs if the petition is denied; and

(d) Alternative sources of funding available.

AMENDATORY SECTION (Amending Order 609, filed 4/24/07, effective 1/1/08)

WAC 230-07-140 Minimum accounting records for Class D and above bingo licensees and licensees with combined activities over five hundred thousand dollars. Class D and above bingo licensees and licensees who are authorized for more than five hundred thousand dollars gross gambling receipts from combined gambling activities during any fiscal year must keep accounting records necessary to document all receipts, costs, and disbursements, including, at least, those related to gambling activities.

Requirements for accounting records

For these accounting records, licensees must:

(1) Conform to generally accepted accounting principles (GAAP) except as modified by other commission rules; and

(2) Include, at least:

(a) A cash disbursements journal and/or check register;

(b) A cash receipts and/or sales journal;

(c) A list of all assets the licensee paid for;

(d) A listing of all liabilities;

(e) A complete general ledger system; and

(f) A list of all donated items valued at more than two hundred fifty dollars; and

(g) Bank statements, related deposit slips, and canceled checks or facsimiles of canceled checks; and

Donated items

(3) Document donated items. Licensees must:

(a) Use the fair market value at the time of donation;

(b) Add items to the list no later than thirty days after receiving them;

(c) Remove items when they no longer have legal ownership; and

(d) Not remove an item from the list, even if it has become obsolete or completely depreciated, until management has completed and documented appropriate review. A depreciation schedule for all capitalized items is sufficient; and

(e) Add items to the list when they convert items from gambling merchandise prize inventory to licensee use. This list must include, at least:

(i) A description of the item;

(ii) The date purchased, acquired by donation, or converted from the gambling prize pool;

(iii) The cost at the time of purchase or, if donated, the fair market value at the time received; and

(iv) The date and method of disposition of the item; and

Method of accounting

(4) Use the accrual method of accounting; and

(5) The cash, modified cash, or tax basis accounting methods may be used only if that method accurately represents the licensee's financial position, the results of operations, and the licensee does not have substantial liabilities or expenses, such as depreciation or amortization expenses, which require a current outlay of cash; and

Expenditures for nongambling activities

(6) Sufficiently document all expenditures relating to nongambling activities in order to provide a satisfactory audit trail and to allow us to verify that the funds were used for the licensee's stated purpose(s); and

Expenditures for gambling activities

(7) Sufficiently document all of the licensee's expenditures relating to gambling activities. Canceled checks or facsimiles of canceled checks, and bank statements are not sufficient documentation for expenditures without additional support. Licensees must provide additional support for expenditures, including:

(a) Invoices or other supporting documents from commercial vendors or service agencies with at least:

(i) The name of the person or entity selling the goods or providing the services;

(ii) A complete description of goods or services purchased;

(iii) The amount of each product sold or services provided;

(iv) The price of each unit;

(v) The total dollar amount billed; and

(vi) The date of the transaction.

(b) Documentation, in the form of checks and other written records of disbursements in excess of twenty-five dollars made directly to individuals who do not furnish normal, business type, invoices or statements. The written records must indicate at least:

(i) The name of the person receiving the payment;

(ii) The amount;

(iii) The date; and

(iv) The purpose; and

(8) Document allocated expenditures that relate to more than one function to the various functions. Licensees must document their methods of allocation and make them available for our review; and

Capitalizing assets

(9) Include a capitalization policy based on materiality and expected life of operating assets. To determine a minimum level for capitalizing assets, licensees must:

(a) Capitalize and depreciate, or amortize over the useful life of the asset, any assets of more than two thousand dollars that have a useful life of more than one year; and

(b) Capitalize and depreciate, or amortize over sixty months, beginning with the first month that bingo games are conducted, preoperating start up costs related to bingo games of more than six thousand dollars; and

(c) Amortize, over a period not longer than the life of the lease, any leasehold improvements related to gambling activities that are more than six thousand dollars. Licensees may extend the amortization period to include any lease option periods if the licensee's management states a reasonable expectation that they will use the lease option; and

(d) Charge all unamortized leasehold improvements as an expense of the gambling activities in the year that the lease expires.

NEW SECTION

WAC 230-09-007 Canceling, changing time, date, or location of fund-raising events. (1) If a fund-raising event (FRE) licensee cancels an FRE, they must:

(a) Notify us and local law enforcement in advance; and
(b) Return the original license to us.

(2) If a licensee changes the time, date, or location of an FRE, they must:

(a) Notify us in writing at least ten days in advance. The notice must include a signed statement from the chief executive officer that the appropriate law enforcement agency has been notified of the change; and

(b) Pay the appropriate fee; and

(c) Return the original license to us.

AMENDATORY SECTION (Amending Order 610, filed 4/24/07, effective 1/1/08)

WAC 230-10-350 Recording bingo winners. Organizations conducting bingo under the provisions of RCW 9.46.0321, and bingo activities conducted at a qualified agricultural fair, and Class A and B bingo licensees do not have to follow this rule if they meet the requirements for lower volume charitable or nonprofit organizations in WAC 230-07-125. All other bingo licensees must report all prize payments for bingo games and drawings for prizes, good neighbor prizes, and second element of chance prizes at bingo games and record payment on a prize receipt.

(1) Licensees must use prize receipts printed by a commercial printer. The receipts must:

(a) Be two-part, self-duplicating paper that provides for an original and a duplicate copy; and

(b) If the licensee is Class F or above, be imprinted with the name of the licensee and a consecutive ascending number that does not repeat in at least 100,000 occurrences; and

(c) If the licensee is Class E or below, the receipt is not required to be imprinted with the licensee's name and the consecutive ascending number may repeat in 1,000 occurrences; and

(d) Provide space for the licensee to record the information we require.

Prize receipt

(2) ~~((Licensees may receipt merchandise prizes with a cost or fair market value of fifteen dollars or less on a single merchandise prize receipt log sheet. Licensees must:~~

~~(a) Maintain a separate merchandise prize receipt log for each session; and~~

~~(b) Retain the receipt log as a part of the bingo daily records.~~

~~(3)) Operators must complete the prize receipt including, at least:~~

~~(a) Date; and~~

~~(b) Game number; and~~

~~(c) Complete name ((and address)) of the winner; and~~

~~(d) Complete address of the winner, if the prize is over twenty dollars; and~~

~~(e) Dollar amount of the prize or the operator's cost, if noncash prize; and~~

~~((e)) (f) Full description of all noncash prizes; and~~

~~((f))~~ (g) Check number, if any portion of the prize is paid by check; and

~~((g))~~ (h) Initials of the bingo worker making the payout; and

~~((h))~~ (i) Initials of the cashier making the payment.

Prize log

(3) Licensees may receipt prizes of twenty dollars or less on a single prize log. Licensees must:

(a) Maintain a separate prize log for each session; and

(b) Record the same information required on prize receipts; and

(c) Retain the prize log as a part of the bingo daily records.

Linked bingo prizes

(4) Except for linked bingo prizes, licensees may omit an address for the winner if:

~~((a))~~ ~~(The prize is greater than \$300; and~~

~~((b))~~ The licensee pays all prizes greater than \$300 by check or a combination of cash and check; and

~~((c))~~ (b) Checks are drawn on the licensee's gambling bank account; and

~~((d))~~ (c) Checks used are of a type that provides a duplicate copy. The copies must be kept as a part of the daily bingo records; and

~~((e))~~ (d) Checks are made payable only to the winner. Licensees may make checks for prizes won by players under age eighteen payable to the guardian or immediate family member accompanying the player; and

~~((f))~~ (e) Licensees note the game number and prize receipt number on the check; and

~~((g))~~ (f) The bank returns all original checks to the licensee. Licensees must have the original checks available for our inspection on demand; and

~~((h))~~ (g) The licensee does not cash or otherwise redeem prize checks.

(5) Licensees must record the complete name and address of the winner of linked bingo prizes.

(6) Licensees must:

(a) Issue prize receipts ~~((sequentially))~~ consecutively in an ascending order; and

(b) Void and retain with the daily records any prize receipts bearing a lower number than the highest number issued during a session; and

(c) Give the original of each prize receipt to the winner; and

(d) Keep a duplicate copy as a part of their records for not less than three years; and

(e) Account for and document all prize receipts purchased or otherwise obtained on a vendor's invoice; and

(f) Keep the vendor's invoice, or a photocopy of it, on the premises and have it available for our inspection. The purchase invoice must document, at least:

(i) Name of the vendor;

(ii) Name of the purchasing organization;

(iii) Date of purchase;

(iv) Number of receipts purchased; and

(v) The beginning and ending receipt number.

NEW SECTION

WAC 230-10-446 Defining "linked bingo prize." "Linked bingo prize" means a prize that is awarded to a player who is competing against players from multiple participating bingo halls. The categories of prizes are:

(1) The main prize, which is the prize paid each time the game is played to the first verified winner(s);

(2) The consolation prize, which is the prize paid at each participating licensed bingo hall after the main prize has been determined; and

(3) The bonus prize, which is a prize awarded when a player achieves the winning pattern in a predetermined number of calls or on a specific predetermined number.

AMENDATORY SECTION (Amending Order 614, filed 8/10/07, effective 1/1/08)

WAC 230-14-080 Prize limits and percentage of winners required. Punch board or pull-tab operators must not possess, display, put out for play, sell, or otherwise transfer punch boards or pull-tab series that:

(1) Have a total payout of less than sixty percent of the total gross gambling receipts of the board or series; or

(2) Offer boards or series, except for progressive series or carry-over jackpots, with a single cash prize that is more than

~~((=~~ ~~(a) Five))~~ twenty-five hundred dollars ~~((in cash for pull tabs under a dollar; or~~

~~((b) If we have approved it before, seven hundred fifty dollars for one dollar pull tabs)); or~~

(3) Offer a single merchandise prize that is more than ~~((seven hundred fifty))~~ twenty-five hundred dollars including markup; or

(4) Have a single pull-tab or punch with multiple winning combinations that are more than the prize limit; or

(5) Offer prizes for purchasing the last pull-tab or last punch (last sale) that are more than:

(a) One hundred dollars cash; or

(b) Merchandise that costs the licensee more than one hundred dollars; or

(c) The highest prize offered, whichever is less; or

(6) Series that have a key to any winning numbers or symbols.

AMENDATORY SECTION (Amending Order 614, filed 8/10/07, effective 1/1/08)

WAC 230-14-120 Permanently ~~((removing))~~ reserving punch boards or pull-tab series. Operators may permanently reserve a series for a player who leaves the premises, but intends to return and play the game. The operator must:

(1) Prominently post house rules that are clear in meaning and with criteria for reserving a series and the length of time players may reserve a series; and

(2) Ensure that the player meets the criteria in the house rules; and

(3) Contain all of the reserved series in a secure manner, clearly identifying it as permanently reserved, and store it in the immediate vicinity of the pull-tab area; and

(4) Not reserve a board or series for a player without play for more than seven days and not be more than a total reserve time of fourteen days; and

(5) Not have more than twenty-five boards or series permanently reserved for players at one time; and

(6) Maintain adequate accounting records showing the status of all reserved boards or series; and

(7) Not place reserved boards or series out for public play after the reserving player finishes playing them.

NEW SECTION

WAC 230-14-266 Location of unplayed punch boards and pull-tab series. (1) Punch board and pull-tab operators must retain unplayed punch board and pull-tab series:

(a) On the licensed premises; or

(b) Off premises, if the operator provides them to us when requested.

(2) Operators must make these items available on the licensed premises to those persons listed in RCW 9.46.130 and to local taxing authorities to inspect.

NEW SECTION

WAC 230-15-553 Defining "cash equivalent." "Cash equivalent" means a:

(1) Treasury check; or

(2) Personal check; or

(3) Traveler's check; or

(4) Wire transfer of funds; or

(5) Money order; or

(6) Certified check; or

(7) Cashier's check; or

(8) Check drawn on the licensee's account payable to the patron or to the licensee; or

(9) Voucher recording cash drawn against a credit card or debit card.

AMENDATORY SECTION (Amending Order 615, filed 9/17/07, effective 1/1/08)

WAC 230-16-015 Punch board and pull-tab sales restrictions. (1) Manufacturers, distributors, and manufacturer and distributor representatives must sell or distribute punch boards, pull-tabs, pull-tab dispensers, or related equipment only to other distributor, distributor representative, or punch board and pull-tab licensees.

(2) Distributor and distributor representatives must buy punch boards, pull-tabs, pull-tab dispensers, or related equipment only from other licensed manufacturer, distributor, or distributor representatives.

(3) Manufacturers must not sell any punch board or pull-tab series unless the winning punches or pull-tabs are randomly distributed and mixed among all other punches or pull-tabs in that board or series.

(4) Manufacturers, distributors, and manufacturer and distributor representatives must not make sales promotion statements, demonstrations, or implications ((must not)) that imply:

(a) One portion of a pull-tab series contains more winners than other portions; or

(b) ~~((Some series sell more pull tabs before winning pull tabs are reached in the distribution.))~~ Operators can sell pull-tabs in some manner that would give the operator an advantage in selling more pull-tabs before having to pay out winners.

NEW SECTION

WAC 230-16-052 Standards for flares. Flares must clearly display the:

(1) Manufacturer of the punch board or pull-tab series. A stamp, seal or label identifying the manufacturer may be substituted if we have been informed; and

(2) Manufacturer assigned series number; and

(3) I.D. stamp; and

(4) Cost of each punch or pull-tab; and

(5) Total number of punches or pull-tabs in the series.

For any newly designed flare or any previously designed flare for pull-tab series with a ticket count over six thousand, which has not yet been packaged, the number of pull-tabs must be printed in one-half inch size lettering; and

(6) Prizes available and the winning number or symbols.

For prizes over twenty dollars, the winning numbers or symbols must be printed so each can be permanently and conspicuously deleted off the flare as each prize is won. A progressive jackpot meter board, for progressive jackpot series, is a supplement to the flare.

WSR 08-03-068

PERMANENT RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 08-09—Filed January 14, 2008, 2:40 p.m., effective February 14, 2008]

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

Purpose: Amend WAC 232-12-011 Wildlife classified shall not be hunted or fished.

Citation of Existing Rules Affected by this Order: Amending WAC 232-12-011.

Statutory Authority for Adoption: RCW 77.12.047, 77.12.020.

Adopted under notice filed as WSR 07-21-123 on October 23, 2007.

A final cost-benefit analysis is available by contacting Lori Preuss, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155, e-mail preuslmp@dfw.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 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: January 11, 2007 [2008].

Phil Anderson
for Jerry Gutzwiler, Chair
Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 06-09, filed 1/30/06, effective 3/2/06)

WAC 232-12-011 Wildlife classified as protected shall not be hunted or fished. Protected wildlife are designated into three subcategories: Threatened, sensitive, and other.

(1) Threatened species are any wildlife species native to the state of Washington that are likely to become endangered within the foreseeable future throughout a significant portion of their range within the state without cooperative management or removal of threats. Protected wildlife designated as threatened include:

Common Name	Scientific Name
western gray squirrel	<i>Sciurus griseus</i>
Steller (northern) sea lion	<i>Eumetopias jubatus</i>
North American lynx	<i>Lynx canadensis</i>
((bald eagle	<i>Haliaeetus leucocephalus</i>))
ferruginous hawk	<i>Buteo regalis</i>
marbled murrelet	<i>Brachyramphus marmoratus</i>
green sea turtle	<i>Chelonia mydas</i>
loggerhead sea turtle	<i>Caretta caretta</i>
sage grouse	<i>Centrocercus urophasianus</i>
sharp-tailed grouse	<i>Phasianus columbianus</i>
Mazama pocket gopher	<i>Thomomys mazama</i>

(2) Sensitive species are any wildlife species native to the state of Washington that are vulnerable or declining and are likely to become endangered or threatened in a significant portion of their range within the state without cooperative management or removal of threats. Protected wildlife designated as sensitive include:

Common Name	Scientific Name
Gray whale	<i>Eschrichtius gibbosus</i>
Common Loon	<i>Gavia immer</i>
<u>bald eagle</u>	<u><i>Haliaeetus leucocephalus</i></u>
Peregrine Falcon	<i>Falco peregrinus</i>
Larch Mountain salamander	<i>Plethodon larselli</i>
Pygmy whitefish	<i>Prosopium coulteri</i>
Margined sculpin	<i>Cottus marginatus</i>

Common Name	Scientific Name
Olympic mudminnow	<i>Novumbra hubbsi</i>

(3) Other protected wildlife include:

Common Name	Scientific Name
cony or pika	<i>Ochotona princeps</i>
least chipmunk	<i>Tamias minimus</i>
yellow-pine chipmunk	<i>Tamias amoenus</i>
Townsend's chipmunk	<i>Tamias townsendii</i>
red-tailed chipmunk	<i>Tamias ruficaudus</i>
hoary marmot	<i>Marmota caligata</i>
Olympic marmot	<i>Marmota olympus</i>
Cascade golden-mantled ground squirrel	<i>Spermophilus saturatus</i>
golden-mantled ground squirrel	<i>Spermophilus lateralis</i>
Washington ground squirrel	<i>Spermophilus washingtoni</i>
red squirrel	<i>Tamiasciurus hudsonicus</i>
Douglas squirrel	<i>Tamiasciurus douglasii</i>
northern flying squirrel	<i>Glaucomys sabrinus</i>
wolverine	<i>Gulo gulo</i>
painted turtle	<i>Chrysemys picta</i>
California mountain kingsnake	<i>Lampropeltis zonata</i> ;

All birds not classified as game birds, predatory birds or endangered species, or designated as threatened species or sensitive species; all bats, except when found in or immediately adjacent to a dwelling or other occupied building; mammals of the order *Cetacea*, including whales, porpoises, and mammals of the order *Pinnipedia* not otherwise classified as endangered species, or designated as threatened species or sensitive species. This section shall not apply to hair seals and sea lions which are threatening to damage or are damaging commercial fishing gear being utilized in a lawful manner or when said mammals are damaging or threatening to damage commercial fish being lawfully taken with commercial gear.

WSR 08-03-071

PERMANENT RULES

STATE BOARD OF HEALTH

[Filed January 14, 2008, 3:56 p.m., effective February 14, 2008]

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

Purpose: Making school and child care immunization requirements consistent with national standards by updating the reference to the advisory committee on immunization practices' recommended childhood and adolescent immunization schedule from versions 2006 to 2007; requiring two doses of varicella vaccine; not accepting parental proof of a child's history of varicella disease; allowing a health care provider's verification of a history of varicella or herpes zoster.

Citation of Existing Rules Affected by this Order:
Amending WAC 246-100-166.

Statutory Authority for Adoption: RCW 43.20.050,
28A.210.140.

Adopted under notice filed as WSR 07-18-091 on Sep-
tember 5, 2007.

Changes Other than Editing from Proposed to Adopted
Version: Regarding varicella requirements for acceptable
proof of immunity, a diagnosis or verification of a history of
disease by a health care provider of varicella or herpes zoster
(shingles) were added to the list.

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 Nongov-
ernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Ini-
tiative: 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: January 4, 2007 [2008].

Craig McLaughlin
Executive Director

AMENDATORY SECTION (Amending WSR 06-17-183,
filed 8/23/06, effective 9/23/06)

**WAC 246-100-166 Immunization of child care and
school children against certain vaccine-preventable dis-
eases.** (1) Purpose. Under the authority of RCW 43.20.050
and 28A.210.140, the state board of health is empowered to
adopt rules to establish immunization requirements upon
entry into school and child care. The following rule improves
the public health of Washington by preventing vaccine-pre-
ventable disease outbreaks.

(2) Definitions. The words and phrases in this section
have the following meanings:

(a) Certificate of immunization status (CIS) means:

(i) A certificate of immunization status form approved
by the department; or

(ii) A CHILD profile immunization record; or

(iii) Any other immunization form approved by the
department.

(b) "Chief administrator" means:

(i) The person with the authority and responsibility for
supervising the immediate operation of a school or child care;
or

(ii) A person designated in writing by the statutory or
corporate board of directors of the school district or school;
or

(iii) In the absence of the above, a person or persons with
the authority and responsibility for supervising the general
operation of the school district.

(c) "Child" means any person regardless of age admitted
to:

(i) Any public school district; or

(ii) Any private school or private institution subject to
approval by the state board of education or described in RCW
28A.305.130 and 28A.195.010 through 28A.195.060; or

(iii) Any child care center.

(d) "Child care center" means any licensed facility or
center that regularly provides care of children for periods of
less than twenty-four hours per day subject to licensure by the
department of social and health services as described in chap-
ter 74.15 RCW.

(e) "Conditional status" is a type of immunization status
where a child is not fully immunized under (g) of this subsec-
tion and is in the process of completing the required immuni-
zations for his/her age.

(f) "Exemption" is a type of immunization status where a
child is not fully immunized under (g) of this subsection and
meets school and child care documentation requirements
under subsection (4)(b)(i) of this section.

(g) "Full immunization" or "fully immunized" is an
immunization status where a child has been vaccinated at
ages and intervals consistent with the national immunization
guidelines, with immunizing agents against:

~~((A))~~ (i) Diphtheria;

~~((B))~~ (ii) Tetanus;

~~((C))~~ (iii) Pertussis (whooping cough);

~~((D))~~ (iv) Poliomyelitis;

~~((E))~~ (v) Measles (rubeola);

~~((F))~~ (vi) Mumps;

~~((G))~~ (vii) Rubella;

~~((H))~~ (viii) Hepatitis B;

~~((I))~~ (ix) Haemophilus influenzae type B disease; and

~~((J))~~ (x) Varicella;

(A) Until July 1, 2008, a single dose for children under
thirteen years of age;

(B) Children admitted to school or child care after July 1,
2008, will follow the National Immunization Guidelines
regarding varicella as defined in subsection (2)(k) of this sec-
tion.

(h) "Immunizing agent" means any vaccine or other
immunologic drug licensed and approved by the United
States Food and Drug Administration (FDA), or meeting
World Health Organization (WHO) requirements, for immu-
nization of persons against vaccine-preventable diseases.

(i) "Local health officer" means the individual appointed
under chapter 70.05 RCW as the health officer for the local
health department, or appointed under chapter 70.08 RCW as
the director of public health of a combined city-county or
combined county health district.

(j) ~~((Until July 1, 2007, "national immunization guide-
lines" means the schedule for the immunization described in
the "Recommended Childhood and Adolescent Immuniza-
tion Schedule: United States—2005" approved by the Advi-
sory Committee on Immunization Practices (ACIP), the
American Academy of Pediatrics (AAP), and the American
Academy of Family Physicians (AAFP).~~

~~((k))~~ Effective July 1, 2007, "national immunization
guidelines" means the schedule for the immunization
described in the "Recommended Childhood and Adolescent

Immunization Schedule: United States—2006" approved by the Advisory Committee on Immunization Practices (ACIP), the American Academy of Pediatrics (AAP), and the American Academy of Family Physicians (AAFP).

(k) Effective July 1, 2008, "National Immunization Guidelines" means the schedule for the immunization described in the "Recommended Immunization Schedules for Persons Aged 0-18 Years—United States, 2007" approved by the Advisory Committee on Immunization Practices (ACIP), the American Academy of Pediatrics (AAP), and the American Academy of Family Physicians (AAFP).

(l) "Parent" means, for the purposes of signature requirements in this rule:

- (i) The mother, father, legal guardian, or any adult in loco parentis of a child seventeen years of age or younger; or
- (ii) A person eighteen years of age or older; or
- (iii) An emancipated minor.

(m) "School" means a facility, site, or campus for programs of education as defined in RCW 28A.210.070 to include preschool and kindergarten through grade twelve.

(3) Documentation of immunization status required by schools and child care center.

(a) Schools and child care centers shall require documented proof of immunization status in the form of a CIS.

(b) The CIS form must include:

- (i) Name of child or student;
- (ii) Birth date;
- (iii) Type of vaccine(s) administered;
- (iv) Month, day, and year of each dose of vaccine received;
- (v) Documentation of immunization status to indicate:
 - (A) Full immunization under subsection (2)(g) of this section; or
 - (B) Conditional status under subsection (2)(e) of this section; or
 - (C) Exemption under subsection (2)(f) of this section;
- (vi) Notice to parents that if an outbreak of vaccine-preventable disease for which the child is exempted occurs, the child may be excluded from school or child care for the duration of the outbreak;
- (vii) Parent signature.

(c) As proof of a child's immunization status against varicella, schools and child care centers may accept one of the following:

- (i) Documentation on the CIS form that the child received age appropriate varicella vaccine; or
- (ii) Until July 1, 2008, documentation by the parent that a child has a history of varicella; or
- (iii) Serologic proof of immunity against varicella; or
- (iv) Diagnosis or verification of a history of varicella disease by a health care provider; or
- (v) Diagnosis or verification of a history of herpes zoster by a health care provider.

(4) Duty of schools and child care centers.

(a) Schools and child care centers shall require a CIS form, signed by parents, for new enrollees registering for admission into kindergarten through grade twelve or child care as a requirement of admission.

(b) Full immunization is required upon admission unless:

(i) Parent(s) sign and submit a CIS form indicating a medical exemption.

(A) A permanent medical exemption is allowed when a signature of a licensed medical doctor (M.D.), a doctor of osteopathy (D.O.), doctor of naturopathy (N.D.), physician assistant (P.A.), or nurse practitioner (A.R.N.P.), acting within the scope of practice, certifies medical reasons to defer or forego one or more immunizations required for full immunization under subsection (2)(g) of this section.

(B) If immunizations are deferred on a temporary basis, the student must receive the required immunizations upon expiration of the exemption.

(ii) Parent(s) sign and submit a CIS form indicating a religious or philosophical, or personal exemption.

(iii) Parent(s) sign and submit a CIS form indicating conditional status if there is evidence of satisfactory progress toward full immunization, including:

(A) Documentation of start or continuance towards full immunization status;

(B) Documentation that immunizations received are consistent with the National Immunization Guidelines defined in subsections (2)(j) and (k) of this section; and

(C) Documentation of when the next immunization is due.

(c) Schools and child care centers maintenance of child immunization records:

(i) Schools and child care centers shall keep a department approved CIS for each enrolled child.

(ii) Schools and child care centers shall keep a list of children with medical, religious, philosophical, or personal exemptions.

(iii) The chief administrator shall retain records for at least three years on a child who is excluded from school under this section. The record must include the child's name, address, and date of exclusion.

(d) Schools and child care centers shall transmit the list of children with medical, religious, philosophical, or personal exemptions to the local health department upon request.

(e) A school or child care center shall return the department approved CIS or a legible copy to the parent if the child is withdrawn from school or child care or transferred from the school.

(f) A school or child care center may not withhold a child's department approved CIS for any reasons, including nonpayment of school child care fees.

(g) A school or child care center shall provide access to immunization records to agents of the state or local health department of each child enrolled.

(h) The chief administrator of a school or child care center shall submit a school immunization status report under chapter 28A.210 RCW either electronically on the internet or on the school immunization status report provided by the department. The report must be:

(i) Submitted to the department by November 1 of each year;

(ii) If a school opens after October 1, the report is due thirty days from the first day of school.

(5) Persons or organizations administering immunizations, either public or private shall:

(a) Furnish each person immunized, or his or her parent, with a written record of immunization containing information required by the state board of health; and

(b) Provide immunizations and records in accordance with chapter 246-100 WAC.

(6) A school or child care center shall exclude a child if one or more of the following applies:

(a) Parent(s) fail to provide a completed CIS form on or before the child's first day of attendance. Schools must use procedures consistent with Title 180 WAC.

(b) A child admitted under conditional status has not received the required immunization(s) within one month from the date due for completion of the next dose.

(c) A child has been admitted under a medical exemption and the particular vaccine for which the exemption was granted is no longer contraindicated and the child has not received the immunization within one month from the due date for completion of the next dose.

(7) A local health officer may exclude a child from school or child care under chapter 246-110 WAC during an outbreak of a vaccine-preventable disease if the child has not been fully immunized against that disease due to:

- (a) Medical exemption;
 - (b) Conditional status;
 - (c) Religious exemption;
 - (d) Philosophical exemption; or
 - (e) Personal exemption.
- (8) Implementation.

(a) The department shall develop and distribute implementation guidelines for schools and child care centers that:

(i) Interpret immunization requirements by grade level consistent with the ages specified in the national immunization guidelines and this section; and

(ii) Reflect national immunization guidelines for children who did not receive required immunizations prior to entry into kindergarten or first grade, and for whom a full series of immunizations is not recommended.

(b) The department may develop school implementation guidelines that waive or modify immunization requirements when a phasing-in period is warranted for a new immunization mandate, when there is limited availability of a required immunizing agent, or when new information about the safety or efficacy of an immunizing agent prompts a reevaluation of an existing vaccination requirement. Any waiver or modification must:

(i) Reflect the best available medical research as indicated by the ACIP or the state health officer recommendation;

(ii) Identify a specific vaccine-preventable disease or immunizing agent;

(iii) Identify a specific cohort of children by age or grade level;

(iv) Be limited in duration; and

(v) Be approved by the board.

WSR 08-03-081
PERMANENT RULES
LIQUOR CONTROL BOARD

[Filed January 16, 2008, 8:34 a.m., effective February 16, 2008]

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

Purpose: WAC 314-11-025 conflicted with changes in RCW 66.16.040 Forms of acceptable identification to verify age when purchasing alcohol. Policies requiring expiration dates on official identification are modified removing the requirement that a document must have an expiration date, but if it has an expiration, it cannot be used for this purpose once the expiration date has passed. This rule also removes language regarding use of temporary Washington driver's licenses.

Citation of Existing Rules Affected by this Order:
Amending WAC 314-11-025.

Statutory Authority for Adoption: RCW 66.16.040.

Adopted under notice filed as WSR 07-14-136 on July 3, 2007; and WSR 07-21-102 on October 19, 2007.

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 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 0, Amended 0, Repealed 0.

Date Adopted: January 9, 2008.

Lorraine Lee
Chair

AMENDATORY SECTION (Amending WSR 01-06-014, filed 2/26/01, effective 3/29/01)

WAC 314-11-025 What are the forms of acceptable identification? (1) Per RCW 66.16.040, following are the forms of identification that are acceptable to verify a person's age for the purpose of selling, serving, or allowing a person to possess or consume alcohol:

(a) ~~((Liquor control authority card of identification of any state or province of Canada;~~

~~(b)))~~ Driver's license, instruction permit, or identification card of any state or province of Canada, or "identocard" issued by the Washington state department of licensing per RCW 46.20.117;

~~((c)))~~ (b) United States armed forces identification card issued to active duty, reserve, and retired personnel and the personnel's dependents, which may include an embedded digital signature in lieu of a visible signature;

~~((d)))~~ (c) Passport; ~~(and~~

~~(e)))~~ (d) Merchant Marine identification card issued by the United States Coast Guard; and

(e) Enrollment card issued by the governing authority of a federally recognized Indian tribe located in Washington, if the enrollment card incorporates security features comparable to those implemented by the department of licensing for Washington driver's licenses.

~~(2) ((In order for the identification to be acceptable to verify a person's age, it must:~~

~~(a) Show the person's photo, date of birth, signature, and expiration date; and~~

~~(b) Not be expired (except that an expired Washington driver's license card together with a current temporary paper license or a current expiration extension sticker is acceptable).)) If the identification document has an expiration date, a person may not use the document after the expiration date to verify his or her age.~~

WSR 08-03-086

PERMANENT RULES SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed January 16, 2008, 11:50 a.m., effective February 16, 2008]

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

Purpose: These rule revisions update guidance on recognizing, for state funding purposes, up to two years' experience for educational staff associations (ESAs) for service in nonschool positions. ESAs are certificated instructional staff that are occupational therapists, physical therapists, speech-language pathologists, audiologists, nurses, social workers, counselors, and psychologists. These revisions implement E2SHB 1432 and the 2007-09 state operating budget, section 502(9).

Citation of Existing Rules Affected by this Order: Amending WAC 392-121-264.

Statutory Authority for Adoption: RCW 28A.150.290

(1).

Adopted under notice filed as WSR 07-19-042 on September 13, 2007.

Changes Other than Editing from Proposed to Adopted Version: A more accurate determination of the "least restrictive certificate" required (minimum certification requirements) for employment as ESAs in K-12 schools, and the "least restrictive criteria" (minimum requirements for either credentialing or education) for that type of certification, as the standard for what may be considered to be comparable nonschool work experience for ESAs.

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 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 0, Amended 1, Repealed 0.

Date Adopted: January 16, 2008.

Dr. Terry Bergeson
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending WSR 07-23-041, filed 11/14/07, effective 12/15/07)

WAC 392-121-264 Definition—Certificated years of experience. Regardless of the experience factors used by a school district for the purposes of its salary schedule(s), as used in this chapter, the term "certificated years of experience" means the number of years of accumulated full-time and part-time professional education employment prior to the current reporting school year in the state of Washington, out-of-state, and a foreign country. School districts shall report all certificated years of experience including those beyond the experience limit of the school district's salary schedule.

(1) Professional education employment shall be limited to the following:

(a) Employment in public or private preschools or elementary and secondary schools in positions which require certification where:

(i) Schools include the Centrum education program, the Pacific Science Center education program, and educational centers authorized under chapter 28A.205 RCW;

(ii) Certification means the concurrent public professional education licensing requirements established in the state, province, country, or other governmental unit in which employment occurred and which, for the state of Washington, refers to the certificates authorized by WAC 181-79A-140 and temporary permits authorized by WAC 181-79A-128;

(b) Employment in public or private vocational-technical schools, technical colleges, community/junior colleges, colleges, and universities in positions comparable to those which require certification in Washington school districts;

(c) Employment in a governmental educational agency with regional administrative responsibilities for preschool, elementary, and/or secondary education including but not limited to an educational service district, office of the superintendent of public instruction, or United States department of education in any professional position including but not limited to C.P.A., architect, business manager, or physician;

(d) Experience in the following areas:

(i) Military, Peace Corps, or Vista service which interrupted professional education employment included in (a), (b), or (c) of this subsection; and

(ii) Sabbatical leave.

(e) For nondegreed vocational/career and technical education instructors, up to a maximum of six years of management experience as defined in WAC 181-77-003 acquired after the instructor meets the minimum vocational/career and technical education certification requirements of three years (six thousand hours) established in WAC 181-77-041 (1)(a)(i), regardless of when the initial certificate is issued

and regardless of type of vocational/career and technical education certificate held. If a degree is obtained while employed in the state of Washington as a nondegreed vocational/career and technical education instructor, the eligible years of management experience pursuant to this subsection reported on Report S-275 prior to the awarding of the degree shall continue to be reported but shall not increase.

(f) Beginning in the 2007-08 school year, for occupational therapists, physical therapists, nurses, speech-language pathologists, audiologists, counselors, psychologists, and social workers regulated under Title 18 RCW, years of experience may include employment as occupational therapists, physical therapists, nurses, speech-language pathologists, audiologists, counselors, psychologists, and social workers, that does not otherwise meet the requirements of (a) through (e) of this subsection, subject to the following conditions and limitations:

(i) Experience included under this subsection shall be limited to a maximum of two years.

(ii) The calculation of years of experience shall be that one year of experience in a school or other nonschool position counts as one year of experience for the purposes of this subsection, per subsection (2)(a) of this section.

(iii) Employment as occupational therapists shall be limited to the following:

(A) In positions requiring licensure as an occupational therapist under Title 18 RCW, or comparable out-of-state employment; and

(B) While holding a valid occupational therapist license, or other comparable occupational therapist credential.

(iv) Employment as physical therapists shall be limited to the following:

(A) In positions requiring licensure as a physical therapist under Title 18 RCW, or comparable out-of-state employment; and

(B) While holding a valid physical therapist license, or other comparable physical therapist credential.

(v) Employment as nurses shall be limited to the following:

(A) In positions requiring licensure as a registered nurse under Title 18 RCW, or comparable out-of-state employment; and

(B) While holding a valid registered nurse license, or other comparable registered nurse credential.

(vi) Employment as speech-language pathologists or audiologists shall be limited to the following:

(A) In positions requiring the same or similar duties and responsibilities as are performed by speech-language pathologists or audiologists regulated under Title 18 RCW; and

(B) After completion of the minimum requirements for conditional certification as a school speech-language pathologist or audiologist established in WAC 181-79A-231 (1)(c)(iv).

(vii) Employment as counselors shall be limited to the following:

(A) In positions requiring the same or similar duties and responsibilities as are performed by counselors regulated under Title 18 RCW; and

(B) After completion of the minimum requirements for emergency certification as a school counselor established in WAC 181-79A-231(3).

(viii) Employment as psychologists shall be limited to the following:

(A) In positions requiring the same or similar duties and responsibilities as are performed by psychologists regulated under Title 18 RCW; and

(B) After completion of the minimum requirements for emergency certification as a school psychologist established in WAC 181-79A-231(3).

(ix) Employment as social workers shall be limited to the following:

(A) In positions requiring the same or similar duties and responsibilities as are performed by social workers regulated under Title 18 RCW; and

(B) After completion of the minimum requirements for emergency certification as a school social worker established in WAC 181-79A-231(3).

(x) Certificated years of experience as occupational therapists, physical therapists, nurses, speech-language pathologists, audiologists, counselors, psychologists, and social workers, determined pursuant to this subsection and reported on Report S-275, by teachers and other certificated staff who are no longer employed as occupational therapists, physical therapists, nurses, speech-language pathologists, audiologists, counselors, psychologists, and social workers, shall continue to be reported but shall not increase.

(2) Years of full-time and part-time professional education employment prior to the current reporting school year are accumulated as follows:

(a) For each professional education employment which is not employment as a casual substitute pursuant to subsection (1)(a) of this section;

(i) Determine the total number of hours, or other unit of measure, per year for an employee working full-time with each employer;

(ii) Determine the number of hours, or other unit of measure, per year with each employer, including paid leave and excluding unpaid leave;

(iii) Calculate the quotient of the hours, or other unit of measure, determined in (a)(ii) of this subsection divided by the hours, or other unit of measure, in (a)(i) of this subsection rounded to two decimal places for each year.

(b) For professional education employment as a casual substitute pursuant to subsection (1)(a) of this section:

(i) Determine the total number of full-time equivalent substitute days per year;

(ii) Calculate the quotient of full-time equivalent days determined in (b)(i) of this subsection divided by 180 rounded to two decimal places for each year.

(c) No more than 1.0 year may be accumulated in any traditional nine-month academic year or any twelve-month period.

(i) Accumulate, for each year, professional education employment calculated in (a)(iii) and (b)(ii) of this subsection.

(ii) Determine the smaller of the result in (c)(i) of this subsection or 1.00 for each year.

(d) Determine certificated years of experience as the accumulation of all years of professional education employment calculated in (c)(ii) of this subsection and report such years rounded to one decimal place.

WSR 08-03-088
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Filed January 16, 2008, 11:55 a.m., effective February 16, 2008]

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

Purpose: The current rule on this subject does not provide authority for the department to establish a master hunter education program. The proposed amendments provide such authority and allow the department to determine the prerequisites, curriculum, ethical standards, and other aspects of the program.

Citation of Existing Rules Affected by this Order: Amending WAC 232-12-073 (Amending Order 02-298, filed 12/13/02, effective 1/13/03).

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 07-21-130 on October 23, 2007.

Changes Other than Editing from Proposed to Adopted Version: We reorganized the subject matter so that it reads more smoothly. We list the cost of applying for the program (\$20). We are more specific about the types of prior crimes and violations that can prevent a person from being accepted into the program and can cause a master hunter to be removed from the program.

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: January 11, 2008.

Susan Yeager
for Jerry Gutzwiler, Chair
Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 02-298, filed 12/13/02, effective 1/13/03)

WAC 232-12-073 ((Advanced hunter education.))
Master hunter program. (1) In order to ((provide for additional hunting opportunity, on species,)) effectively manage

wildlife in areas((;)) or at times when a higher proficiency and demonstrated skill level ((is)) are needed for resource protection or public safety, the department establishes the ((advanced)) master hunter ((education)) program. ((Persons who successfully pass the master hunter level of advanced hunter education are entitled to exercise the privileges of participation in special hunts restricted to master hunters. It is unlawful for any person to participate in a hunt restricted to master hunters if such person has not successfully passed the advanced hunter education master hunter course and such person possesses a valid master hunter identification card while participating in such a hunt, and it is unlawful to participate in a hunt restricted to master hunters if the person's master hunter status has been suspended or revoked. Violation of this subsection shall be enforced under RCW 77.15.400 (1)(e) for wild birds, RCW 77.15.410 (1)(b) for big game, and RCW 77.15.430 (1)(b) for wild animals other than big game.

~~(2) The advanced hunter education program has three levels, with the following proficiency requirements:~~

~~(a) Sharpshooter education: This program emphasizes marksmanship, with the goal of humanely killing game animals with the least number of shots. Successful graduates of the sharpshooter course must demonstrate above average shooting skills. The cost of applying for sharpshooter education is five dollars, and on successfully passing sharpshooter education each graduate will receive a certificate of completion and an advanced hunter education patch.~~

~~(b) Conservationist education: This program emphasizes habitat restoration and land use practices that maximize protection for wildlife. Successful graduates of the conservationist course will have spent a minimum of twelve hours participating in landowner sportsman or wildlife related projects. The cost of applying for conservationist education is five dollars, and on successfully passing conservationist education each graduate will receive a certificate of completion and an advanced hunter education patch.~~

~~(c) Master hunter education: In addition to both sharpshooter and conservationist education, the master hunter program emphasizes ethical behavior while hunting, a detailed knowledge of hunting statutes and rules, and specialized knowledge in how to hunt in damage control hunts that successfully remove problem animals while maximizing public safety. Both extensive home study and passing a rigorous test are prerequisites for achieving the master hunter graduate status. The cost of applying for master hunter education is twenty dollars, and on successfully passing master hunter education each graduate will be issued))~~

(2) The master hunter program emphasizes safe, lawful, and ethical hunting practices. Two of the program's goals are to improve the public's perception of hunting and to perpetuate the highest hunting standards. Master hunters actively participate in controlled hunts to eliminate problem animals that damage property and/or threaten public safety.

(a) The cost of applying for the master hunter program is twenty dollars. The department will determine the program's prerequisites and curriculum. The department may establish an advisory group to assist agency staff in developing the prerequisites and curriculum.

(b) Master hunter candidates who successfully complete the master hunter program will receive a certificate, ((an advanced)) a master hunter ((education)) patch, and a master hunter identification card. The master hunter identification card is valid for five consecutive years from the date of issuance. The card will be renewed for an additional five years if, during the period of validity, the master hunter ((education graduate)) completes ((twelve hours of conservationist education, consisting of participating in landowner sportsman or wildlife related projects)) forty hours of additional master hunter program requirements as determined by the department.

(3) Master hunters are held to the highest ethical standards ((while hunting, and are expected to respect all recreational and trapping laws. Accordingly, should a master hunter violate the trapping or recreational fishing or hunting laws, that person's master hunter status will be suspended or revoked as provided in this subsection)) because these hunters are ambassadors for the department and are role models and mentors for the hunting community and for the public at large. As such, current advanced hunters must apply to be master hunters. Applicants must submit to a criminal background check. Applicants who have prior wildlife or trespassing-while-hunting convictions within the last ten years, or prior felonies prohibiting the possession of firearms (unless firearm possession is reinstated), or who have a current hunting license suspension in another state, cannot apply for the master hunter program.

(a) Individuals who successfully complete the master hunter program must obey all laws and regulations. Master hunters will be required to sign and abide by a hunter code of ethics in addition to all department laws and regulations.

(b) Persons who successfully pass the master hunter program and maintain the requirements set forth in this section are entitled to participate in special hunts. These hunters must possess a valid master hunter identification card while participating in the hunts. Master hunters who are convicted of wildlife misdemeanors, gross misdemeanors, or felonies; trespassing while hunting; or reckless endangerment involving hunting weapons, will be removed from the master hunter program for life. Master hunters who commit wildlife infractions may be removed from the master hunter program for up to a five-year period.

(c) The department's master hunter coordinator will maintain open communications with landowners and the community to investigate complaints about master hunters or the master hunter program. If a master hunter is charged with a wildlife or trespassing violation that does not result in a conviction, or an ethical violation that does not rise to a criminal law or regulation violation, a master hunter peer review committee, selected by the advisory group, will evaluate the behavior to decide whether it was egregious. If the committee deems the behavior egregious, the department may suspend the violator's master hunter privileges for any amount of time, up to and including life.

((The grounds for suspension and revocation are proof by a preponderance of the evidence that the master hunter has committed a violation of law. A criminal conviction is a rebuttable presumption that the violation occurred.)) (d) Any person who has his or her master hunter ((status revoked or)

privileges suspended under this subsection has the right to an administrative hearing to contest the agency action((and)). Such hearing will be held pursuant to chapter 34.05 RCW, the Administrative Procedure Act.

((a) A two-year suspension of master hunter status will be imposed for any hunting or hunting-related violation.

(b) A five-year suspension of master hunter status and a requirement to retake the master hunter course will be imposed for:

(i) Any conviction resulting in a suspension of recreational hunting or fishing privileges or in a trapping privilege suspension;

(ii) Any violations that involve two big game animals; or

(iii) Any violation that involves twice or more the daily limit of game or fish.

(e) A lifetime revocation of master hunter status will be imposed for:

(i) Any conviction resulting in a second suspension of hunting or fishing privileges or in a second trapping privilege suspension;

(ii) Any violation while recreational hunting or fishing privileges, trapping privileges, or master hunter status is suspended; or

(iii) Any violations that involve three or more big game animals.)) (e) "Conviction," as used in this section, is defined in RCW 77.15.050.

(4) It is unlawful for any person to participate in a hunt restricted to master hunters if such person has not successfully passed the master hunter course and maintained the requirements set forth in this section, or if the person's master hunter privileges have been suspended. Violation of this subsection shall be enforced under RCW 77.15.400 for wild birds, RCW 77.15.410 for big game, and RCW 77.15.430 for wild animals other than big game.

WSR 08-03-096

PERMANENT RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed January 17, 2008, 11:37 a.m., effective February 17, 2008]

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

Purpose: To reflect legislative changes and policy changes for the 2007-08 school year pertaining to the safety net process. Legislative changes include: Elimination of the 1077 excess cost methodology, adoption of full-cost accounting and the creation of a new category of state funding due to community impact factor(s). Rule language additions describe the application process for the new category and allow institutional education students pursuant to WAC 392-122-205 (4) and (5) as eligible for safety net funding.

Citation of Existing Rules Affected by this Order: Amending WAC 392-140-600, 392-140-602, 392-140-605, 392-140-609, 392-140-616, 392-140-626, 392-140-640, 392-140-643, 392-140-646, 392-140-653, 392-140-656, 392-140-660, 392-140-675 and 392-140-685; and new WAC 392-140-60110 and 392-140-617.

Statutory Authority for Adoption: RCW 28A.150.290.

Adopted under notice filed as WSR 07-21-023 on October 8, 2007.

Changes Other than Editing from Proposed to Adopted Version: Propose[d] change to WAC 392-140-616 with fiscal impact has not been made as the office of superintendent of public instruction has been instructed to postpone the adoption until the legislature has had time to deliberate the proposed changes.

Reason for Adoption: Amendment of the state regulations is necessary to implement state regulations consistent with the state special education safety net program modifications made in the 2007-09 legislative session. The amendment allows for a new category of safety net funding (community impact) for districts requesting funding due to an identified, quantifiable factor beyond the control of the district which justifies disproportional and extraordinary costs. Additionally, minor changes were made to some wording for clarity and streamlining of the safety net application process.

We received seven written oral comments addressing a variety of areas. The table below addresses the actions taken in response to the comments received, or the reasons if no actions were taken.

The WAC section citation appears first in the table below. The use of numbers addresses the comments received addressing a particular section.

SUMMARY OF COMMENTS RECEIVED	THE AGENCY CONSIDERED ALL THE COMMENTS. THE ACTIONS TAKEN IN RESPONSE TO THE COMMENTS, OR THE REASONS NO ACTIONS WERE TAKEN, FOLLOW.
WAC 392-140-60105 Definition. Commenters suggested that a state threshold calculation for high need individual applications be included in the regulations.	No action taken. The calculation of the state threshold amount is published in the annual safety net bulletin. Incorporating the state funding threshold into the regulations would unnecessarily complicate the rules requiring annual rule revisions and delay the safety net funding process.
WAC 392-140-616 Application standards. One commenter suggested that the term "properly formulated" be inserted prior to the term "IEP" in WAC 392-140-616 (2)(a).	Action taken. Clarification of the legislative language in the Appropriations Act accepted.
WAC 392-140-617 Application standards. 1. Commenters expressed concern that the use of the term "convincingly" prior to the term "demonstrate" in WAC 392-140-617 when referring to community impact safety net applications was inconsistent with use of the term "demonstrate" in WAC 392-140-616 when referring to high need individual applications.	1. Action taken. Commenters correctly point out that the term "convincingly demonstrate" is used in the Appropriations Act that applies to safety net funding regardless of category. Therefore, the term "convincingly" will be inserted into WAC 392-140-616 to ensure it is clear that "convincingly demonstrate" applies to both the community impact and high need individual applications.

SUMMARY OF COMMENTS RECEIVED	THE AGENCY CONSIDERED ALL THE COMMENTS. THE ACTIONS TAKEN IN RESPONSE TO THE COMMENTS, OR THE REASONS NO ACTIONS WERE TAKEN, FOLLOW.
2. One written comment was that WAC 392-140-617(3) be modified to add the term "negative" prior to the term "fiscal impact" to clearly distinguish the related costs associated with community impact category factor(s) identified in the application. 3. A commenter suggested including the phrase "some or all" prior to "factor(s)" to indicate that the district did not have to demonstrate a fiscal impact for all of the factors that were identified in the application. 4. Regarding WAC 392-140-617(4), the term "prior years" was confusing and the following language was recommended: "(4) The district summarizes the steps taken in the current year or steps the district plans to take in the future in response to the factor(s) identified in the application."	2. Action taken. The word "adverse" was inserted prior to the term "fiscal impact." 3. No action taken. The insertion of the term "adverse" prior to the term "fiscal impact" in subsection (3) will assist the districts in developing their application and the use of the term "factor(s)" indicates that all factors identified by the districts may or may not necessarily have an adverse fiscal impact. 4. Action taken. Recommended language inserted.
WAC 392-140-640 Committee membership, structure. Suggestion that proposed rules should not strike the one-year term limitation of safety net oversight committee members but keep the language and include the phrase "unless OSPI agrees on an annual basis that the member will continue to serve on the committee."	Action taken. Language pertaining to one-year term limitation was retained and the phrase "unless OSPI agrees on an annual basis that the member will continue to serve on the committee" was added.
WAC 392-140-653 Reapplication. Commenters suggested that WAC 392-140-653 be modified to clearly indicate that districts can resubmit applications that have been disapproved in an earlier review cycle.	Action taken. The language (district) "wishes to resubmit an application" was inserted as a reason for reapplication in WAC 392-140-653.

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 10, 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 5, 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 0, Repealed 0.

Date Adopted: November 28, 2007.

Dr. Terry Bergeson
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending WSR 06-01-017, filed 12/9/05, effective 1/9/06)

WAC 392-140-600 Special education safety net—Applicable provisions. The provisions of WAC 392-140-600 through 392-140-685 apply to the determination of safety net allocations of state special education moneys and Individuals with Disabilities Education Act (IDEA) federal funds for the ((2005-06)) 2007-08 school year and thereafter.

NEW SECTION

WAC 392-140-60110 Definition—Community impact. For the purpose of state special education safety net funding, community impact refers to district identified and quantifiable factor(s) beyond the control of the district which justify disproportional and extraordinary costs associated with the provision of special education services in the district (i.e., demographic, environmental, sociological, or other facts that can be described and calculated in an application consistent with WAC 392-140-617).

AMENDATORY SECTION (Amending WSR 06-01-017, filed 12/9/05, effective 1/9/06)

WAC 392-140-602 Special education safety net—Eligible applicants. (1) An individual school district of the state of Washington is eligible to apply for special education safety net moneys on behalf of its resident students. Resident students include those defined as resident pursuant to WAC 392-137-115, those enrolled through choice (RCW 28A.225.225) ~~((and))~~, those from nonhigh districts (RCW 28A.225.210), and those enrolled as institutional education students pursuant to WAC 392-122-205 (4) and (5). Resident students exclude those residing in another district and enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).

(2) An interdistrict cooperative of at least fifteen districts in which all excess cost services for special education students of the districts are provided by the cooperative is eligible to apply for special education safety net moneys. The cooperative and the participating school districts shall be treated as a single school district for the purposes of this chapter. Participating school districts are not eligible to apply for safety net moneys individually.

(3) The Washington school for the deaf and the Washington state school for the blind are eligible to apply for high need students under WAC 392-140-616.

AMENDATORY SECTION (Amending WSR 06-01-017, filed 12/9/05, effective 1/9/06)

WAC 392-140-605 Special education safety net—Application types, certification, worksheets. Application

for safety net funding shall be made on Form SPI 1381 - Certification published by the superintendent of public instruction ~~((as follows:))~~. Applications will be considered and awards made according to the schedule published in the annual Safety Net Bulletin.

(1) School districts may make application for safety net funding ~~((for))~~ in two application categories - high need student(s) and/or community impact factors for costs associated with communities that draw a larger number of families with children in need of special education services. The school district making application for either or both categories of safety net funding shall certify that:

(a) The district recognizes that differences in costs attributable to district philosophy, service delivery choice, or accounting practice are not a legitimate basis for safety net awards.

(b) The application complies with the respective safety net application standards of WAC 392-140-616 and 392-140-617;

(c) The application provides true and complete information to the best of the school district's knowledge;

(d) The district understands that safety net funding is not an entitlement, is subject to adjustment and recovery, may not be available in future years, must be expended in program 21 or program 24 as specified in the award letter, and certifies that federal Medicaid has been billed for all services to eligible students;

(e) The district is making reasonable effort to provide appropriate services for students in need of special education using state funding generated by the basic education apportionment and special education funding formulas and federal funding;

(f) The district's special education services are operated in a reasonably efficient manner;

(g) Indirect costs included for purposes of determining safety net allocations do not exceed the allowable percent for federal special education program plus one percent;

(h) Any available state and federal funding is insufficient to address the additional needs;

(i) The costs of any supplemental contracts are not included for purposes of determining safety net awards. Supplemental contracts are those contracts made pursuant to RCW 28A.400.200(4) excluding extended school year contracts (ESY) required by an IEP; and

(j) The costs of any summer school instruction are not included for purposes of making safety net determinations excluding extended school year contracts (ESY) required by an IEP.

(2) Worksheet A shall be included with the application and must demonstrate the need for safety net funding. Worksheet A is used to determine a maximum amount of eligibility for a school district. Award amounts may be less than the maximum amount of eligibility determined on Worksheet A. School districts are encouraged and may be required to submit additional information designed to assist the state oversight committee in analyzing the application.

(3) All high need student applications shall include worksheets "A" and "C" and individuals summary published in the safety net application, and certification of standards and criteria pursuant to WAC 392-140-616.

(4) All community impact applications shall include worksheet A, the community impact application, all supporting documentation, and certification of standards and criteria pursuant to WAC 392-140-617.

AMENDATORY SECTION (Amending WSR 06-01-017, filed 12/9/05, effective 1/9/06)

WAC 392-140-609 Special education safety net—Standards and criteria—Appropriate and properly and efficiently prepared and formulated IEPs. Individualized education programs (IEPs) which are appropriate, properly and efficiently prepared and formulated are those IEPs that meet all of the following criteria:

(1) The IEPs comply with federal and state procedural requirements.

(2) The delivery of specially designed instruction identified on the IEP also complies with state and federal requirements (i.e., regularly scheduled teaching or training activities provided or designed by special education qualified staff).

(3) The provision of special education services conforms with areas of need identified in the student's evaluation and/or reevaluation made pursuant to chapter ~~((392-172))~~ 392-172A WAC.

AMENDATORY SECTION (Amending WSR 06-01-017, filed 12/9/05, effective 1/9/06)

WAC 392-140-616 Special education safety net—Standards—High need student applications. For districts requesting safety net funding to meet the extraordinary needs of an eligible high need special education student, the district shall convincingly demonstrate at a minimum that:

(1) The IEP for the eligible special education student is appropriate, and properly and efficiently prepared and formulated.

(2) All of the following criteria apply to the high need student:

(a) Costs eligible for safety net consideration must be associated with providing direct special education and related services identified in ~~((the))~~ a properly formulated IEP.

(b) In order to deliver appropriate special education and related services to the student, the district must be providing services which incur costs exceeding:

(i) The annual threshold as established by the office of superintendent of public instruction for state funding; then

(ii) Three times the average per pupil expenditure (as defined in section 9101 of the Elementary and Secondary Education Act of 1965) for the state of Washington for federal funding. Threshold amounts shall be adjusted pro rata for students not counted or expected to be counted for special education services on all eight enrollment count dates (October through May). For example, for a student served and reported for only six of the eight count dates, the threshold amount shall be reduced to three-quarters of the full amount.

(c) The total cost of educational services must exceed any carryover of federal flow-through special education funding as of August 31 of the prior school year.

(3) The state safety net oversight committee shall adapt the high need student application as appropriate for applica-

tions prepared by the Washington state school for the blind and the Washington school for the deaf.

NEW SECTION

WAC 392-140-617 Special education safety net—Standards—Community impact applications. For districts requesting state safety net funding to meet the extraordinary costs associated with communities that draw a larger number of families with children in need of special education services, the district must meet the standards of WAC 392-140-605 (1)(a) through (j) and convincingly demonstrate that:

(1) Demographic, environmental, sociological or other factor(s) cause the district's special education enrollment to be disproportional by category of disability or the overall number of students identified as eligible for special education;

(2) The unique factor(s) identified by the district is not the result of district philosophy, service delivery choice, or accounting practice;

(3) The identified factor(s) creates an adverse fiscal impact upon the district's special education program; and

(4) The district summarizes the steps taken in the current year or steps the district plans to take in the future in response to the factors identified in the application.

AMENDATORY SECTION (Amending WSR 06-01-017, filed 12/9/05, effective 1/9/06)

WAC 392-140-626 Special education safety net—Worksheet A—Demonstration of need. Applications for ~~((high need students))~~ safety net funds shall demonstrate district financial need as follows:

(1) Application worksheet "A" shall demonstrate a fiscal need in excess of:

(a) Any previous safety net awards for the current school year; and

(b) All available revenue for special education, including all carryover of state and federal special education revenue.

(2) Awards shall not exceed the ~~((amount of need demonstrated))~~ potential capacity for safety net funding on the worksheet "A."

(3) Beginning with the 2007-08 school year, worksheets submitted with safety net applications are to reflect the ~~((state adopted excess))~~ full cost method of accounting, ~~((consistently applied for both years presented))~~ pursuant to section 501(1)(k), chapter 372, Laws of 2006.

(4) The safety net oversight committee may revise the district's worksheet "A" submitted for errors or omissions or more current information.

(5) The school district shall provide clarifying information as requested by the state oversight committee.

(6) After the close of the school year, the safety net oversight committee may review the worksheet "A" used to determine need for a district's award against the actual final school year enrollments, revenues, and expenditures reported by the district. Based upon the results of this review:

(a) The safety net allocation for the school year may be adjusted or recovered; or

(b) If the committee finds that a portion of the safety net allocation was not needed to balance revenues and expendi-

tures, the committee may consider that portion of the allocation available to meet the needs of the ensuing school year.

(7) The state safety net oversight committee shall adapt the worksheet "A" - Demonstration of Need as appropriate for applications prepared by districts participating in the pilot program according to the provisions of RCW 28A.630.015 (4).

(8) In accordance with the state of Washington *Accounting Manual for Public School Districts* and statutory federal language, ~~((demonstrated need))~~ potential capacity for safety net funding shall not include legal fees, court costs, or other costs associated with a cause of action brought on behalf of a child to ensure a free appropriated public education.

AMENDATORY SECTION (Amending WSR 06-01-017, filed 12/9/05, effective 1/9/06)

WAC 392-140-640 Special education safety net—State oversight committee—Membership, structure. Membership of the state oversight committee shall consist of: Staff ~~((of the office of superintendent of public instruction, staff))~~ of the office of the state auditor who shall be nonvoting, one or more representatives from a school district(s), and one or more representatives from an educational service district.

(1) The state oversight committee members will be appointed by the office of superintendent of public instruction.

(2) The state director of special education shall serve as an ex officio, nonvoting committee member and act as the state oversight committee manager.

(3) Members of the state oversight committee from school districts and/or educational service districts will be appointed based on their knowledge of special education program service delivery and funding, geographical representation, size of district(s) served, and other demographic considerations which will guarantee a representative state committee.

(4) Alternate members shall be appointed. In the event a member is unable to ~~((attend))~~ vote at a committee meeting, an alternate member shall ~~((attend))~~ vote.

(5) Membership appointments shall be made for a period of one year unless OSPI agrees on an annual basis that the member will continue to serve on the committee. The oversight committee manager may replace a portion of the committee each year in order to enhance representation.

AMENDATORY SECTION (Amending WSR 06-01-017, filed 12/9/05, effective 1/9/06)

WAC 392-140-643 Special education safety net—Definition—State oversight committee—Procedures. (1) The state oversight committee will review applications as deemed necessary by the superintendent of public instruction pursuant to WAC 392-140-608.

(2) All applications received by the state oversight committee will be reviewed for completeness by the state oversight committee manager or designee. Applications must include all necessary forms, worksheets, and attachments described in the instruction bulletin published by the superintendent of public instruction. ~~((F))~~ Incomplete applications

~~((are not complete, they))~~ will not be considered by the committee.

(3) The state oversight committee manager will forward to the committee members copies of the applications in a timely manner.

(4) The state oversight committee manager or designee will be responsible for presenting each application for consideration to the committee.

(5) Committee members shall review and discuss the application content for completeness, accuracy, and understanding of the reason(s) for the applicant's need for safety net funding.

(6) The committee may request that a submitting school district provide clarifying information.

(7) Committee members will individually indicate their agreement, disagreement, or abstention with the action of the committee pursuant to WAC 392-140-646.

(8) A majority vote by the committee members will be sufficient to determine the committee action.

(9) The state oversight committee manager will ensure that notes are taken which summarize the questions and discussion related to each application. A decision summary for each application shall include the amount of the initial request, funding adjustments recommended by the committee, the amount of any award to be made, and the reasons for and against the action taken by the committee.

(10) Committee members shall each sign the decision summary.

(11) The state oversight committee manager, on behalf of the committee, will notify the applicant school district in writing of the determination of the committee. The school district will be provided a copy of the decision summary.

(12) All applications received by the state oversight committee will be retained by the superintendent of public instruction for use in the evaluation of the safety net funding process and to provide the superintendent of public instruction with information with which to make future decisions regarding the safety net process.

AMENDATORY SECTION (Amending WSR 06-01-017, filed 12/9/05, effective 1/9/06)

WAC 392-140-646 Special education safety net—State oversight committee actions. The state oversight committee shall take the following actions:

(1) After the state oversight committee determines:

(a) There are no unresolved audit examination issues related to special education that are material in nature;

(b) There are no unresolved child count verification issues which are material in nature; and

(c) All corrections to state enrollment reporting, required for resolution of (a) and (b) of this subsection, are completed.

(2) An application reviewed during an application cycle may be:

(a) Approved; or

(b) Disapproved ~~((; or~~

~~((c) Returned to the submitting school district, for possible resubmission at a later date during the school year, because information contained in the application is insufficient to establish a need for safety net funding)).~~

(3) The amount approved shall be equal to or less than the amount for which application was made.

(4) The approval may be contingent on additional requirements imposed by the committee such as development of an action plan to resolve a specified problem prior to submission of any future safety net application to assure school district compliance with the criteria and standards set forth in these safety net regulations.

(5) The approvals are subject to adjustment and recovery pursuant to WAC 392-140-675 through 392-140-685.

AMENDATORY SECTION (Amending WSR 04-08-118, filed 4/6/04, effective 5/7/04)

WAC 392-140-653 Special education safety net—Reapplication. If the applicant school district withdrew an application(§) or submitted an incomplete application, or ~~((is dissatisfied with the results of the state oversight committee's decision with regard to its))~~ wishes to resubmit an application, the applicant may reapply for safety net funding in a later application cycle for the school year. All applications for each meeting must include all updated worksheets and attachments described in the bulletin published by the superintendent of public instruction and meet the timing requirements of WAC 392-140-608.

AMENDATORY SECTION (Amending WSR 03-02-053, filed 12/26/02, effective 1/26/03)

WAC 392-140-656 Special education safety net—Request for review and reconsideration of an action. An applicant district may request review and reconsideration of an action of the state oversight committee made pursuant to WAC 392-140-646.

(1) The district shall make the request in writing to the office of the superintendent of public instruction within thirty days of the date that the state oversight committee's written determination notice is sent to the district pursuant to WAC 392-140-643(11).

(2) The applicant district shall request reconsideration of the state oversight committee's action on one or more of the following grounds:

(a) The action was outside the statutory authority of the committee;

(b) The action failed to follow prescribed procedures;

(c) The action erroneously interpreted or applied the law;

(d) The action was not supported by substantial evidence; or

(e) The action was inconsistent with the agency rules regarding safety net funding.

(3) If the office of the superintendent of public instruction finds grounds for reconsideration pursuant to subsection (2) of this section, ~~((the superintendent))~~ OSPI shall request reconsideration of the action by the state oversight committee. ~~((The superintendent's request))~~ OSPI shall state the grounds for reconsideration supported by the facts considered ~~((by the superintendent)).~~

AMENDATORY SECTION (Amending WSR 06-01-017, filed 12/9/05, effective 1/9/06)

WAC 392-140-660 Special education safety net—Approved application—Special education safety net allocations. (1) The special education safety net allocation for an individual district shall be the smaller of:

(a) The amount requested by the school district; or

(b) The amount authorized by the state oversight committee.

(2) Special education safety net allocations for high need students under WAC 392-140-605 (1) shall use appropriated federal and state moneys. ~~((If safety net awards to meet the extraordinary needs of one or more individual special education students exceed the general fund—federal appropriation, the superintendent shall expend all available and otherwise uncommitted federal discretionary funds necessary to meet this need.))~~

AMENDATORY SECTION (Amending WSR 06-01-017, filed 12/9/05, effective 1/9/06)

WAC 392-140-675 Special education safety net—Adjustments to special education safety net allocations. Safety net allocations may be adjusted as follows:

(1) For those districts not maximizing Medicaid billing for special education students under RCW 74.09.5255, special education safety net allocations shall be reduced by the estimated potential additional incentive payments for the school year if the district maximized Medicaid incentive payments. Potential additional incentive payments shall be estimated by the superintendent of public instruction based on the district's percent of Medicaid eligible students billed and a statewide average incentive payment per student determined by the superintendent in October of the school year. The average incentive payment per student shall be determined using the prior school year's statewide Medicaid billing data assuming fifty percent incentive payments for all school districts. The superintendent of public instruction shall update Medicaid billing adjustments to safety net allocations periodically during the school year and again in January following the close of the school year.

(2) Special education safety net allocations for a school district may be adjusted to reflect changes in factors for which additional or revised information becomes available after the awarding of the initial safety net allocation. This means:

(a) High need awards and/or community impact awards may be reduced or nullified when the school district's actual revenues and expenditures for the school year differ significantly from the estimates on which the initial safety net award was based.

(b) A school district's safety net award may be adjusted by the safety net oversight committee based on the results of the review conducted by the special education program audit team pursuant to WAC 392-140-630.

AMENDATORY SECTION (Amending WSR 06-01-017, filed 12/9/05, effective 1/9/06)

WAC 392-140-685 Special education safety net—Recovery of state and/or federal allocations to school districts. High need student state and/or federal special education safety net allocations and state community impact awards:

(1) Shall be recovered or awards reduced for the following reasons:

(a) The application contains a falsification or deliberate misrepresentation, including omission of a material fact.

(b) The allocation is unexpended for the purpose allocated including but not limited to situations where the student leaves the district or has a change in services. For students who transfer to another Washington public school district, expenditures for specialized equipment purchased with these funds shall not be recovered provided the district transfers the equipment to the other school district.

(c) The IEP is determined at a later date, through state audit or child count verification, to be inappropriate or improperly prepared and appropriate and proper preparation would materially affect the justification or amount of need for safety net funding.

(2) May be recovered or awards reduced for the following reasons:

(a) The school district has carryover of state and/or federal flow-through special education funding from the school year for which the award was made.

(b) The district's actual revenues are significantly higher than estimated revenues on which the award was based or the district's actual expenditures are significantly lower than the estimated expenditures on which the award was based.

(c) The state oversight committee finds grounds for adjustment in the special education program audit team's review pursuant to WAC 392-140-630.

Recovery adjustments not made in the current school year shall be added to the amount calculated pursuant to WAC 392-140-616 (2)(c) for the following school year. Such amounts reduce state and/or federal safety net awards in the following year.

WSR 08-03-100
PERMANENT RULES
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed January 20, 2008, 6:03 p.m., effective February 20, 2008]

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

Purpose: The purpose of these changes is to comply with passed legislation in SB 5269.

Citation of Existing Rules Affected by this Order: Amending WAC 181-79A-130, 181-79A-145, 181-79A-150, and 181-79A-252.

Statutory Authority for Adoption: RCW 28A.410.210.

Adopted under notice filed as WSR 07-24-075 on December 4, 2007.

A final cost-benefit analysis is available by contacting Nasue Nishida, P.O. Box 47236, Olympia, WA 98504, phone

(360) 725-6238, fax (360) 586-4548, e-mail nasue.nishida@k12.wa.us.

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 4, 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 4, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: January 16, 2007 [2008].

Nasue Nishida
Policy and Research Analyst

AMENDATORY SECTION (Amending WSR 07-12-006, filed 5/24/07, effective 6/24/07)

WAC 181-79A-130 Fee for certification. (1) In accordance with provisions of RCW 28A.410.060 and 28A.415.010, the fee for certificates which are valid for more than one year, issued by authority of the state of Washington and authorizing the holder to serve in the common schools of the state, shall be as follows:

(a) The first issue of the residency certificate, five dollars for each year of validity;

(b) The continuing certificate, seventy dollars;

(c) The reinstatement, additional endorsement on the teaching certificate, duplicate certificates, substitute certificates, and certificates issued for the purpose of showing a name change, fifteen dollars;

(d) The first peoples' language(~~/~~), culture, and oral tribal traditions teacher certificate, twenty-five dollars; and

(e) Any other certificate or credential or any renewal thereof, five dollars for each year of validity;

(f) Provided, That the fee for all career and technical education certificates shall be one dollar:

(g) Provided, That a one-time late fee for a renewed initial or continuing certificate issued under the provisions of WAC 181-79A-123 (7), (8), or (9) for those whose initial certificate had already expired shall be one hundred dollars.

(2) The fee for any other certificate/credential, or for any renewal thereof, issued by the authority of the state of Washington and authorizing the holder to serve in the common schools of the state, shall be five dollars.

(3) Officials authorized to collect certification fees are educational service district superintendents, local school district superintendents, deans and directors of education at colleges and universities, or their designees. Sovereign tribal governments may collect certification fees for first peoples' language(~~/~~), culture, and oral tribal traditions certificates. The fee must accompany the application for a certificate and shall be transmitted by the receiving district, college or uni-

versity, sovereign tribal government or program unit designee at least quarterly to the educational service district within which the application is filed for disposition in accordance with provisions of RCW 28A.410.060. The fee shall not be refunded unless the application is withdrawn before it is finally considered (i.e., the issuance of a certificate or a written communication denying such issuance) by the superintendent of public instruction or his or her designee. Fees not refunded shall apply as credit toward certificate fees if such applicant reapplies within twenty-four months of the date of denial. Moneys accrued from certification fees within the boundaries of an educational service district shall be divided in the following manner:

(a) Local school districts employing more than one hundred teachers and other professional staff and collecting certification fees may retain one dollar of each fee in order to hold a professional training institute. If such district does not hold an institute, all such moneys shall be placed to the credit of the educational service district.

(b) No less than fifty percent of the funds accruing within the boundaries of an educational service district shall be used to support program activities related to statewide pre-certification professional preparation and evaluation.

(c) The remaining funds shall be used to support professional in-service training programs and evaluations thereof.

(d) Use of certification fees described in this section shall be reported annually to the professional educator standards board pursuant to WAC 181-79A-131(5).

AMENDATORY SECTION (Amending WSR 07-20-047, filed 9/26/07, effective 10/27/07)

WAC 181-79A-145 Levels and validity of certificates.
Two levels of certification may be issued.

(1) Initial and continuing certificates: Teachers with program completion dates through August 31, 2000, administrators with program completion dates through August 31, 2004, and educational staff associates with program completion dates through August 31, 2005, will be issued the following levels of certificates: Provided, That initial and continuing teachers' certificates after August 31, 2000, initial and continuing principal and program administrator certificates after August 31, 2004, and initial and continuing educational staff associate certificates after August 31, 2005, will be issued only to previous Washington certificate holders, pursuant to WAC 181-79A-123:

(a) Initial certificate. The initial teacher certificate is valid for four years and the initial administrator and educational staff associate certificates are valid for seven years. Initial teacher certificates shall be subject to renewal pursuant to WAC 181-79A-250(1) and 181-79A-123. Initial administrator and educational staff associate certificates shall not be subject to renewal. Initial administrator and educational staff associate certificate holders shall be issued a continuing certificate if they meet the requirements for such certificate. Initial administrator and educational staff associate certificate holders shall be issued a residency certificate if their initial certificate has lapsed or they do not meet the requirements for a continuing certificate.

(b) Continuing certificate. The continuing certificate is valid on a continuing basis as specified in WAC 181-79A-250(3).

(2) Residency and professional certificates: Teachers, administrators, and educational staff associates with program completion dates commencing with the dates indicated below will be issued the following levels of certificates:

(a) Residency certificate. The residency certificate will be issued to teachers beginning September 1, 2000, to principal/program administrators beginning September 1, 2004, and to educational staff associate school counselors, school psychologists, and school social workers no later than September 1, 2005.

(b) The first issue of a residency certificate for teachers, principals, program administrators, and educational staff associates shall be valid until the holder has completed two consecutive years of successful service in the role in Washington with a school district, state approved private school, or state agency that provides educational services for students. When the teacher, principal, program administrator, or educational staff associate completes two consecutive years of successful service in the role in the state with the same employer, their residency certificate will be reissued with a five-year expiration date; provided, that the second consecutive year of successful service in the role will be considered to be complete for purposes of reissuance if a contract for the third such year has been signed and returned to the employer. Prior to the expiration date, the candidate must earn a professional certificate or meet residency renewal requirements under WAC 181-79A-250 (2)(b) and (c).

(c) Professional certificate. The professional certificate will be issued to teachers beginning September 1, 2001, to principals/program administrators beginning September 1, 2007, and to educational staff associate school counselors, school psychologists, and school social workers beginning September 1, 2007. The professional certificate is valid for five years and shall be subject to renewal pursuant to WAC 181-79A-250. Provided, That a professional teacher's certificate based on the possession of a valid teacher's certificate issued by the National Board for Professional Teaching Standards National Board Certification pursuant to WAC 181-79A-257 (3)(b) or 181-79A-206 (3)(a) shall be valid for five years or until the expiration of the National Board Certificate, whichever is greater. Provided further that a professional educational staff associate certificate for school counselors based on the possession of a valid school counselor's certificate issued by the National Board for Professional Teaching Standards National Board Certification pursuant to WAC 181-79A-257 or 181-79A-206 shall be valid for five years or until the expiration of the National Board Certificate, whichever is greater.

(3) First peoples' language((+))_ culture_ and oral tribal traditions certificates: The first peoples' language((+))_ culture_ and oral tribal traditions certificate will be issued beginning in January 2007. The first peoples' language((+))_ culture_ and oral tribal traditions certificate is valid for five years and shall be subject to renewal pursuant to WAC 181-79A-252.

AMENDATORY SECTION (Amending WSR 07-12-006, filed 5/24/07, effective 6/24/07)

WAC 181-79A-150 General requirements—Teachers, administrators, educational staff associates and first peoples' language((/)), culture, and oral tribal traditions teachers. The following requirements are to be met by candidates for certification as teachers including career and technical education teachers, administrators, educational staff associates, or first peoples' language((/)), culture, and oral tribal traditions teachers:

(1) Age. No person who is less than eighteen years of age shall receive a certificate to serve in the public or nonpublic schools of Washington state.

(2) Character. Applicants for certificates in Washington state who are not holders of a valid Washington state teacher's, administrator's, educational staff associate's, career and technical education, or first peoples' language((/)), culture, and oral tribal traditions teacher's certificate must give evidence of good moral character and personal fitness as specified in WAC 181-79A-155 and must complete a record check through the Washington state patrol criminal identification system and through the Federal Bureau of Investigation at the applicant's expense as required by RCW 28A.410.010; such record check shall include a fingerprint check using a Washington state patrol approved fingerprint card: Provided, That the superintendent of public instruction may waive the record check for an applicant who has had a record check within the two years prior to application.

(3) Degrees and course work. A candidate for certification shall hold appropriate degrees, licenses, and additional course work as prescribed in chapters 181-79A and 181-77 WAC or have qualified under WAC 181-79A-257 or 181-78A-700.

(4) Approved preparation program. Applicants for certification as teachers, administrators, school counselors, school psychologists and school social workers, except as otherwise provided in WAC 181-79A-257, and 181-79A-231, and in chapter 181-77 WAC, in order to be certified within the state of Washington shall have completed a state approved college/university preparation program in the professional field for which certification is to be issued. Applicants for certification as first peoples' language((/)), culture, and oral tribal traditions teachers shall have completed a sovereign tribal government's first peoples' language((/)), culture, and oral tribal traditions teaching certification program.

(5) Certificates.

(a) Candidates for principal's certificates must hold or have held:

(i) A valid teacher's certificate, excluding certificates issued under WAC 181-79A-231, or comparable out-of-state certificates; or

(ii) A valid educational staff associate certificate and have demonstrated successful school-based experience in an instructional role with students. Persons whose teacher or educational staff associate certificates were revoked, suspended, or surrendered are not eligible for principal's certificates.

(b) Candidates for superintendent's certificates must hold a valid teacher, educational staff associate, program administrator, or principal certificate; excluding certificates issued

under WAC 181-79A-231, or comparable out-of-state certificates.

(6) Assessments. See RCW 28A.410.220.

AMENDATORY SECTION (Amending WSR 07-12-006, filed 5/24/07, effective 6/24/07)

WAC 181-79A-252 First peoples' language((/)), culture, and oral tribal traditions certificates—Renewal and continuing education requirements. The following shall apply to first peoples' language((/)), culture, and oral tribal traditions certificates issued pursuant to this chapter:

A first peoples' language((/)), culture, and oral tribal traditions certificate may be renewed for an additional five-year period on application and verification that the individual has met tribal renewal/continuing education requirements.

WSR 08-03-101

PERMANENT RULES

PROFESSIONAL EDUCATOR STANDARDS BOARD

[Filed January 20, 2008, 6:04 p.m., effective February 20, 2008]

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

Purpose: The purpose of these changes is to comply with passed legislation in SB 5269.

Citation of Existing Rules Affected by this Order: Amending WAC 181-85-033.

Statutory Authority for Adoption: RCW 28A.410.210.

Adopted under notice filed as WSR 07-24-076 on December 4, 2007.

A final cost-benefit analysis is available by contacting Nasue Nishida, P.O. Box 47236, Olympia, WA 98504, phone (360) 725-6238, fax (360) 586-4548, e-mail nasue.nishida@k12.wa.us.

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 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: January 16, 2007 [2008].

Nasue Nishida

Policy and Research Analyst

AMENDATORY SECTION (Amending WSR 06-14-010, filed 6/22/06, effective 7/23/06)

WAC 181-85-033 Continuing education credit hour—Definition—Professional growth team consultation and collaboration—School accreditation site visit team participation—National Board for Professional Teaching Standards assessment—Supervisors—First peoples' language, culture and oral tribal traditions. (1) Notwithstanding any provisions of this chapter to the contrary, for consultation and collaboration as a member of an approved professional growth team, as defined by WAC 181-78A-010 and 181-78A-505, members of a professional growth team, excluding the candidate, shall receive the equivalent of ten continuing education credit hours. The team member may not receive more than the equivalent of twenty continuing education credit hours, as defined by this section, during a calendar year period.

(2) A person holding a valid educational certificate pursuant to RCW 28A.410.010 shall receive the equivalent of ten continuing education credit hours for serving on a school accreditation site visit team. The person may not receive more than the equivalent of twenty continuing education credit hours during a calendar year period.

(3)(a) Notwithstanding any provisions of this chapter to the contrary, individuals officially designated as a supervisor by a college/university, school district, educational service district, an approved private school, a state agency providing educational services to students or the superintendent of public instruction, a person holding a valid educational certificate pursuant to RCW 28A.410.010 shall receive the equivalent of ten continuing education credit hours for service as a supervisor. The person may not receive more than the equivalent of twenty continuing education credit hours during a calendar year period.

(b) The term "supervisor" shall mean individuals officially designated as a supervisor by a college/university, school district, educational service district, an approved private school, a state agency providing educational services to students, or the office of superintendent of public instruction for supervising the training of teacher interns, administrative interns, educational staff associate interns, and paraprofessionals.

(4) A person holding a valid educational certificate pursuant to RCW 28A.410.010 shall receive the equivalent of forty-five continuing education credit hours for completion of an assessment process as part of the National Board for Professional Teaching Standards certificate application. Upon achieving National Board certification, the individual shall receive the equivalent of an additional forty-five continuing education credit hours for a total of ninety continuing education credit hours per National Board certificate.

(5) Notwithstanding any provisions of this chapter to the contrary, for designing and completing a professional growth plan under the provisions of WAC 181-85-034, participants shall receive the equivalent of no more than sixty continuing education credit hours over a period of two school years, as defined by this chapter.

(6) Notwithstanding any provision of this chapter to the contrary, individuals who receive in-service training or continuing education according to RCW 28A.415.020(6) in first

peoples' language, culture and oral tribal traditions provided by a sovereign tribal government participating in the Washington state first peoples' language, culture and oral tribal traditions teacher certification program authorized under RCW 28A.410.045 shall be considered approved in-service training or approved continuing education under this section.

WSR 08-03-104

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed January 22, 2008, 8:40 a.m., effective February 22, 2008]

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

Purpose: Rule making is required to update the rule with current owner retained destroyed vehicle practices.

Citation of Existing Rules Affected by this Order: Amending WAC 308-56A-150 Certificate of vehicle inspection.

Statutory Authority for Adoption: RCW 46.01.110.

Adopted under notice filed as WSR 07-23-037 on November 13, 2007.

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 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 0, Amended 1, Repealed 0.

Date Adopted: January 22, 2007 [2008].

Glenn Ball
for Julie Knittle
Assistant Director
Vehicle Services

AMENDATORY SECTION (Amending WSR 06-22-025, filed 10/25/06, effective 11/25/06)

WAC 308-56A-150 Certificate of vehicle inspection.

(1) **When is a certificate of vehicle inspection required?** A certificate of vehicle inspection, completed by the Washington state patrol or other authorized inspector, must accompany the application for certificate of ownership and include the applicable statutory inspection fee whenever the applicant's vehicle is:

(a) Reported destroyed since the last certificate of ownership was issued and ownership was not retained by the registered owner;

(b) A homemade, assembled, or rebuilt vehicle not previously titled as such;

(c) One (~~whose~~) on which the identification number needs verification as requested by the department, county auditor, or authorized agent;

(d) A kit vehicle not previously titled as such (if no vehicle identification number (VIN) or model year previously assigned);

(e) A street rod not previously titled as such;

(f) A glider kit not previously titled as such;

(g) Subject to ownership in doubt described in WAC 308-56A-210(~~(1)~~ except those in WAC 308-56A-210(2));

(h) One which the Washington crime information center (WACIC) or National Crime Information Center (NCIC) indicates may be stolen;

(i) One for which the WACIC/NCIC has failed to respond to the stolen vehicle search required by chapter 46.12 RCW; or

(j) Inspections are not required for snowmobiles or mobile homes.

(2) **Is there a fee charged for a VIN inspection?** Yes, the amount of the fee is established in RCW 46.12.040. The fee is not due when:

(a) The out-of-state fee authorized by chapter 46.12 RCW has been collected on the same application; or

(b) The Washington state patrol or department of licensing has determined that the fee is not due.

(3) **Who is authorized to perform a vehicle inspection?** Vehicle inspections may be performed by:

(a) The Washington state patrol;

(b) Other entities or individuals designated by the director if the vehicle is located in another state or country and the requirement for inspection by the Washington state patrol will cause undue hardship.

(4) **How long is a vehicle certificate of inspection valid?** The vehicle certificate of inspection is valid for the following periods of time after the inspection date:

(a) Sixty days for vehicles:

(i) Reported destroyed;

(ii) Homemade, assembled, rebuilt, street rods, kit vehicles and glider kits;

(iii) If the identification number needs verification, has been removed, defaced, altered, destroyed, illegible or missing;

(iv) With no Washington record or no manufacture certificate/statement of origin (MCO/MSO) except those described in WAC 308-56A-210(~~(2)~~);

(v) Referred for inspection for any reason not listed.

(b) Three hundred sixty-five days for a licensed vehicle dealer.

Purpose: The division of developmental disabilities (DDD) is filing this rule to ensure consistent application of the rules across the programs administered by DDD. Without this rule, clients may incorrectly be found eligible or ineligible for respite services. When effective, this rule replaces the emergency rule filed as WSR 08-03-063 on January 14, 2008.

Citation of Existing Rules Affected by this Order: Amending WAC 388-845-1605.

Statutory Authority for Adoption: RCW 71A.12.30 [71A.12.030], 71A.12.120.

Other Authority: Title 71A RCW.

Adopted under notice filed as WSR 07-24-065 on December 4, 2007.

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: January 16, 2008.

Stephanie E. Schiller

Rules Coordinator

AMENDATORY SECTION (Amending WSR 06-01-024, filed 12/13/05, effective 1/13/06)

WAC 388-845-1605 Who is eligible to receive respite care? (~~The person providing your care is~~) You are eligible to receive respite care if you are in the Basic, Basic Plus or CORE waiver and:

(1) You live in a private home (~~with an unpaid caregiver~~) and no one living with you is paid to be your caregiver; (~~(1)~~)

(2) You live with a paid caregiver who is(~~:~~

~~(a) A natural, step or adoptive parent;~~

~~(b)) your natural, step or adoptive parent; or~~

(3) You live with a caregiver who is paid by DDD to provide care to you and is:

(a) A contracted companion home provider; or

((1)) (b) A licensed children's foster home provider.

WSR 08-03-109

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed January 22, 2008, 12:29 p.m., effective February 22, 2008]

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

WSR 08-03-111
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed January 22, 2008, 12:33 p.m., effective February 22, 2008]

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

Purpose: On May 3, 2007, the supreme court issued its decision invalidating the department's shared living rule outlined in WAC 388-106-0130. The majority concluded that the shared living rule violated the federal medicaid comparability provision requiring individualized assessment of every person requesting services. WAC 388-106-0130 is being amended in order to comply with the supreme court decision pertaining to shared living and to implement changes agreed to in the collective bargaining agreement.

Citation of Existing Rules Affected by this Order: Amending WAC 388-106-0130.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520.

Adopted under notice filed as WSR 07-24-066 on December 4, 2007.

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 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 0, Amended 1, Repealed 0.

Date Adopted: January 16, 2008.

Stephanie E. Schiller
 Rules Coordinator

AMENDATORY SECTION (Amending WSR 06-16-035, filed 7/25/06, effective 8/25/06)

WAC 388-106-0130 How does the department determine the number of hours I may receive for in-home care? (1) The department assigns a base number of hours to each classification group as described in WAC 388-106-0125.

(2) The department will deduct from the base hours to account for your informal supports, as defined in WAC 388-106-0010, as follows:

(a) The CARE tool determines the adjustment for informal supports by determining the amount of assistance available to meet your needs, assigns it a numeric percentage, and reduces the base hours assigned to the classification group by the numeric percentage. The department has assigned the following numeric values for the amount of assistance available for each ADL and IADL:

Meds	Self Performance	Status	Assistance Available	Value Percentage
Self administration of medications	Rules for all codes apply except independent is not counted	Unmet	N/A	1
		Met	N/A	0
		Decline	N/A	0
		Partially met	<1/4 time	.9
			1/4 to 1/2 time	.7
1/2 to 3/4 time	.5			
>3/4 time	.3			
Unscheduled ADLs	Self Performance	Status	Assistance Available	Value Percentage
Bed mobility, transfer, walk in room, eating, toilet use	Rules apply for all codes except: Did not occur/client not able and Did not occur/no provider = 1; Did not occur/client declined and independent are not counted.	Unmet	N/A	1
		Met	N/A	0
		Decline	N/A	0
		Partially met	<1/4 time	.9
			1/4 to 1/2 time	.7
1/2 to 3/4 time	.5			
>3/4 time	.3			

Scheduled ADLs	Self Performance	Status	Assistance Available	Value Percentage
Dressing, personal hygiene, bathing	Rules apply for all codes except: Did not occur/client not able and Did not occur/no provider = 1; Did not occur/client declined and independent are not counted.	Unmet	N/A	1
		Met	N/A	0
		Decline	N/A	0
		Partially met	<1/4 time	.75
			1/4 to 1/2 time	.55
	1/2 to 3/4 time	.35		
	>3/4 time	.15		
IADLs	Self Performance	Status	Assistance Available	Value Percentage
Meal preparation, Ordinary housework, Essential shopping*	Rules for all codes apply except independent is not counted.	Unmet	N/A	1
		Met	N/A	0
		Decline	N/A	0
		Partially met	<1/4 time	.3
			1/4 to 1/2 time	.2
1/2 to 3/4 time	.1			
>3/4 time	.05			
IADLs	Self Performance	Status	Assistance Available	Value Percentage
Travel to medical	Rules for all codes apply except independent is not counted.	Unmet	N/A	1
		Met	N/A	0
		Decline	N/A	0
		Partially met	<1/4 time	.9
			1/4 to 1/2 time	.7
1/2 to 3/4 time	.5			
>3/4 time	.3			
Key: > means greater than < means less than *Results in 5% deduction for each IADL from the base hours. Remaining hours may be used for completion of household and personal care tasks.				

(b) To determine the amount of reduction for informal support, the value percentages are totaled and ((is)) divided by the number of qualifying ADLs and IADLs needs. The result is value A. Value A is then subtracted from one. This is value B. Value B is divided by three. This is value C. Value A and Value C are summed. This is value D. Value D is multiplied by the "base hours" assigned to your classification group and the result is ((base)) the number of in-home ((care)) hours reduced for informal supports.

(3) Also, the department will adjust in-home base hours ((for the following shared living circumstances)) when:

(a) ((#)) There is more than one client receiving ADSA-paid personal care services living in the same household, the status under subsection (2)(a) of this section must be met or partially met for the following IADLs:

- (i) Meal preparation((:));
- (ii) Housekeeping((:));
- (iii) Shopping((:)); and
- (iv) Wood supply.

(b) ((#)) You ((and your paid provider live in the same household, the status under subsection (2)(a) of this section must be met for the following IADLs:

- (i) Meal preparation;
- (ii) Housekeeping;
- (iii) Shopping; and
- (iv) Wood supply.

(c) When there is more than one client living in the same household and your paid provider lives in your household, the status under subsection (2)(a) of this section must be met for the following IADLs:

- (i) Meal preparation;
- (ii) Housekeeping;
- (iii) Shopping; and
- (iv) Wood supply))

are under the age of eighteen, your assessment will be coded according to age guidelines codified in WAC 388-106-0213.

(4) In addition to any determination of unmet need in (2)(a) when you are not affected by (3) above, the department will score the status for meal preparation as unmet when you adhere to at least one of the following special diets:

- (a) ADA (diabetes);
- (b) Autism diet;
- (c) Calorie reduction;
- (d) Low sodium;
- (e) Mechanically altered;
- (f) Planned weight change program;
- (g) Renal diet; or
- (h) Needs to receive nutrition through tube feeding or receives greater than twenty-five percent of calories through tube or parenteral feeding.

(5) In addition to any determination of unmet need in (2)(a) when you are not affected by (3) above, the department will score the status for housework as unmet when you are incontinent of bladder or bowel, documented as:

- (a) Incontinent all or most of the time;
- (b) Frequently incontinent; or
- (c) Occasionally incontinent.

(6) After deductions are made to your base hours, as described in subsections (2) and (3), the department may add on hours based on your living environment:

Condition	Status	Assistance Available	Add On Hours
Offsite laundry facilities, which means the client does not have facilities in own home and the caregiver is not available to perform any other personal or household tasks while laundry is done.	Unmet	N/A	8
Client is >45 minutes from essential services (which means he/she lives more than 45 minutes one-way from a full-service market).	Unmet	N/A	5
	Met	N/A	0
	Partially met	<1/4 time	5
		between 1/4 to 1/2 time	4
		between 1/2 to 3/4 time	2
>3/4 time		2	
Wood supply used as sole source of heat.	Unmet	N/A	8
	Met	N/A	0
	Declines	N/A	0
	Partially met	<1/4 time	8
		between 1/4 to 1/2 time	6
		between 1/2 to 3/4 time	4
		>3/4 time	2

~~((5))~~ (7) In the case of New Freedom consumer directed services (NFCDS), the department determines hours as described in WAC ~~((388-106-1450))~~ 388-106-1445.

~~((6))~~ (8) The result of actions under subsections (2), (3), ~~((and))~~ (4), (5) and (6) is the maximum number of hours that can be used to develop your plan of care. The department must take into account cost effectiveness, client health and safety, and program limits in determining how hours can be used to meet your identified needs. In the case of New Freedom consumer directed services (NFCDS), a New Freedom spending plan (NFSP) is developed in place of a plan of care.

~~((7))~~ (9) You and your case manager will work to determine what services you choose to receive if you are eligible. The hours may be used to authorize:

- (a) Personal care services from a home care agency provider and/or an individual provider.
- (b) Home delivered meals (i.e. a half hour from the available hours for each meal authorized).
- (c) Adult day care (i.e. a half hour from the available hours for each hour of day care authorized).
- (d) A home health aide if you are eligible per WAC 388-106-0300 or 388-106-0500.
- (e) A private duty nurse (PDN) if you are eligible per WAC 388-71-0910 and 388-71-0915 or WAC 388-551-3000 (i.e. one hour from the available hours for each hour of PDN authorized).

(f) The purchase of New Freedom consumer directed services (NFCDS).

WSR 08-03-115
PERMANENT RULES
UNIVERSITY OF WASHINGTON

[Filed January 22, 2008, 2:10 p.m., effective February 22, 2008]

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

Purpose: To amend WAC 478-160-163 Waivers of tuition and fees, incorporating changes to waivers mandated by chapters 450 and 461, Laws of 2007. These amendments include: Addition of a new category of individuals eligible for University of Washington employee/Washington state employee tuition waivers under RCW 28B.15.558; and mandatory tuition waivers for children/spouses of combat troops who have been killed, became totally disabled, are missing in action or are being held as prisoners of war under RCW 28B.15.621. In addition, these rules revise the eligibility provisions for the veteran's tuition waiver to more closely resemble the statute's wording; and amend the wording of the waiver to include eligible veterans who have previously received an advanced degree at another institution, but who are now pursuing [pursuing] their first graduate or professional degree at the University of Washington.

Citation of Existing Rules Affected by this Order:
Amending WAC 478-160-163.

Statutory Authority for Adoption: RCW 28B.15.558, 28B.15.621, and 28B.20.130.

Adopted under notice filed as WSR 07-21-032 on October 9, 2007.

Changes Other than Editing from Proposed to Adopted Version: Amendments were made to WAC 478-160-163 (5)(a)(ii) to include eligible veterans who had previously received an advanced degree at another institution, but who are now pursuing [pursuing] their first graduate or professional degree at the University of Washington, to be eligible for the tuition waiver. In addition, the eligibility provisions for the veteran's tuition waiver were amended to more closely resemble the wording of the state's statute. This subsection now reads as follows:

"Full-time graduate or professional degree students, provided however, that the waiver may be applied only toward a single degree program at the University of Washington, and, provided further, that graduate and professional degree students who received a waiver authorized by RCW 28B.15.621 (2)(a) as undergraduates at the University of Washington shall not be eligible for this waiver.

To qualify an individual as an "eligible veteran or National Guard member," the person seeking the waiver must present proof of domicile in Washington state and a DD form 214 (Report of Separation) indicating their service as an active or reserve member of the United States military or naval forces, or a National Guard member called to active duty, who served in active federal service, under either Title 10 or 32 of the United States Code, in a war or conflict fought on foreign soil or in international waters or in another location in support of those serving on foreign soil or in international waters, and if discharged from services, has received an honorable discharge."

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 1, Repealed 0.

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

Date Adopted: January 22, 2008.

Rebecca Goodwin Deardorff
Director of Rules Coordination

AMENDATORY SECTION (Amending WSR 07-13-024, filed 6/11/07, effective 7/12/07)

WAC 478-160-163 Waivers of tuition and fees. (1) The board of regents is authorized to grant tuition and fee

waivers to students pursuant to RCW 28B.15.910 and the laws identified therein. (~~Each of these laws, with the exception of RCW 28B.15.543 and 28B.15.545,~~) A number of these statutes authorize(s), but (does) do not require, the board of regents to grant waivers for different categories of students and provides for waivers of different fees. For the waivers that are authorized but not required by state law, the board of regents must affirmatively act to implement the legislature's grant of authority under each individual law. A list of waivers that the board has implemented can be found in the *University of Washington General Catalog*, which is published biennially. The most recent list may be found in the online version of the *General Catalog* at www.washington.edu/students/reg/tuition_exempt_reductions.html.

(2) Even when it has decided to implement a permissive waiver listed in RCW 28B.15.910, the university, for specific reasons and a general need for flexibility in the management of its resources, may choose not to award waivers to all students who may be eligible under the terms of the laws. Where the university has chosen to impose specific limitations on a permissive waiver listed in RCW 28B.15.910, those limitations are delineated in subsection (5) of this section. If the university has not imposed specific limitations on a permissive waiver listed in RCW 28B.15.910, the waiver is not mentioned in subsection (5) of this section. The university's description of the factors it may consider to adjust a waiver program to meet emergent or changing needs is found in subsection (7) of this section. All permissive waivers are subject to subsection (7) of this section.

(3) The board of regents also has the authority under RCW 28B.15.915 to grant waivers of all or a portion of operating fees as defined in RCW 28B.15.031. Waiver programs adopted under RCW 28B.15.915 are described in the *General Catalog*. The most recent list may be found in the online version of the *General Catalog* at www.washington.edu/students/reg/tuition_exempt_reductions.html. Waivers granted under RCW 28B.15.915 are subject to subsection (7) of this section.

(4) Waivers will not be awarded to students participating in self-sustaining courses or programs because they do not pay "tuition," "operating fees," "services and activities fees," or "technology fees" as defined in RCW 28B.15.020, 28B.15.031, 28B.15.041, or 28B.15.051, respectively.

(5) Specific limitations on waivers are as follows:

(a) Waivers authorized by RCW 28B.15.621 (2)(a) for eligible veterans and National Guard members, shall be awarded only to:

(i) Undergraduate students pursuing their first bachelor's degree to a maximum of 225 college-level credits, including credits transferred from other institutions of higher education; and

(ii) Full-time graduate or professional degree students (~~pursuing their first advanced degree (including advanced degrees earned at other institutions)~~), provided however, that the waiver may be applied only toward a single degree program at the University of Washington, and, provided further, that graduate and professional degree students who received a waiver authorized by RCW 28B.15.621 (2)(a) as undergraduates at ((any Washington state institution of higher edu-

ation)) the University of Washington shall not be eligible for this waiver.

To qualify an individual as an "eligible veteran or National Guard member," the person seeking the waiver must present proof of domicile in Washington state and a DD form 214 (Report of Separation) indicating their service as an active or reserve member of the United States military or naval forces, or a National Guard member called to active duty, who served in active federal service, under either Title 10 or Title 32 of the United States Code, in a war or conflict fought on foreign soil or in international waters or in another location in support of those serving on foreign soil or in international waters, and if discharged from services, has received an honorable discharge.

~~(b) ((Waivers authorized by RCW 28B.15.621 (2)(b) and (e) for children or spouses of eligible veterans and National Guard members who became totally disabled, or lost their lives, while engaged in active federal military or naval service, or who are prisoners of war or missing in action, shall be awarded only to:~~

~~(i) Undergraduate students pursuing their first bachelor's degree to a maximum of 225 college-level credits, including credits transferred from other institutions of higher education; and~~

~~(ii) Full-time graduate or professional degree students pursuing their first advanced degree (including advanced degrees earned at other institutions), provided however, that graduate and professional degree students who received a waiver authorized by RCW 28B.15.621 (2)(b) or (e) as undergraduates at any Washington state institution of higher education shall not be eligible for this waiver.~~

~~(e))~~ Waivers of nonresident tuition authorized by RCW 28B.15.014 for university faculty and classified or professional staff shall be restricted to four consecutive quarters from their date of employment with the University of Washington. The recipient of the waiver must be employed by the first day of the quarter for which the waiver is awarded. Waivers awarded to immigrant refugees, or the spouses or dependent children of such refugees, shall be restricted to persons who reside in Washington state and to four consecutive quarters from their arrival in Washington state.

~~((d))~~ ~~(c)~~ Waivers authorized by RCW 28B.15.380 for children of police officers or fire fighters who are deceased or permanently disabled, shall be awarded only to undergraduate students pursuing their first bachelor's degree to a maximum of 225 college-level credits, including credits transferred from other institutions of higher education.

~~((e))~~ ~~(d)~~ Waivers authorized by RCW 28B.15.558 shall be awarded only to:

(i) University of Washington employees who are employed half-time or more, hold qualifying appointments as of the first day of the quarter for which the waivers are requested, are paid monthly, and, for classified staff new to the university, have completed their probationary periods prior to the first day of the quarter; or

(ii) State of Washington permanent employees who are employed half-time or more, are not University of Washington permanent classified employees, are permanent classified or exempt technical college paraprofessional employees, or are permanent faculty members, counselors, librarians or

exempt employees at other state of Washington public higher education institutions; or

(iii) Teachers and other certificated instructional staff employed at public common and vocational schools, holding or seeking a valid endorsement and assignment in a state-identified shortage area.

~~(6) ((To qualify an individual as an "eligible veteran or National Guard member," the person seeking the waiver must present proof of domicile in Washington state and a DD form 214 (Report of Separation) indicating their service related to specific United States military operations or campaigns fought on foreign soil or in international waters.))~~ Waivers mandated by RCW 28B.15.621(4), as amended by section 1, chapter 450, Laws of 2007, for children and spouses or surviving spouses of eligible veterans and National Guard members who became totally disabled, or lost their lives, while engaged in active federal military or naval service, or who are prisoners of war or missing in action, shall be awarded in accordance with, and subject to the limitations set forth in state law.

(7) The university may modify its restrictions or requirements pursuant to changes in state or federal law, changes in programmatic requirements, or in response to financial or other considerations, which may include, but are not limited to, the need to adopt fiscally responsible budgets, the management of the overall levels and mix of enrollments, management initiatives to modify enrollment demand for specific programs and management decisions to eliminate or modify academic programs. The university may choose not to exercise the full funding authority granted under RCW 28B.15.910 and may limit the total funding available under RCW 28B.15.915.

WSR 08-03-116

PERMANENT RULES

OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

[Filed January 22, 2008, 2:30 p.m., effective February 22, 2008]

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

Purpose: To establish rules governing eligibility criteria; priority consideration; limits on the number of enrollments for a business or an owner; and a lifetime cap on the total principal amount that a business owner may enroll in the linked deposit program.

Citation of Existing Rules Affected by this Order: Amending chapters 326-02 and 326-20 WAC.

Statutory Authority for Adoption: RCW 39.19.030.

Other Authority: RCW 43.86A.060 (sections 1 and 2, chapter 500, Laws of 2007).

Adopted under notice filed as WSR 07-17-184 on August 22, 2007.

Changes Other than Editing from Proposed to Adopted Version: In subsection (3) of WAC 326-70-035, the total principal amount of qualified loans that an owner could enroll in the program is reduced from \$10 million in the proposed version to \$5 million in the adopted version.

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 1, Amended 2, 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 0, Repealed 0.

Date Adopted: January 15, 2008.

Cynthia Cooper
Director

NEW SECTION

WAC 326-70-010 Linked deposit program—Purpose and intent. The purpose of this program is to facilitate access to capital for minority and women's business enterprises certified under chapter 39.19 RCW. The intent of these rules is to increase the number of minority and women business owners participating in the program and decrease the wait period between enrollment approval and funding.

[NEW SECTION]

WAC 326-70-020 Definitions. The following words and terms have specific meaning as used in this chapter which may be different from their meaning elsewhere in this title.

(1) "Business" means an entity that is certified as a MBE, WBE, MWBE or CBE under chapter 39.19 RCW.

(2) "Office" means the Washington State Office of Minority and Women's Business Enterprises (OMWBE).

(3) "Owner" means any person(s) holding a majority ownership interest in a business certified under chapter 39.19 RCW.

(4) "Person" means one or more individuals, partnerships, associations, organizations, corporations, cooperatives, limited liability companies, legal representatives, trustees and receivers, or any group of persons.

(5) "Principal Amount" means the amount of the loan as of the time the loan is initiated (not its declining balance from time to time).

(6) "Program" means the Linked Deposit Program authorized under RCW 43.86A.060.

(7) "Treasurer" means the Office of the State Treasurer.

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

[NEW SECTION]

WAC 326-70-035 Loan and enrollment limits. (1) The total principal amount of a single qualified loan shall not exceed one million dollars.

(2) The total principal amount of qualified loans under the program that any one business may receive over the lifetime of the business shall not exceed \$5,000,000.00.

(3) The total principal amount of qualified loans that an owner of one or more businesses may enroll in the program during her/his lifetime shall be \$5,000,000.00.

(4) The number of qualified loans that any one business may enroll in the program over the lifetime of the business shall not be limited: PROVIDED, That a statement regarding the number of full-time or part-time jobs to be created or saved by each new enrollment is filed with the office at the time of enrollment.

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

[NEW SECTION]

WAC 326-70-040 Funding eligibility. All qualified public depositories desiring to enroll a qualified loan in the Linked Deposit Program shall complete and submit a loan enrollment form to the office for approval. The loan must be to a business certified under chapter 39.19 RCW and the form must be signed by the owner having the majority ownership interest in the business. The office shall review all forms received by the twenty-fifth day of each calendar month and forward a list of approved enrollments to the treasurer by the fifth working day of the following month.

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

[NEW SECTION]

WAC 326-70-050 Funding priority—Established. Funding shall occur on a monthly basis as funds are available. First-time enrollments must be first to receive funding in the month they are approved. If available funds are insufficient to cover the remaining enrollments in a given month, the unfunded enrollments must be first to receive funding in the subsequent month. First-time enrollments in that month will be funded following the funding of enrollments brought forward from the previous month(s). See illustration below.

Loan Application		Funded?			
Loan ID	First Loan?	Dec. 07	Jan. 08	Feb. 08	Mar. 08
D-1	Y	Y			
D-2	Y	Y			
D-3	N	Y			
D-4	N	N	Y		
D-5	N	N	N	Y	
D-6	N	N	N	N	Y
J-1	Y	—	N	N	Y
J-2	N	—	N	N	N
J-3	N	—	N	N	N
F-1	Y	—	—	N	Y
F-2	Y	—	—	N	Y
F-3	N	—	—	N	N
F-4	N	—	—	N	N

Loan Application		Funded?			
Loan ID	First Loan?	Dec. 07	Jan. 08	Feb. 08	Mar. 08
M-1	Y	—	—	—	N
M-2	N	—	—	—	N

Note: In the Loan ID column, the alpha character identifies the month in which the enrollment was approved. After three months on the list, unfunded enrollments (other than first-timers) will be funded in alternating order with first-time enrollments. First-timers that are unfunded after six months will be given priority and not subjected to alternating. (See WAC 326-70-060)

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

[NEW SECTION]

WAC 326-70-060 Funding priority—Adjusted. (a) Approved but unfunded enrollments on the effective date of these rules shall be funded prior to enrollments approved after the effective date of these rules.

(b) The funding list will be reviewed and updated each month in a manner that maintains the priority of first-time enrollments for the current month while providing funding for others that have been unfunded for at least three months.

(c) When a first-time enrollment remains unfunded after six months due to lack of available funds, it must be funded with available funds before all other enrollments.

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

[NEW SECTION]

WAC 326-70-065 Accountability. Qualified public depositories shall report current loan balances each month on all loans to the Treasurer.

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

[NEW SECTION]

WAC 326-70-070 Applicability of rules. This chapter shall apply to all enrollment requests to the Linked Deposit Program: PROVIDED, That sections 326-70-050 and 326-70-060 shall apply only to enrollments approved after the effective date of the rules' adoption. Enrollments received prior to the effective date of the rule shall be funded in the order received, subject to availability of funds.

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

AMENDATORY SECTION (Amending WSR 04-08-093 [92-11-007], filed 4/6/04 [5/11/92], effective 5/7/04 [6/11/92])

WAC 326-02-020 Applicability. Title 326 applies to all applications for certification, the Linked Deposit Program, and to all public works and procurement by state agencies and educational institutions: ~~((Provided))~~ PROVIDED, That this title does not apply where it is found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state. In such a case, the con-

flicting portions of this chapter are inoperative solely to the extent of the conflict and with respect to the agencies directly affected.

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

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending WSR 92-11-007 [04-08-093], filed 5/11/92 [4/6/04], effective 6/11/92 [5/7/04])

WAC 326-20-180 Effect of certification. Certification by OMWBE under the state program shall have the following effects:

(3) Certification as a minority business enterprise (MBE), minority woman business enterprise (MWBE), women's business enterprise (WBE), or combination business enterprise (CBE) satisfies the threshold requirement for a qualifying loan under RCW 43.86A.060 (2)(c).

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

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 08-03-120
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed January 22, 2008, 3:24 p.m., effective March 1, 2008]

Effective Date of Rule: March 1, 2008.

Purpose: The purpose of this rule making is to correct inconsistency between the factory assembled structure (FAS) statute and rules. RCW 43.22.435 (2)(a) outlines the information that is needed before the department can issue a "notice of correction." This requirement was also adopted into WAC 296-150M-0815, however, the rules refer to the "notice of correction" as a "notice of infraction." The rule making will amend the rules to be consistent with the FAS statute.

Citation of Existing Rules Affected by this Order: Amending WAC 296-150M-0815.

Statutory Authority for Adoption: Chapter 43.22 RCW. Adopted under notice filed as WSR 07-22-099 on November 6, 2007.

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: January 22, 2008.

Judy Schurke
Director

AMENDATORY SECTION (Amending WSR 03-12-044, filed 5/30/03, effective 5/30/03)

WAC 296-150M-0815 What information must be included in a notice of ((infraction)) correction? When a contractor violates chapter 43.22 RCW, the department may issue a notice of ((infraction)) correction which must contain the following:

- (1) A description of the violation;
- (2) A statement of what is required to correct the violation;
- (3) The date by which the department requires corrections to be achieved; and
- (4) Notice of the individual or department office that must be contacted to obtain a permit or other compliance information.

**WSR 08-03-126
PERMANENT RULES
OFFICE OF
INSURANCE COMMISSIONER**

[Insurance Commissioner Matter No. R 2007-14—Filed January 23, 2008,
7:39 a.m., effective February 23, 2008]

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

Purpose: The purpose of this rule-making order is to amend WAC 284-52-070 to eliminate the permitted exclusion for "mental or emotional disorders." Mental health parity laws enacted during the 2006 legislative session prohibit exclusions for mental health coverage. This rule making will eliminate the conflict between the prior rule (WAC 284-52-070) and the mental health parity laws that are effective January 1, 2008 (RCW 48.20.580, 48.44.341, and 48.46.291).

Citation of Existing Rules Affected by this Order: Amending WAC 284-52-070.

Statutory Authority for Adoption: RCW 48.02.060, 48.44.050, and 48.46.200.

Adopted under notice filed as WSR 07-21-137 on October 24, 2007.

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: January 23, 2008.

Mike Kreidler
Insurance Commissioner

AMENDATORY SECTION (Amending Order R 84-4, filed 9/19/84)

WAC 284-52-070 Exclusions. No policy or contract set forth in WAC 284-52-040, 284-52-050, and 284-52-060 may exclude coverage by type of illness, injury, accident, treatment, or medical condition, except with respect to the following:

- (1) ~~((Mental or emotional disorders,))~~ Alcoholism and drug addiction.
- (2) Pregnancy, except for complications of pregnancy.
- (3) Illness, treatment or medical condition arising out of:
 - (a) War or act of war (whether declared or undeclared); participation in a felony, riot or insurrection; service in the armed forces or units auxiliary thereto.
 - (b) Suicide (sane or insane), attempted suicide or intentionally self-inflicted injury.
 - (c) Aviation.
 - (4) Cosmetic surgery, except that "cosmetic surgery" shall not include reconstructive surgery when such service is incidental to or follows covered surgery resulting from trauma, infection or other diseases of the involved part, reconstructive breast surgery covered pursuant to RCW 48.20.395, 48.21.230, 48.44.330 and 48.46.280, and reconstructive surgery because of congenital disease or anomaly of a covered dependent child which has resulted in a functional defect.
 - (5) Foot care in connection with corns, calluses, flat feet, fallen arches, weak feet, or chronic foot strain.
 - (6) Treatment (except emergency treatment for which legal liability exists to the covered person for the costs thereof) provided in a government hospital; benefits provided under Medicare or other governmental program (except Medicaid), any state or federal worker's compensation, employer's liability or occupational disease law; service rendered by employees of hospitals, laboratories or other institutions; services performed by a member of the covered person's immediate family and services for which no charge is normally made in the absence of insurance.
 - (7) Dental care or treatment.
 - (8) Eye glasses, hearing aids, and examination for the prescription or fitting thereof.
 - (9) Rest cures, custodial care, transportation, and routine physical examinations.
 - (10) Territorial limitations.

(11) Other exclusions commonly used by the particular carrier in group contracts providing hospital or medical benefits to employee groups.

WSR 08-03-127
PERMANENT RULES
OFFICE OF
INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2007-13—Filed January 23, 2008,
7:40 a.m., effective February 23, 2008]

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

Purpose: Technical correction to WAC 284-23-220. WAC 284-23-220 was adopted in January of 1980. The current version of the referenced NAIC Buyer's Guide no longer contains an explanation of cost indexes. After deleting subsection (6)(h), WAC 284-23-220 will be consistent with the current version of the NAIC Buyer's Guide.

Citation of Existing Rules Affected by this Order: Amending WAC 284-23-220.

Statutory Authority for Adoption: RCW 48.02.060, 48.44.050, and 48.46.200.

Adopted under notice filed as WSR 07-21-136 on October 24, 2007.

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: January 23, 2008.

Mike Kreidler
Insurance Commissioner

AMENDATORY SECTION (Amending Matter No. R 97-04, filed 5/6/98, effective 6/6/98)

WAC 284-23-220 Definitions. For the purposes of this regulation, the following definitions shall apply:

(1) "*Buyer's Guide*" is a document that contains, and is limited to, the current buyer's guide, which has been recommended for use by the National Association of Insurance Commissioners. A company must use the current *Buyer's Guide* no later than six months after approval by the National Association of Insurance Commissioners.

(2) Cost comparison indexes:

(a) "Surrender cost comparison index—Guaranteed basis" is calculated by applying the following steps:

(i) Step one: Determine the guaranteed cash surrender value, if any, available at the end of the tenth and twentieth policy years.

(ii) Step two: Divide the result of step one by an interest factor that converts it into one equivalent level annual amount that, if paid at the beginning of each year, would accrue to the values in step one over the respective periods stipulated in step one. If the period is ten years, the factor is 13.207 and if the period is twenty years, the factor is 34.719.

(iii) Step three: Determine the equivalent guaranteed level premium by accumulating each guaranteed annual premium payable for the basic policy or rider at five percent interest compounded annually to the end of the period stipulated in step one and dividing the result by the respective factors stated in step two. (This amount is the guaranteed annual premium payable for a level premium plan.)

(iv) Step four: Subtract the result of step two from step three.

(v) Step five: Divide the result of step four by the number of thousands of the equivalent guaranteed level death benefit, using the company's guaranteed rate schedule to determine the amount payable upon death for purposes of subsection (3) of this section, to arrive at the "surrender cost comparison index—Guaranteed basis."

(b) "Net payment cost comparison index—Guaranteed basis" is calculated in the same manner as the comparable "surrender cost comparison index—Guaranteed basis" except that the cash surrender value is set at zero.

(3) "Equivalent guaranteed level death benefit" of a policy or term life insurance rider is an amount calculated as follows:

(a) Step six: Accumulate the amount payable upon death, regardless of the cause of death, at the beginning of each policy year for ten and twenty years at five percent interest compounded annually to the end of the tenth and twentieth policy years respectively.

(b) Step seven: Divide each accumulation of step six by an interest factor that converts the accumulation into one equivalent level annual amount that, if paid at the beginning of each year, would accrue to the value in step six over the respective periods stipulated in step six. If the period is ten years, the factor is 13.207 and if the period is twenty years, the factor is 34.719.

(4) "Generic name" is a short title that is descriptive of the premium and benefit patterns of a policy or a rider.

(5) "Policy data" is a display or schedule of guaranteed numerical values for each policy year or a series of designated policy years of the following information: Premiums; death benefits; cash surrender values and endowment benefits.

(6) "Policy summary" is a written statement describing the elements of the policy including but not limited to:

(a) A prominently placed title as follows: Statement of policy cost and benefit information.

(b) The name and address of the insurance agent, or, if no agent is involved, a statement of the procedure to be followed in order to receive responses to inquiries regarding the policy summary.

(c) The full name and home office or administrative office address of the company in which the life insurance policy is to be or has been written.

(d) The generic name of the basic policy and each rider.

(e) The following amounts, where applicable, for the first five policy years and representative policy years thereafter sufficient to clearly illustrate the premium and benefit patterns, including, but not necessarily limited to, the years for which life insurance cost indexes are displayed and at least one age from sixty through sixty-five or maturity whichever is earlier:

(i) The guaranteed annual premium for the basic policy.

(ii) The guaranteed annual premium for each optional rider.

(iii) The guaranteed amount payable upon death, at the beginning of the policy year regardless of the cause of death other than suicide, or other specifically enumerated exclusions, which is provided by the basic policy and each optional rider, with benefits provided under the basic policy and each rider shown separately.

(iv) The guaranteed total cash surrender values at the end of the year with values shown separately for the basic policy and each rider.

(v) Any guaranteed endowment amounts payable under the policy which are not included under guaranteed cash surrender values above.

(f) The effective policy loan annual percentage interest rate, if the policy contains this provision, specifying whether this rate is applied in advance or in arrears. If the policy loan interest rate is adjustable, the policy summary shall also indicate that the annual percentage rate will be determined by the company in accordance with the provisions of the policy and the applicable law.

(g) Cost comparison indexes for ten and twenty years but in no case beyond the premium paying period. Separate indexes are displayed for the basic policy and for each optional term life insurance rider. The indexes need not be included for optional riders which are limited to benefits such as accidental death benefits, disability waiver of premium, preliminary term life insurance coverage of less than 12 months and guaranteed insurability benefits nor basic policies or optional riders covering more than one life.

(h) ~~(A statement in close proximity to the life insurance cost indexes as follows: An explanation of the intended use of these indexes is provided in the Buyer's Guide.~~

(i) The date on which the policy summary is prepared.

The policy summary must consist of a separate document. All information required to be disclosed must be set out in such a manner as to not minimize or render any portion obscure. Any amounts which remain level for two or more years of the policy may be represented by a single number if it is clearly indicated what amounts are applicable for each policy year. Amounts in item (e) of this section shall be listed in total, not on a per thousand nor per unit basis. If more than one insured is covered under one policy or rider, guaranteed death benefits shall be displayed separately for each insured or for each class of insureds if death benefits do not differ within the class. Zero amounts shall be displayed as zero and shall not be displayed as a blank space.

WSR 08-03-128
PERMANENT RULES
OFFICE OF

INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2007-12—Filed January 23, 2008, 7:42 a.m., effective February 23, 2008]

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

Purpose: Technical correction to WAC 284-24E-120 Medical malpractice data reporting.

Citation of Existing Rules Affected by this Order: Amending WAC 284-24E-120.

Statutory Authority for Adoption: RCW 48.02.060 and 48.140.060.

Adopted under notice filed as WSR 07-21-135 on October 24, 2007.

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: January 23, 2008.

Mike Kreidler
Insurance Commissioner

AMENDATORY SECTION (Amending Matter No. R 2006-02, filed 6/4/07, effective 7/22/07)

WAC 284-24E-120 How should information about the timing of the settlement be reported? Persons reporting claims must report whether the claim is settled:

(1) ~~((Before filing suit, requesting arbitration or mediation hearing;~~

~~(2)))~~ Before trial, arbitration or mediation;

~~((3)))~~ (2) During trial, arbitration or mediation;

~~((4)))~~ (3) After trial or hearing, but before judgment or award;

~~((5)))~~ (4) After judgment or decision, but before appeal;

~~((6)))~~ (5) During an appeal; or

~~((7)))~~ (6) After an appeal.