

WSR 09-11-008
PERMANENT RULES
OFFICE OF
FINANCIAL MANAGEMENT

[Filed May 7, 2009, 1:28 p.m., effective June 7, 2009]

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

Purpose: To establish official pay dates for state officers and employees for calendar year 2010.

Citation of Existing Rules Affected by this Order: Amending WAC 82-50-021.

Statutory Authority for Adoption: RCW 42.16.010(1) and 42.16.017.

Adopted under notice filed as WSR 09-05-020 on February 9, 2009.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: May 1, 2009.

Roselyn Marcus
Director of Legal Affairs
Rules Coordinator

AMENDATORY SECTION (Amending WSR 08-09-038, filed 4/9/08, effective 5/10/08)

WAC 82-50-021 Official lagged, semimonthly pay dates established. Unless exempted otherwise under the provisions of WAC 82-50-031, the salaries of all state officers and employees are paid on a lagged, semimonthly basis for the official twice-a-month pay periods established in RCW 42.16.010(1). The following are the official lagged, semimonthly pay dates for calendar years ((2008 and)) 2009 and 2010:

((CALENDAR YEAR 2008
Thursday, January 10, 2008
Friday, January 25, 2008
Monday, February 11, 2008
Monday, February 25, 2008
Monday, March 10, 2008
Tuesday, March 25, 2008
Thursday, April 10, 2008
Friday, April 25, 2008
Friday, May 9, 2008
Friday, May 23, 2008
Tuesday, June 10, 2008

CALENDAR YEAR 2009
Friday, January 9, 2009
Monday, January 26, 2009
Tuesday, February 10, 2009
Wednesday, February 25, 2009
Tuesday, March 10, 2009
Wednesday, March 25, 2009
Friday, April 10, 2009
Friday, April 24, 2009
Monday, May 11, 2009
Friday, May 22, 2009
Wednesday, June 10, 2009

((CALENDAR YEAR 2008
Wednesday, June 25, 2008
Thursday, July 10, 2008
Friday, July 25, 2008
Monday, August 11, 2008
Monday, August 25, 2008
Wednesday, September 10, 2008
Thursday, September 25, 2008
Friday, October 10, 2008
Friday, October 24, 2008
Monday, November 10, 2008
Tuesday, November 25, 2008
Wednesday, December 10, 2008
Wednesday, December 24, 2008

CALENDAR YEAR 2009
Thursday, June 25, 2009
Friday, July 10, 2009
Friday, July 24, 2009
Monday, August 10, 2009
Tuesday, August 25, 2009
Thursday, September 10, 2009
Friday, September 25, 2009
Friday, October 9, 2009
Monday, October 26, 2009
Tuesday, November 10, 2009
Wednesday, November 25, 2009
Thursday, December 10, 2009
Thursday, December 24, 2009))

CALENDAR YEAR 2009
Friday, January 9, 2009
Monday, January 26, 2009
Tuesday, February 10, 2009
Wednesday, February 25, 2009
Tuesday, March 10, 2009
Wednesday, March 25, 2009
Friday, April 10, 2009
Friday, April 24, 2009
Monday, May 11, 2009
Friday, May 22, 2009
Wednesday, June 10, 2009
Thursday, June 25, 2009
Friday, July 10, 2009
Friday, July 24, 2009
Monday, August 10, 2009
Tuesday, August 25, 2009
Thursday, September 10, 2009
Friday, September 25, 2009
Friday, October 9, 2009
Monday, October 26, 2009
Tuesday, November 10, 2009
Wednesday, November 25, 2009
Thursday, December 10, 2009
Thursday, December 24, 2009

CALENDAR YEAR 2010
Monday, January 11, 2010
Monday, January 25, 2010
Wednesday, February 10, 2010
Thursday, February 25, 2010
Wednesday, March 10, 2010
Thursday, March 25, 2010
Friday, April 9, 2010
Monday, April 26, 2010
Monday, May 10, 2010
Tuesday, May 25, 2010
Thursday, June 10, 2010
Friday, June 25, 2010
Friday, July 9, 2010
Monday, July 26, 2010
Tuesday, August 10, 2010
Wednesday, August 25, 2010
Friday, September 10, 2010
Friday, September 24, 2010
Friday, October 8, 2010
Monday, October 25, 2010
Wednesday, November 10, 2010
Wednesday, November 24, 2010
Friday, December 10, 2010
Thursday, December 23, 2010

WSR 09-11-016
PERMANENT RULES
DEPARTMENT OF HEALTH

[Filed May 7, 2009, 5:31 p.m., effective June 7, 2009]

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

Purpose: The rule amends the continuing education (CE) requirements for massage practitioner license renewal. The rule adds an additional eight hours of CE every two years to the current sixteen required hours, for a total of twenty-four hours. The rule also establishes requirements for maintaining an inactive status and converting from inactive to active status. The rules will set the inactive credential fee.

Citation of Existing Rules Affected by this Order: Amending WAC 246-830-475 and 246-830-990.

Statutory Authority for Adoption: RCW 18.108.025, 18.108.125, and 43.70.250.

Adopted under notice filed as WSR 09-04-099 on February 4, 2009.

Changes Other than Editing from Proposed to Adopted Version: WAC 246-830-475 (2)(h) was amended to read as follows: "Active service on massage related boards or committees. A maximum of twelve hours is allowed per reporting period." The change clarifies the number of hours allowed for active service on a board or committee.

A final cost-benefit analysis is available by contacting Kris Waidely, P.O. Box 47867, Olympia, WA 98504-7867, phone (360) 236-4847, fax (360) 236-2901, e-mail kris.waidely@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 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 1, Amended 2, Repealed 0.

Date Adopted: May 7, 2009.

Mary C. Selecky
Secretary
Scott A. Miller
Board Chair

AMENDATORY SECTION (Amending WSR 95-11-108, filed 5/23/95, effective 6/23/95)

**WAC 246-830-475 (~~Qualification of program for~~)
Continuing education (~~credit~~) requirements. (~~Completion of a formal program of learning which serves to enhance the professional knowledge and development of the licensee shall qualify as continuing education credit.~~) (1) To renew a license, licensed massage practitioners must complete twenty-four hours of continuing education every two years.**

(a) A minimum of eight hours must be direct supervised massage skills training; and

(b) A minimum of four hours must be in professional ethics, communication, and/or Washington state massage laws and regulations. Two of these hours must include professional roles and boundaries; and

(c) The remaining twelve hours may be met by meeting the requirements in subsection (2) of this section.

(2) For the purposes of this chapter, (~~a formal program of learning shall be~~) continuing education is defined as any of the following activities that involve direct application of massage therapy knowledge, skills, and business practices:

~~((1)) (a) Attendance at a local, state, national, or international continuing education program (~~having a featured speaker~~);.~~

~~((2)) (b) First aid, CPR, or emergency related classes; (3) Viewing of educational video tapes not to exceed four credits;.~~

~~((4)) (c) Self study through the use of multimedia devices or the study of books, research materials, and/or other publications.~~

(i) Multimedia devices. The required documentation for this activity is a letter or other documentation from the organization. A maximum of twelve hours is allowed per reporting period.

(ii) Books, research materials, and/or other publications. The required documentation for this activity is a two-page synopsis of what was learned written by the licensee. A maximum of two hours is allowed per reporting period.

(d) Teaching a (~~seminar~~) course for the first time, not to exceed eight hours(;).

~~((5)) (e) Business and management courses not to exceed (~~six~~) eight hours(;).~~

~~((6)) (f) Specialized training (~~in an aspect of massage therapy~~). Training must be provided for a fee by an individual who has no less than three years of expertise in that area(; has been licensed in this state for no less than three years, and who charges a fee;~~

~~(7) Courses from a state, county, or city school or program or approved massage school, program, or apprenticeship trainer in massage therapy or related topics; or~~

~~(8) Training provided by a health care professional certified or licensed in their area of expertise).~~

(g) Distance learning. Distance learning includes, but is not limited to, correspondence course, webinar, print, audio/video broadcasting, audio/video teleconferencing, computer aided instruction, e-learning/on-line-learning, or computer broadcasting/webcasting. A maximum of twelve hours is allowed per reporting period.

(h) Active service on massage related boards or committees. A maximum of twelve hours is allowed per reporting period.

NEW SECTION

WAC 246-830-477 Inactive credential. (1) A licensed massage practitioner may obtain an inactive credential.

(2) Licensed massage practitioners with an inactive credential for four years or less who wish to return to active status must meet the requirements of chapter 246-12 WAC, Part 4.

(3) Licensed massage practitioners with an inactive credential for more than four years but less than ten years who wish to return to active status must:

(a) Successfully pass a Washington state approved licensure exam;

(b) Complete continuing education for the two most recent years as specified in WAC 246-830-475; and

(c) Complete the requirements of chapter 246-12 WAC, Part 4.

(4) Licensed massage practitioners with an inactive credential for more than ten years must:

WSR 09-11-018
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed May 8, 2009, 11:37 a.m., effective June 8, 2009]

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

Purpose: WAC 392-122-420 through 392-122-426, Full-day kindergarten program—Authority, Full-day kindergarten program—Definitions, Full-day kindergarten program—Applicable provisions, Full-day kindergarten program—Determination of eligibility, Full-day kindergarten program—Applications and approvals, Full-day kindergarten program—Subsequent determination of eligible schools, Full-day kindergarten program—Apportionment of state moneys.

Citation of Existing Rules Affected by this Order: Amending [new sections] WAC 392-122-420 - 392-122-426.

Statutory Authority for Adoption: RCW 28A.150.290.

Adopted under notice filed as WSR 09-07-020 on March 6, 2009.

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 7, 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: May 8, 2009.

Randy I. Dorn
 Superintendent of
 Public Instruction

Chapter 392-122 WAC

FINANCE—CATEGORICAL APPORTIONMENT

NEW SECTION

WAC 392-122-420 Full-day kindergarten program—Authority. The authority for WAC 392-122-420 through 392-122-426 is:

- (1) RCW 28A.150.290(1);
- (2) RCW 28A.150.315; and
- (3) RCW 28A.150.370.

NEW SECTION

WAC 392-122-421 Full-day kindergarten program—Definitions. As used in WAC 392-122-420 through 392-122-426, the following definitions shall apply:

(a) Successfully pass a Washington state approved licensure exam;

(b) Complete continuing education for the two most recent years as specified in WAC 246-830-475;

(c) Successfully complete a refresher course of at least fifty hours by a Washington state board approved massage school or massage apprenticeship program; and

(d) Complete the requirements of chapter 246-12 WAC, Part 4.

(5) Licensed massage practitioners with a Washington state inactive credential who have been in active practice in another United States jurisdiction, and who wish to return to active status must:

(a) Submit verification of active credential from any other United States jurisdiction;

(b) Complete continuing education for the two most recent years as specified in WAC 246-830-475; and

(c) Complete the requirements of chapter 246-12 WAC, Part 4.

AMENDATORY SECTION (Amending WSR 08-15-014, filed 7/7/08, effective 7/7/08)

WAC 246-830-990 Massage fees and renewal cycle.

(1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Written examination and reexamination	\$65.00
Practical examination and reexamination	50.00
Initial license	90.00
Renewal	65.00
Late renewal penalty	50.00
Expired license reissuance	50.00
<u>Inactive license renewal</u>	<u>50.00</u>
<u>Expired inactive license reissuance</u>	<u>50.00</u>
Certification of license	10.00
Duplicate license	10.00
Intraoral massage endorsement	25.00
UW library access fee	25.00

(1) Full-day kindergarten (FDK) means an approved program that is eligible for state-funded full-day kindergarten program as provided for in the annual state operating budget;

(2) Full-time equivalent (FTE) has the same meaning as defined in WAC 392-121-122 (1)(a);

(3) "Poverty percentage" means the percentage of a school building's students who are eligible for the federal free and reduced price lunch (FRPL) as reported to OSPI for the prior school year October reporting.

NEW SECTION

WAC 392-122-422 Full-day kindergarten program—Applicable provisions. The following sections of this chapter are applicable to the distribution of state moneys for the full-day kindergarten program: WAC 392-122-420 through 392-122-426.

NEW SECTION

WAC 392-122-423 Full-day kindergarten program—Determination of eligibility. Determination for eligibility for full-day kindergarten programs is based on an individual school's poverty percentage from the prior school year.

(1) By June 1st each year the superintendent of public instruction shall develop and publish an eligibility list for FDK for the subsequent school year, pursuant to the legislative limitation parameters in the annual budget bill to include the specified percentage of kindergarten students to be served; which shall be further limited to the estimated annual funding for the full-day kindergarten program, as provided for in the state Operating Appropriations Act.

(2) Poverty percentage is determined as the higher of the following items as reported for October of the previous year:

(a) FRPL reported to child nutritional services at the superintendent of public instruction; or

(b) FRPL reported in the core student records system; or

(c) The percentage of students who qualify as a low-income student based on information provided by the school district that satisfies the requirements established in WAC 392-100-101(2) for those school districts that do not participate in the National School Lunch Program.

(3) Funding amounts per school shall be calculated in accordance with the state Operating Appropriations Act and WAC 392-121-400.

(4) School districts shall receive funding for eligible schools as follows:

(a) For September through December the additional FDK funding amount shall be calculated based upon one-half of the projected FDK enrollment submitted in the annual approved application.

(b) Commencing with the January payment funding shall be based upon the year-to-date (YTD) average FDK enrollment reported by the district less one-half of the YTD average FDK reported headcount.

(c) The remaining one-half of the YTD average FDK reported headcount will be paid under guaranteed entitlement funding on the Report 1191.

NEW SECTION

WAC 392-122-424 Full-day kindergarten program—Applications and approvals. Eligible schools shall submit an application to the superintendent of public instruction. This application must include the following:

(1) Assurances that the school shall comply with all program requirements outlined in RCW 28A.150.315(1);

(2) Assurances that the district can provide the full-day kindergarten program for all children of parents who request it in each eligible school for which the district is including in their application (ref: Section 511(14), chapter 329, Laws of 2008);

(3) A projected estimate of full-day kindergarten enrollment for each applicant school for the application year; and

(4) Any other requirements as established by the office of superintendent of public instruction.

The eligibility for FDK is determined based upon an individual building's student poverty and may not transfer to other buildings or students within the district.

NEW SECTION

WAC 392-122-425 Full-day kindergarten program—Subsequent determination of eligible schools. After consideration of the funding requirement of all submitted applications, the school projected FTE and subject to the amount of remaining funding available, the office of superintendent of public instruction may publish a subsequent list of additional eligible schools that may apply for the FDK program. Eligibility on this list shall be ranked in order of decreasing poverty percentage, in the manner outlined in WAC 392-122-423.

Upon program approval for the full-day kindergarten program, a school shall remain eligible for funding in subsequent school years regardless of changes in the school's percentage of students eligible for FRPL as long as all other program requirements are fulfilled.

NEW SECTION

WAC 392-122-426 Full-day kindergarten program—Apportionment of state moneys. Apportionment of state moneys for full-day kindergarten will be conducted in a manner prescribed by WAC 392-121-400.

WSR 09-11-053

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed May 13, 2009, 1:14 p.m., effective June 13, 2009]

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

Purpose: Effective July 1, 2008, the department emergency adopted the 17 CARE level payment system replacing the 12 level payment system. The purpose of this rule making is to permanently adopt the rates of the 17 CARE level payment system; and to clarify that when a client currently

receiving bed hold assistance returns to the facility, the client must be in residence for twenty-four hours before a departure will result in a new bed hold sequence. If the client leaves before the expiration of twenty-four hours, then the bed hold sequence on which the client's bed was held when the client returned will continue.

Citation of Existing Rules Affected by this Order: Amending WAC 388-105-0005 and 388-105-0045.

Statutory Authority for Adoption: RCW 74.39A.030 (3)(a).

Adopted under notice filed as WSR 09-04-065 on February 2, 2009; and WSR 09-06-050 on February 25, 2009.

Changes Other than Editing from Proposed to Adopted Version: This permanent adoption reflects the version of the rules proposed on the original CR-102 (WSR 09-04-065) in order to permanently adopt the rates currently effective under emergency rule (WSR 09-06-032). The 2009 legislature directed the department to adopt new rates effective July 1, 2009, which the department will implement via a new emergency rule and a new permanent rule process later this year.

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 2, Repealed 0.

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

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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: May 8, 2009.

Stephanie E. Schiller
Rules Coordinator

AMENDATORY SECTION (Amending WSR 06-19-017, filed 9/8/06, effective 10/9/06)

WAC 388-105-0005 The daily medicaid payment rates for clients assessed using the comprehensive assessment reporting evaluation (CARE) tool and that reside in adult family homes (AFH) and boarding homes contracted to provide assisted living (AL), adult residential care (ARC), and enhanced adult residential care (EARC) services. For contracted AFH and boarding homes contracted to provide AL, ARC, and EARC services, the department pays the following daily rates for care of a Medicaid resident:

COMMUNITY RESIDENTIAL DAILY RATES FOR CLIENTS ASSESSED USING CARE KING COUNTY								
CARE CLASSIFICATION	AL Without Capital		ARC		EARC		AFH	
	Add-on	AL With Capital Add-on						
A Low ((1))	\$(65.30) <u>69.22</u>	\$(70.41) <u>74.64</u>	\$(46.18) <u>48.95</u>	\$(46.18) <u>48.95</u>	\$(46.82) <u>48.32</u>			
A Med ((2))	\$(70.74) <u>74.95</u>	\$(75.82) <u>80.37</u>	\$(52.40) <u>55.54</u>	\$(52.40) <u>55.54</u>	\$(53.13) <u>54.83</u>			
A High ((3))	\$(79.34) <u>84.10</u>	\$(84.45) <u>89.52</u>	\$(66.92) <u>61.00</u>	\$(66.92) <u>61.00</u>	\$(59.45) <u>61.35</u>			
B Low ((4))	\$(65.30) <u>69.22</u>	\$(70.41) <u>74.64</u>	\$(46.18) <u>48.95</u>	\$(46.18) <u>48.95</u>	\$(46.82) <u>48.56</u>			
B Med ((5))	\$(72.87) <u>77.24</u>	\$(77.98) <u>82.66</u>	\$(58.62) <u>62.14</u>	\$(58.62) <u>62.14</u>	\$(59.45) <u>61.66</u>			
<u>B Med-High</u>	<u>\$87.48</u>	<u>\$92.90</u>	<u>\$66.07</u>	<u>\$66.07</u>	<u>\$66.06</u>			
B High ((6))	\$(86.88) <u>92.09</u>	\$(91.99) <u>97.51</u>	\$(75.23) <u>75.53</u>	\$(75.23) <u>75.53</u>	\$(67.85) <u>75.53</u>			
C Low ((7))	\$(70.74) <u>74.95</u>	\$(75.82) <u>80.37</u>	\$(52.40) <u>55.54</u>	\$(52.40) <u>55.54</u>	\$(53.13) <u>54.83</u>			
C Med ((8))	\$(79.34) <u>84.10</u>	\$(84.45) <u>89.52</u>	\$(66.92) <u>69.72</u>	\$(66.92) <u>69.72</u>	\$(67.85) <u>70.02</u>			
C ((High-9)) <u>Med-High</u>	\$(98.77) <u>104.70</u>	\$(103.88) <u>110.12</u>	\$(87.68) <u>92.94</u>	\$(87.68) <u>92.94</u>	\$(88.89) <u>91.73</u>			

<u>C High</u>	<u>\$105.74</u>	<u>\$111.16</u>	<u>\$93.82</u>	<u>\$93.82</u>	<u>\$93.01</u>
D Low ((+0))	\$((72.87)) <u>77.24</u>	\$((77.98)) <u>82.66</u>	\$((58.62)) <u>75.07</u>	\$((58.62)) <u>75.07</u>	\$((67.85)) <u>71.38</u>
D Med ((+1))	\$((79.34)) <u>85.82</u>	\$((84.45)) <u>91.24</u>	\$((66.92)) <u>86.98</u>	\$((66.92)) <u>86.98</u>	\$((76.28)) <u>87.36</u>
<u>D Med-High</u>	<u>\$110.98</u>	<u>\$116.40</u>	<u>\$110.61</u>	<u>\$110.61</u>	<u>\$105.12</u>
D High ((+2))	\$((98.77)) <u>119.59</u>	\$((103.88)) <u>125.01</u>	\$((87.68)) <u>119.59</u>	\$((87.68)) <u>119.59</u>	\$((88.89)) <u>119.69</u>
<u>E Med</u>	<u>\$144.53</u>	<u>\$149.95</u>	<u>\$144.53</u>	<u>\$144.53</u>	<u>\$144.63</u>
<u>E High</u>	<u>\$169.47</u>	<u>\$174.89</u>	<u>\$169.47</u>	<u>\$169.47</u>	<u>\$169.57</u>

COMMUNITY RESIDENTIAL DAILY RATES FOR CLIENTS ASSESSED USING CARE
METROPOLITAN COUNTIES*

CARE CLASSIFICATION	AL		ARC	EARC	AFH
	Without Capital Add-on	With Capital Add-on			
A Low ((+1))	\$((59.90)) <u>63.49</u>	\$((64.54)) <u>68.41</u>	\$((46.18)) <u>48.95</u>	\$((46.18)) <u>48.95</u>	\$((46.82)) <u>48.32</u>
A Med ((+2))	\$((63.15)) <u>66.94</u>	\$((67.79)) <u>71.86</u>	\$((50.32)) <u>53.34</u>	\$((50.32)) <u>53.34</u>	\$((51.03)) <u>52.66</u>
A High ((+3))	\$((77.18)) <u>81.81</u>	\$((81.82)) <u>86.73</u>	\$((63.81)) <u>58.17</u>	\$((63.81)) <u>58.17</u>	\$((56.28)) <u>58.08</u>
B Low ((+4))	\$((59.90)) <u>63.49</u>	\$((64.54)) <u>68.41</u>	\$((46.18)) <u>48.95</u>	\$((46.18)) <u>48.95</u>	\$((46.82)) <u>48.56</u>
B Med ((+5))	\$((68.54)) <u>72.65</u>	\$((73.18)) <u>77.57</u>	\$((55.51)) <u>58.84</u>	\$((55.51)) <u>58.84</u>	\$((56.28)) <u>58.37</u>
<u>B Med-High</u>	<u>\$82.29</u>	<u>\$87.21</u>	<u>\$62.57</u>	<u>\$62.57</u>	<u>\$62.60</u>
B High ((+6))	\$((84.73)) <u>89.81</u>	\$((89.37)) <u>94.73</u>	\$((71.08)) <u>73.40</u>	\$((71.08)) <u>73.40</u>	\$((64.70)) <u>73.40</u>
C Low ((+7))	\$((63.15)) <u>66.94</u>	\$((67.79)) <u>71.86</u>	\$((50.32)) <u>53.56</u>	\$((50.32)) <u>53.56</u>	\$((51.03)) <u>53.05</u>
C Med ((+8))	\$((77.18)) <u>81.81</u>	\$((81.82)) <u>86.73</u>	\$((63.81)) <u>68.82</u>	\$((63.81)) <u>68.82</u>	\$((64.70)) <u>68.31</u>
C ((High-9)) <u>Med-High</u>	\$((95.52)) <u>101.25</u>	\$((100.16)) <u>106.17</u>	\$((81.45)) <u>86.34</u>	\$((81.45)) <u>86.34</u>	\$((82.59)) <u>85.23</u>
<u>C High</u>	<u>\$102.26</u>	<u>\$107.18</u>	<u>\$91.84</u>	<u>\$91.84</u>	<u>\$90.43</u>
D Low ((+10))	\$((68.54)) <u>72.65</u>	\$((73.18)) <u>77.57</u>	\$((55.51)) <u>74.04</u>	\$((55.51)) <u>74.04</u>	\$((64.70)) <u>69.80</u>
D Med ((+11))	\$((77.18)) <u>83.48</u>	\$((81.82)) <u>88.40</u>	\$((63.81)) <u>85.24</u>	\$((63.81)) <u>85.24</u>	\$((72.06)) <u>85.01</u>
<u>D Med-High</u>	<u>\$107.33</u>	<u>\$112.25</u>	<u>\$107.87</u>	<u>\$107.87</u>	<u>\$101.92</u>
D High ((+12))	\$((95.52)) <u>116.30</u>	\$((100.16)) <u>121.22</u>	\$((81.45)) <u>116.30</u>	\$((81.45)) <u>116.30</u>	\$((82.59)) <u>115.79</u>
<u>E Med</u>	<u>\$140.04</u>	<u>\$144.96</u>	<u>\$140.04</u>	<u>\$140.04</u>	<u>\$139.53</u>

<u>E High</u>	<u>\$163.78</u>	<u>\$168.70</u>	<u>\$163.78</u>	<u>\$163.78</u>	<u>\$163.27</u>
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*Benton, Clark, Franklin, Island, Kitsap, Pierce, Snohomish, Spokane, Thurston, Whatcom, and Yakima counties.

COMMUNITY RESIDENTIAL DAILY RATES FOR CLIENTS ASSESSED USING CARE NONMETROPOLITAN COUNTIES**					
CARE CLASSIFICATION	AL Without Capital		ARC	EARC	AFH
	Add-on	AL With Capital Add-on			
A Low ((1))	\$(58.83) <u>62.36</u>	\$(63.77) <u>67.60</u>	\$(46.18) <u>48.95</u>	\$(46.18) <u>48.95</u>	\$(46.82) <u>48.32</u>
A Med ((2))	\$(63.15) <u>66.94</u>	\$(68.09) <u>72.18</u>	\$(49.29) <u>52.25</u>	\$(49.29) <u>52.25</u>	\$(49.98) <u>51.58</u>
A High ((3))	\$(77.18) <u>81.81</u>	\$(82.12) <u>87.05</u>	\$(62.78) <u>57.23</u>	\$(62.78) <u>57.23</u>	\$(55.24) <u>57.01</u>
B Low ((4))	\$(58.83) <u>62.36</u>	\$(63.77) <u>67.60</u>	\$(46.18) <u>48.95</u>	\$(46.18) <u>48.95</u>	\$(46.82) <u>48.56</u>
B Med ((5))	\$(68.54) <u>72.65</u>	\$(73.48) <u>77.89</u>	\$(54.48) <u>57.75</u>	\$(54.48) <u>57.75</u>	\$(55.24) <u>57.29</u>
<u>B Med-High</u>	<u>\$82.29</u>	<u>\$87.53</u>	<u>\$61.40</u>	<u>\$61.40</u>	<u>\$61.38</u>
B High ((6))	\$(84.73) <u>89.81</u>	\$(89.67) <u>95.05</u>	\$(69.00) <u>69.42</u>	\$(69.00) <u>69.42</u>	\$(63.66) <u>69.42</u>
C Low ((7))	\$(63.15) <u>66.94</u>	\$(68.09) <u>72.18</u>	\$(49.29) <u>52.25</u>	\$(49.29) <u>52.25</u>	\$(49.98) <u>51.58</u>
C Med ((8))	\$(77.18) <u>81.81</u>	\$(82.12) <u>87.05</u>	\$(62.78) <u>65.05</u>	\$(62.78) <u>65.05</u>	\$(63.66) <u>65.70</u>
C (High-9) <u>Med-High</u>	\$(95.52) <u>101.25</u>	\$(100.46) <u>106.49</u>	\$(78.34) <u>83.04</u>	\$(78.34) <u>83.04</u>	\$(79.44) <u>81.98</u>
<u>C High</u>	<u>\$102.26</u>	<u>\$107.50</u>	<u>\$86.81</u>	<u>\$86.81</u>	<u>\$85.52</u>
D Low ((10))	\$(68.54) <u>72.65</u>	\$(73.48) <u>77.89</u>	\$(54.48) <u>69.99</u>	\$(54.48) <u>69.99</u>	\$(63.66) <u>66.01</u>
D Med ((11))	\$(77.18) <u>83.48</u>	\$(82.12) <u>88.72</u>	\$(62.78) <u>80.57</u>	\$(62.78) <u>80.57</u>	\$(69.96) <u>80.39</u>
<u>D Med-High</u>	<u>\$107.33</u>	<u>\$112.57</u>	<u>\$101.96</u>	<u>\$101.96</u>	<u>\$96.37</u>
D High ((12))	\$(95.52) <u>109.93</u>	\$(100.46) <u>115.17</u>	\$(78.34) <u>109.93</u>	\$(78.34) <u>109.93</u>	\$(79.44) <u>109.48</u>
<u>E Med</u>	<u>\$132.36</u>	<u>\$137.60</u>	<u>\$132.36</u>	<u>\$132.36</u>	<u>\$131.92</u>
<u>E High</u>	<u>\$154.80</u>	<u>\$160.04</u>	<u>\$154.80</u>	<u>\$154.80</u>	<u>\$154.36</u>

** Nonmetropolitan counties: Adams, Asotin, Chelan, Clallam, Columbia, Cowlitz, Douglas, Ferry, Garfield, Grant, Grays Harbor, Jefferson, Kittitas, Klickitat, Lewis, Lincoln, Mason, Okanogan, Pacific, Pend Orielle, San Juan, Skagit, Skamania, Stevens, Wahkiakum, Walla Walla and Whitman.

AMENDATORY SECTION (Amending WSR 06-19-017, filed 9/8/06, effective 10/9/06)

WAC 388-105-0045 Bed or unit hold—Medicaid resident discharged for a hospital or nursing home stay from an adult family home (AFH) or a boarding home contracted to provide adult residential care (ARC), enhanced adult residential care (EARC), or assisted living services

(AL). (1) When an AFH, ARC, EARC, or AL contracts to provide services under chapter 74.39A RCW, the AFH, ARC, EARC, and AL contractor must hold a Medicaid eligible resident's bed or unit when:

(a) Short-term care is needed in a nursing home or hospital;

(b) The resident is likely to return to the AFH, ARC, EARC, or AL; and

(c) Payment is made under subsection (3) of this section.

(2)(a) When the department pays the contractor to hold the Medicaid resident's bed or unit during the resident's short-term nursing home or hospital stay, the contractor must hold the bed or unit for up to twenty days. If during the twenty day bed hold period, a department case manager determines that the Medicaid resident's hospital or nursing home stay is not short term and the Medicaid resident is unlikely to return to the AFH, ARC, EARC or AL facility, the department will cease paying for the bed hold the day the case manager notifies the contractor of his/her decision.

(b) A Medicaid resident's discharge from an AFH, ARC, EARC, or an AL facility for a short term stay in a nursing home or hospital must be longer than twenty-four hours before subsection (3) of WAC 388-105-0045 applies.

(c) When a Medicaid resident on bed hold leave returns to an AFH, ARC, EARC, or an AL facility but remains less than twenty-four hours, the bed hold leave on which the resident returned applies after the resident's discharge. A new bed hold leave will begin only when the returned resident has resided in the facility for more than twenty-four hours before the resident's next discharge.

(3) The department will compensate the contractor for holding the bed or unit for the:

(a) First through seventh day at seventy percent of the Medicaid daily rate paid for care of the resident before the hospital or nursing home stay; and

(b) Eighth through the twentieth day, at eleven dollars a day.

(4) The AFH, ARC, EARC, or AL facility may seek third-party payment to hold a bed or unit for twenty-one days or longer. The third-party payment shall not exceed the Medicaid daily rate paid to the facility for the resident. If third-party payment is not available and the returning Medicaid resident continues to meet the admission criteria under chapter 388-71 and/or 388-106 WAC, then the Medicaid resident may return to the first available and appropriate bed or unit.

(5) The department's social worker or case manager determines whether the:

(a) Stay in a nursing home or hospital will be short-term; and

(b) Resident is likely to return to the AFH, ARC, EARC, or AL facility.

(6) When the resident's stay in the hospital or nursing home exceeds twenty days or the department's social worker or case manager determines that the Medicaid resident's stay in the nursing home or hospital is not short-term and the resident is unlikely to return to the AFH, ARC, EARC, or AL facility, then only subsection (4) of this section applies to any private contractual arrangements that the contractor may make with a third party in regard to the discharged resident's unit or bed.

WSR 09-11-054

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed May 13, 2009, 1:19 p.m., effective June 13, 2009]

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

Purpose: These rules clarify existing language and remove certain limitations for the receipt of services under the individual and family services program.

Washington Administrative Code	Effect of Rule
388-832-0001 (amended)	Adds or amends definitions used in this chapter.
388-832-0005 (amended)	Reformats this section.
388-832-0007 (amended)	Removes unnecessary language.
388-832-0015 (amended)	Clarifies language.
388-832-0020 (amended)	Adds a cross-reference.
388-832-0022 (amended)	Clarifies the name of the assessment.
388-832-0023 (amended)	Adds a cross-reference.
388-832-0024 (amended)	Clarifies language.
388-832-0025 (amended)	Clarifies that a client cannot receive IFS and SSP for the same reason.
388-832-0060 (amended)	Clarifies language.
388-832-0065 (amended)	Removes the twelve-month limitation for out-of-home placement and clarifies language.
388-832-0067 (amended)	Limits the receipt of IFS program services to children under age eighteen if the parent is also a client of DDD.
388-832-0070 (amended)	Changes "wait" list to "request" list.
388-832-0072 (amended)	Changes "wait" list to "request" list and allows a client to remain on the request list if in a temporary placement with plans to return home.
388-832-0075 (amended)	Changes "wait" list to "request" list.
388-832-0080 (amended)	Changes "wait" list to "request" list and clarifies when a client must respond to a notification to schedule an assessment.
388-832-0082 (amended)	Changes "wait" list to "request" list and clarifies the request date.

Washington Administrative Code	Effect of Rule
388-832-0085 (amended)	Changes "wait" list to "request" list and changes "new" participants to "additional" participants.
388-832-0087 (amended)	Changes "wait" list to "request" list and clarifies language.
388-832-0090 (amended)	Clarifies language.
388-832-0091 (amended)	Clarifies language.
388-832-0113 (amended)	Clarifies language.
388-832-0120 (amended)	Corrects typographical errors.
388-832-0123 (amended)	Corrects the name of the "medically intensive children's program."
388-832-0125 (amended)	Spells out the acronym "COPES."
388-832-0127 (amended)	Removes the requirement to request an ETR and obtain approval from the director of DDD.
388-832-0128 (amended)	Adds "review" as a time when the ISP plan may become effective.
388-832-0135 (amended)	Removes the limitation that the need must "result" from a developmental disability.
388-832-0136 (amended)	Clarifies language.
388-832-0137 (amended)	Clarifies language when the annual allocation may be used.
388-832-0160 (amended)	Removes "guardian" at work as a condition when respite care can be given.
388-832-0165 (amended)	Clarifies language and replaces "related to the person's disability" with "deemed necessary by their health care professional."
388-832-0166 (amended)	Adds that excess medical costs may be paid to a DDD contracted provider, changes "family support contract" to IFS contract and extends the length of time to remit receipts from thirty days to ninety days.

Washington Administrative Code	Effect of Rule
388-832-0168 (amended)	Replaces "related to the person's disability" with "deemed necessary by their health care professional," specifies that therapies included under WAC 388-332-0170 may not be paid as an excess medical cost and adds a cross-reference.
388-832-0170 (amended)	Clarifies language.
388-832-0175 (amended)	Specifies that DDD will pay the contracted therapist directly for therapy services.
388-832-0180 (amended)	Clarifies language, specifies that DDD will determine the need and amount of services based on the information from the treating professional and adds a cross-reference.
388-832-0185 (amended)	Adds repairs for damages to a client's residence resulting from the client's disability to allowable architectural modifications and adds repairs and maintenance to vehicular modifications to allowable vehicular modifications.
388-832-0195 (amended)	Clarifies language.
388-832-0200 (amended)	Removes the limitation that equipment and supplies must be "specialized medical" and clarifies language.
388-832-0205 (amended)	Clarifies who are qualified providers of equipment and supplies.
388-832-0210 (amended)	Removes the limitation that equipment and supplies must be "specialized medical" and excludes supplies for incontinence as requiring prior approval by the DDD regional administrator.
388-832-0215 (amended)	Specifies that specialized clothing must be "nonrestrictive."
388-832-0220 (amended)	Changes "family support" contract to "IFS" contract.
388-832-0225 (amended)	Clarifies language.
388-832-0235 (amended)	Clarifies the definition of copays.
388-832-0240 (amended)	Changes "family support" contract to "IFS" contract.

Washington Administrative Code	Effect of Rule
388-832-0245 (amended)	Clarifies language.
388-832-0255 (amended)	Changes "family support" contract to "IFS" contract.
388-832-0260 (amended)	Clarifies language, removes the prohibition against purchasing bus passes, removes the need for prior approval and clarifies what may be reimbursed as per diem costs.
388-832-0275 (amended)	Clarifies language and removes the need for prior approval.
388-832-0285 (amended)	Adds a cross reference to a DDD policy.
388-832-0290 (amended)	Specifies that DDD will determine the need and amount of behavior management based on the information from the treating professional.
388-832-0308 (amended)	Changes "family support" contract to "IFS" contract and clarifies language.
388-832-0310 (amended)	Removes the need for prior approval.
388-832-0315 (amended)	Clarifies language.
388-832-0320 (amended)	Changes "family support" contract to "IFS" contract and adds the recreational opportunity contract as an additional method for reimbursement.
388-832-0325 (amended)	Clarifies language and removes the requirement of prior approval.
388-832-0330 (amended)	Clarifies language.
388-832-0332 (amended)	Clarifies language.
388-832-0333 (amended)	Adds DVR as a source of funding that must be accessed and clarifies language.
388-832-0335 (amended)	Reformats the section for clarity.
388-832-0340 (amended)	Reformats the section for clarity.
388-832-0345 (amended)	Changes the requirement of prior approval from the DDD director to the DDD regional administrator.
388-832-0350 (amended)	Clarifies language.
388-832-0353 (amended)	Clarifies language.
388-832-0366 (amended)	Lengthens the period of time from sixty to ninety days.

Washington Administrative Code	Effect of Rule
388-832-0367 (amended)	Lengthens the period of time from sixty to ninety days and clarifies language.
388-832-0369 (amended)	Clarifies language.
388-832-0460 (amended)	Clarifies language.

Citation of Existing Rules Affected by this Order: Amending WAC 388-832-0001, 388-832-0005, 388-832-0007, 388-832-0015, 388-832-0020, 388-832-0022, 388-832-0023, 388-832-0024, 388-832-0025, 388-832-0060, 388-832-0065, 388-832-0067, 388-832-0070, 388-832-0072, 388-832-0075, 388-832-0080, 388-832-0082, 388-832-0085, 388-832-0087, 388-832-0090, 388-832-0091, 388-832-0113, 388-832-0120, 388-832-0123, 388-832-0125, 388-832-0127, 388-832-0128, 388-832-0135, 388-832-0136, 388-832-0137, 388-832-0160, 388-832-0165, 388-832-0166, 388-832-0168, 388-832-0170, 388-832-0175, 388-832-0180, 388-832-0185, 388-832-0195, 388-832-0200, 388-832-0205, 388-832-0210, 388-832-0215, 388-832-0220, 388-832-0225, 388-832-0235, 388-832-0240, 388-832-0245, 388-832-0255, 388-832-0260, 388-832-0275, 388-832-0285, 388-832-0290, 388-832-0308, 388-832-0310, 388-832-0315, 388-832-0320, 388-832-0325, 388-832-0330, 388-832-0332, 388-832-0333, 388-832-0335, 388-832-0340, 388-832-0345, 388-832-0350, 388-832-0353, 388-832-0366, 388-832-0367, 388-832-0369, and 388-832-0460.

Statutory Authority for Adoption: RCW 71A.12.30 [71A.12.030], 71A.12.040.

Other Authority: Title 71A RCW.

Adopted under notice filed as WSR 09-07-094 on March 18, 2009.

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 70, 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 70, Repealed 0.

Date Adopted: May 8, 2009.

Stephanie E. Schiller
Rules Coordinator

Reviser's note: The material contained in this filing exceeded page-count limitations of WAC 1-21-040 for the appearance in this issue of the Register. It will appear in the 09-12 issue of the Register.

WSR 09-11-063
PERMANENT RULES
DEPARTMENT OF PERSONNEL

[Filed May 14, 2009, 3:42 p.m., effective June 16, 2009]

Effective Date of Rule: June 16, 2009.

Purpose: The purpose of these rule changes is to clarify layoff rights of Washington general service and Washington management service (WMS) employees. The rule changes are in regard to: Layoff list eligibility, general government transition pool program eligibility, calculation of part-time employees' seniority dates, WMS rehire from layoff lists, temporary layoff, and WMS review periods. In addition, these proposed changes will eliminate any reference to the term "occupational category" in Title 357 WAC and replace it with "class series."

Citation of Existing Rules Affected by this Order: Repealing WAC 357-01-215; new section WAC 357-58-477; and amending WAC 357-46-070, 357-46-080, 357-01-080, 357-01-135, 357-16-155, 357-16-157, 357-46-035, 357-46-135, 357-46-055, 357-46-095, 357-46-058, 357-58-305, 354-58-310, 357-46-110, 357-46-120, 357-31-355, and 357-46-067.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 09-08-099 on March 31, 2009.

Changes Other than Editing from Proposed to Adopted Version: WAC 357-46-035(2) clarified the intent of comparable or less than comparable.

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 17, Repealed 1.

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 1, Amended 17, Repealed 1.

Date Adopted: May 14, 2009.

Eva N. Santos
Director

AMENDATORY SECTION (Amending WSR 04-18-114, filed 9/1/04, effective 7/1/05)

WAC 357-46-070 Which employees are eligible to have their name placed on an employer's internal layoff list? (1) Permanent employees of the employer who satisfy the following criteria must have their name placed on the employer's internal layoff list if the employee exercises this option within the two-year eligibility period:

(a) **Employees who are laid off or have been notified in writing by the employer that they are scheduled to be laid off** are eligible to be on the internal layoff list for classes

in which they held permanent status during the current period of unbroken service at the same or lower salary range and lower classes in the same (~~((occupational category/class series))~~ class series. Permanent status is not required for the lower classes in the (~~((occupational category/class series))~~ class series. For purposes of this subsection "employees" includes Washington management service (WMS) employees who are laid off or have been notified by the employer that they are scheduled to be laid off and who have held permanent status in Washington general service during the current period of unbroken service. WMS employees only have layoff list rights to classes which the highest step of the salary range is equal to or below the WMS salary at the time of lay-off or notification of layoff.

(b) **Employees who accept a voluntary demotion in lieu of layoff** are eligible to be on the internal layoff list for the class from which they demoted and classes at that salary range and lower salary ranges in which the employee held permanent status during the current period of unbroken service and lower classes in the same (~~((occupational category))~~ class series. Permanent status is not required for the lower classes in the (~~((occupational category))~~ class series. Washington management service (WMS) employees who accept a voluntary demotion in lieu of layoff are eligible to be on the internal layoff list for classes in which they held permanent status during the current period of unbroken service. WMS employees only have layoff list rights to classes which the highest step of the salary range is equal to or below the WMS salary at the time of the demotion.

(c) **Employees who accepted less than comparable positions** as defined by the employer's layoff procedure are eligible to be on the internal layoff list for classes in which they held permanent status at the same or lower salary range and lower classes in the same (~~((occupational category))~~ class series. Permanent status is not required for the lower classes in the (~~((occupational category))~~ class series.

(d) **Employees who have not successfully completed a trial service period and are placed in a nonpermanent position following reversion** are eligible to be on the internal layoff list for classes in which the employee previously held permanent status during the current period of unbroken service.

(e) **Employees who remain in a position reallocated to a lower salary range** are eligible to be on the internal layoff list for the class the employee held permanent status in prior to the reallocation.

(2) Employees who have been demoted for cause from a class are **not** eligible to be on the internal layoff list for that class.

AMENDATORY SECTION (Amending WSR 04-18-114, filed 9/1/04, effective 7/1/05)

WAC 357-46-080 Which employees are eligible to have their name placed on an employer's statewide layoff list? (1) Permanent employees who satisfy the following criteria must have their name placed on the statewide layoff list for other employers if the employee exercises this option within the two-year eligibility period:

(a) Employees who are laid off or notified in writing by the employer that they are scheduled to be laid off are eligible to be on the statewide layoff list for classes in which they held permanent status during the current period of unbroken service at the same or lower salary range and lower classes in the same ~~((occupational category/class series)) class series~~. Permanent status is not required in the lower classes in the ~~((occupational category/class series)) class series~~. For purposes of this subsection "employees" includes Washington management service (WMS) employees who are laid off or have been notified by the employer that they are scheduled to be laid off and who have held permanent status in Washington general service during the current period of unbroken service. WMS employees only have layoff list rights to classes which the highest step of the salary range is equal to or below the WMS salary at the time of layoff or notification of layoff.

(b) Employees who accept a voluntary demotion in-lieu of layoff are eligible to be on the statewide layoff list for the class from which they demoted and classes at that salary range and lower salary ranges in which the employees held permanent status and lower classes in the same ~~((occupational category/class series)) class series~~. Permanent status is not required for the lower classes in the ~~((occupational category/class series)) class series~~. Washington management service (WMS) employees who accept a voluntary demotion in lieu of layoff are eligible to be on the statewide layoff list for classes in which they held permanent status during the current period of unbroken service. WMS employees only have layoff list rights to classes which the highest step of the salary range is equal to or below the WMS salary at the time of the demotion.

(c) Employees who accepted less-than-comparable positions at the time of layoff are eligible to be on the statewide layoff list for classes in which they held permanent status at the current or lower salary range and lower classes in the same ~~((occupational category/class series)) class series~~. Permanent status is not required for the lower classes in the ~~((occupational category/class series)) class series~~.

(2) Employees who have been demoted for cause from a class are **not** eligible to be on the statewide layoff list for that class.

AMENDATORY SECTION (Amending WSR 05-01-204, filed 12/21/04, effective 7/1/05)

WAC 357-01-080 ~~((Class series/occupational category)) Class series~~. A grouping of job functions having similar purpose and knowledge requirements~~(((-))~~, but different levels of difficulty and responsibility.

AMENDATORY SECTION (Amending WSR 05-01-204, filed 12/21/04, effective 7/1/05)

WAC 357-01-135 Elevation. An employer-initiated action that moves an employee to a position in either:

(1) A higher class in which the employee held permanent status prior to a demotion; or

(2) A class in the same ~~((class series/occupational category)) class series~~ which is between the current class and the class from which the employee demoted.

AMENDATORY SECTION (Amending WSR 05-01-200, filed 12/21/04, effective 7/1/05)

WAC 357-16-155 Can an eligible's name be removed from an applicant or candidate pool for a class or all classes in ~~((an occupational category/class series)) a class series~~? An employer or the department may disqualify an individual by removing the individual's name from an applicant and/or candidate pool for a class or all classes in ~~((an occupational category/class series)) a class series~~ at anytime for good and sufficient reason.

AMENDATORY SECTION (Amending WSR 06-03-071, filed 1/12/06, effective 2/13/06)

WAC 357-16-157 Is an eligible's name removed from applicant and/or candidate pools when he/she is appointed to a position? An eligible's name is removed from the applicant and/or candidate pool for the class to which he/she is appointed and all lower classes in the same ~~((class series/occupational category)) class series~~.

AMENDATORY SECTION (Amending WSR 04-18-114, filed 9/1/04, effective 7/1/05)

WAC 357-46-035 Layoff option. (1) What option does a permanent employee have to take a position when the employee is scheduled for layoff?

Within the layoff unit, a permanent employee scheduled for layoff must be offered the option to take a position, if available, that meets the following criteria:

(a) The position is allocated to the class in which the employee holds permanent status at the time of the layoff. If no option to a position in the current class is available, the employee's option is to a position in a class in which the employee has held permanent status that is at the same salary range. If the employee has no option to take a position at the same salary range, the employee must be given an opportunity to take a position in a lower class in ~~((an occupational category/class series)) a class series~~ in which the employee has held permanent status, in descending salary order. The employee does not have to have held permanent status in the lower class in order to be offered the option to take a position in the class.

(b) The position is comparable to the employee's current position as defined by the employer's layoff procedure.

(c) The employee satisfies the competencies and other position requirements.

(d) The position is funded and vacant, or if no vacant funded position is available, the position is occupied by the employee with the lowest employment retention rating.

(2) What if the employee has no option under subsection 1?

(a) If a permanent employee has no option available under subsection (1) of this section, the employer must determine if there is an available position in the layoff unit to offer the employee in lieu of separation that meets the following criteria:

(i) The position is at the same or lower salary range maximum as the position from which the employee is being laid off ~~((from))~~;

(ii) The position is vacant (~~(and less than comparable)~~) or held by a probationary employee or an employee in a non-permanent appointment; (~~and~~)

(iii) The position is comparable or less than comparable; and

~~(iii)~~ (iv) The position is one for which the employee meets the competencies and other position requirements.

(b) If more than one qualifying position is available, the position with the highest salary range maximum is the one that must be offered.

(3) What happens when a class in which the employee previously held permanent status has been revised or abolished?

If a class in which an employee has previously held permanent status has been revised or abolished, the employer shall determine the closest matching class to offer as a layoff option. The closest matching class must be at the same or lower salary range maximum as the class from which the employee is being laid off.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 06-15-064, filed 7/13/06, effective 8/14/06)

WAC 357-46-135 What causes an individual's name to be removed from a layoff list? (1) An individual's name **must** be removed from an internal layoff list or statewide layoff list at the request of the individual or upon an employee's retirement, resignation, expiration of eligibility or dismissal from the employer.

(2) An individual's name **may** be removed from the internal and/or statewide layoff list for a class when:

(a) The individual is appointed to a permanent position in the class. The individual may also be removed from the internal and/or statewide layoff list for any classes with a lower salary range maximum in that (~~(class series/occupational category))~~ class series.

(b) The individual is appointed to a permanent position in a class with a higher salary range maximum in a different (~~(class series/occupational category))~~ class series.

(c) The individual has been certified from the layoff list and waives consideration for a position in the class three times.

(d) The employer determines good and sufficient reason exists.

AMENDATORY SECTION (Amending WSR 05-08-135, filed 4/6/05, effective 7/1/05)

WAC 357-46-055 How is a general government employee's seniority date determined? (1) For a full-time general government employee, the seniority date is the employee's most recent date of hire into state service as adjusted for any period of leave without pay which exceeds fifteen consecutive calendar days except when the leave without pay is taken for:

- (a) Military leave as provided in WAC 357-31-370;
- (b) Compensable work-related injury or illness leave;

(c) Government service leave not to exceed two years and one month;

(d) Educational leave, contingent upon successful completion of the coursework; and/or

(e) Reducing the effects of layoff.

(f) When an employee is on leave without pay for more than fifteen consecutive calendar days and the absence is not due to one of the reasons listed above, the employee's seniority date must be moved forward in an amount equal to the number of calendar days on leave without pay.

(2) For a part-time general government employee, the seniority date is calculated by determining the number of actual hours worked and/or in paid status(~~(-)~~), excluding compensatory time off. Actual hours worked includes overtime hours regardless of whether or not the employee receives monetary payment or compensatory time for the hours worked. Time spent in leave without pay status is not credited unless the leave without pay is taken for:

(a) Military leave as provided in WAC 357-31-370;

(b) Compensable work-related injury or illness leave;

(c) Government service leave not to exceed two years and one month;

(d) Educational leave, contingent upon successful completion of the coursework; and/or

(e) Reducing the effects of layoff.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 05-21-058, filed 10/13/05, effective 11/15/05)

WAC 357-46-095 Who is eligible for the general government transition pool program? The following individuals are eligible to participate in the general government transition pool program:

(1) All general government permanent employees separated by layoff or notified by their employer that they are at risk of layoff(~~(:))~~). This includes Washington management service permanent employees who are separated by layoff or notified by their employer that they are at risk of layoff.

(2) All general government permanent employees who are reverted and not returned to a permanent position in the class in which the employee last held permanent status;

(3) Employees who are eligible to participate in the return-to-work initiative program in accordance with chapter 357-19 WAC;

(4) Permanent Washington management service employees who accept a position in Washington general service and are being voluntarily or involuntarily reverted during the trial service period;

(5) Former permanent classified general government employees who have submitted a written request for reemployment within two (2) years of disability separation and who have met the reemployment requirements of WAC 357-19-475;

(6) General government employee business unit members whose contract has expired or been terminated; and

(7) Permanent Washington management service employees who accept acting appointments and who do not

return on the agreed upon date in accordance with WAC 357-58-275.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 05-12-073, filed 5/27/05, effective 7/1/05)

WAC 357-46-058 Is an employee who is rehired following layoff considered to have had a break in state service? (1) An employee laid off in accordance with the provisions of WAC 357-46-010 or WAC 357-58-445 is not considered to have had a break in continuous state service if within two years of separation the employee is appointed to a position:

(a) From a layoff list or the general government transition pool; or

(b) As a promotional candidate in accordance with the employer's promotional policy.

(2) Upon appointment, the employee is reinstated with the seniority and unbroken service the employee had at the time of layoff. For a general government employee, the time spent off the payroll due to layoff is treated like leave without pay and seniority and unbroken service dates must be adjusted in accordance with WAC 357-31-345 and 357-46-055 respectively.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 357-58-477 Is a WMS employee who is rehired following layoff considered to have had a break in state service? (1) An employee laid off in accordance with the provisions of WAC 357-58-445 is not considered to have had a break in continuous state service if within two years of separation the employee is appointed to a position:

(a) From the general government transition pool; or

(b) As a promotional candidate in accordance with the employer's promotional policy.

(2) Upon appointment, the employee is reinstated with the seniority and unbroken service the employee had at the time of layoff. Time spent off the payroll due to layoff is treated like leave without pay and seniority and unbroken service dates must be adjusted in accordance with WAC 357-31-345 and 357-46-055 respectively.

AMENDATORY SECTION (Amending WSR 05-12-070, filed 5/27/05, effective 7/1/05)

WAC 357-58-305 When does a WMS employee attain permanent status? Upon successful completion of the review period, the employee will attain permanent status in the position. If a review period is not required in Title 357 WAC and the employer chooses to not require a review period the employee will attain permanent status upon appointment.

AMENDATORY SECTION (Amending WSR 05-12-070, filed 5/27/05, effective 7/1/05)

WAC 357-58-310 When may a WMS employee (~~who transfers or voluntarily demotes~~) be required to serve a WMS review period? An appointing authority may require an employee who transfers, ~~((or))~~ voluntarily demotes, or accepts a layoff option to another WMS position to serve a review period.

AMENDATORY SECTION (Amending WSR 05-12-077, filed 5/27/05, effective 7/1/05)

WAC 357-46-110 Must employees who are appointed to a position through the layoff process serve any type of review period? An employer may require a six-month transition review period when an employee is appointed to a position as a layoff option or is appointed from the internal or statewide layoff list or the general government transition pool. (See WAC 357-46-115 for exceptions to this rule.) The transition review period may be extended for leave without pay in accordance with WAC 357-31-355.

AMENDATORY SECTION (Amending WSR 04-18-114, filed 9/1/04, effective 7/1/05)

WAC 357-46-120 What are the employer's obligations when the employer requires a transition review period? (1) When an employer requires a transition review period (~~(is required for a position)~~), the employer must provide the employee with written notice of the transition review period.

(2) During the transition review period, the employer must provide the employee with instruction and/or training in the duties of the new position.

(3) For purposes of this rule, written notice may be provided using alternative methods such as e-mail, campus mail, the state mail service, or commercial parcel delivery in accordance with WAC 357-04-105.

AMENDATORY SECTION (Amending WSR 05-08-138, filed 4/6/05, effective 7/1/05)

WAC 357-31-355 How does leave without pay affect the duration of an employee's probationary period, ~~((or))~~ trial service period or transition review period? If an employee uses leave without pay for an entire workshift while serving a probationary period, ~~((or))~~ trial service period or transition review period, the probationary period, ~~((or))~~ trial service period or transition review period is extended by one work day for each workshift of leave without pay.

AMENDATORY SECTION (Amending WSR 05-12-074, filed 5/27/05, effective 7/1/05)

WAC 357-46-067 What is an employee's status during temporary layoff? (1) ~~((Hours not worked due to temporary layoff are not treated as leave without pay, therefore:))~~ The following applies during a temporary layoff:

(a) An employee's anniversary date, seniority, or unbroken service date is not adjusted for periods of time spent on temporary layoff; ~~and~~

(b) An employee continues to accrue vacation and sick leave in accordance with chapter 357-31 WAC((-)); ~~and~~

(c) The duration of an employee's probationary period or trial service period shall not be extended for periods of time spent on temporary layoff.

(2) An employee((s)) who is temporarily laid off is not entitled to:

(a) Layoff rights, including the ability to bump any other position or be placed on the employer's internal or statewide layoff list;

(b) Payment for his/her vacation leave balance; and

(c) Use of his/her accrued vacation leave for hours the employee is not scheduled to work if the temporary layoff was due to lack of funds.

(3) If the temporary layoff was not due to lack of funds, an employer may allow an employee to use accrued vacation leave in lieu of temporary layoff.

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.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 357-01-215 Occupational category/class series.

WSR 09-11-064

PERMANENT RULES

DEPARTMENT OF PERSONNEL

[Filed May 14, 2009, 3:43 p.m., effective June 16, 2009]

Effective Date of Rule: June 16, 2009.

Purpose: The following proposed new rule addresses what happens when a probationary employee accepts a non-permanent appointment.

Citation of Existing Rules Affected by this Order: New section WAC 357-19-073.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 09-08-092 on March 31, 2009.

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 1 [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 [1], Amended 1 [0], Repealed 0.

Date Adopted: May 14, 2009.

Eva N. Santos
Director

NEW SECTION

WAC 357-19-073 What happens if an employee who is serving a probationary period accepts a nonpermanent appointment? If an employee who is serving a probationary period accepts a nonpermanent appointment, the probationary period will end and the employee will not be granted permanent status unless the employer agrees to return the employee to a position at the conclusion of the nonpermanent appointment. Any return rights granted by the employer must be to a vacant position in the class in which the employee was serving a probationary period. If the employer chooses to grant the employee a return right the employer must notify the employee in writing.

Upon return from a nonpermanent appointment the employee will resume their probationary period. If the employer determines the position the employee was serving a probationary period in and the position the employee was appointed to on a nonpermanent basis are allocated to classes which are closely related, the employer may count the time worked in the nonpermanent appointment towards the probationary period.

WSR 09-11-065

PERMANENT RULES

DEPARTMENT OF PERSONNEL

[Filed May 14, 2009, 3:45 p.m., effective June 16, 2009]

Effective Date of Rule: June 16, 2009.

Purpose: The following proposed rule modification clarifies when the statement of necessity must be submitted and clarifies the existing example.

Citation of Existing Rules Affected by this Order: Amending WAC 357-31-215.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 09-08-094 on March 31, 2009.

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

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

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

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: May 14, 2009.

Eva N. Santos
Director

AMENDATORY SECTION (Amending WSR 05-08-137, filed 4/6/05, effective 7/1/05)

WAC 357-31-215 When may vacation leave be accumulated above the maximum (~~two hundred forty~~ **240 hours)?** There are two circumstances in which vacation leave may be accumulated above the maximum of (~~thirty~~) **30** working days (240 hours).

(1) If an employee's request for vacation leave is denied by the employer, and the employee is close to the maximum vacation leave (240 hours), the employer must grant an extension for each month that the employer defers the employee's request for vacation leave. The employer must maintain a statement of necessity justifying the extension.

(2) As an alternative to subsection (1), employees may also accumulate vacation leave in excess of (~~two hundred forty (240))~~ **240** hours as follows:

(a) An employee may accumulate the vacation leave days between the time (~~thirty~~) **30** days is accrued and his/her next anniversary date of state employment.

(b) Leave accumulated above (~~two hundred forty hours~~) **240** hours must be used by the next anniversary date and in accordance with the employer's leave policy. If such leave is not used before the employee's anniversary date, the excess leave is automatically lost and considered to have never existed.

(c) (~~Any leave accumulated above two hundred forty hours without a statement of necessity between anniversary dates must not, regardless of circumstances, be deferred by the employer by a statement of necessity as described in (1) above.~~) A statement of necessity, as described in (1) above, can only defer leave that the employee has not accrued as of the date of the statement of necessity. Any accrued leave in excess of 240 hours as of the date of the statement of necessity cannot be deferred regardless of circumstances. For example:

~~((On June 15, an employee is assigned to work on a special project. It is expected that the assignment will last six months. Due to an ambitious timeline and strict deadlines, the employee will not be able to take any vacation leave during that time. On June 15, the employee's vacation leave balance is 260 hours. The employee accrues 10 hours monthly and his/her anniversary date is October 16. If a statement of necessity is filed in June, his/her leave accrual for the four months between June and October will be deferred and not lost as long as the employee uses those 40 deferred hours by his/her next anniversary date (October 16 of the following year). The hours of excess vacation leave the employee has on June 15 (20 hours) will not be deferred and will be lost if not used by the approaching anniversary date (October 16 of the present year).))~~ On June 15th, an employee is assigned to work on a special project. It is expected that the assignment will last six months. Due to an ambitious timeline and strict

deadlines, the employee will not be able to take any vacation leave during that time.

• On June 15th, the employee's vacation leave balance is 260 hours.

• The employee accrues 10 hours monthly.

• The employee's anniversary date is October 16th.

Because the employee will not be able to use leave from June 15th through December 15th the employee files a statement of necessity asking to defer the leave accrued during this time. This deferred leave will not be lost as long as the employee uses the deferred hours by their next anniversary date (October 16th of the following year).

The 20 hours of excess vacation leave the employee had on June 15th are not covered by the statement of necessity. These hours will not be deferred and will be lost unless they are used before October 16th of the current year.

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.

WSR 09-11-066

PERMANENT RULES

DEPARTMENT OF PERSONNEL

[Filed May 14, 2009, 3:46 p.m., effective June 16, 2009]

Effective Date of Rule: June 16, 2009.

Purpose: On January 28, 2008, President Bush signed into law amendments to the Family and Medical Leave Act, which grant additional leave to employees who have family members in the military. Two new types of leave were added.

The first type is "military caregiver leave." This addition allows up to twenty-six weeks of leave for an eligible employee who is the spouse, child, parent, or next of kin of a covered service member. This leave is used to care for a covered service member who is suffering from a serious illness or injury arising from injuries incurred in the line of duty. We modified WAC 357-31-525 to include this type of leave effective June 10, 2008. We are now proposing modifications to clarify the definition of "next of kin" and other clarifications.

The second is "exigency leave" which allows a fifth qualifying reason for the leave entitlement of twelve weeks of family medical leave due to a qualifying exigency arising from the fact that a spouse, child or parent of an employee is on active duty or has been notified of pending call to active duty in the National Guard or Reserves in support of a contingency operation. This provision became effective January 16, 2009. We are proposing modifications to WAC 357-31-525 to address exigency leave.

Citation of Existing Rules Affected by this Order: Amending WAC 357-31-525.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 09-08-095 on March 31, 2009.

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

Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

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

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

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

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

Date Adopted: May 14, 2009.

Eva N. Santos
Director

AMENDATORY SECTION (Amending WSR 08-11-008, filed 5/9/08, effective 6/10/08)

WAC 357-31-525 What is an employee entitled to under the Family and Medical Leave Act of 1993? (1) The Family and Medical Leave Act of 1993 (29 USC 2601 et seq) and its implementing rules, 29 CFR Part 825, provide that an eligible employee must be granted, during a twelve-month period, a total of twelve work weeks of absence:

(a) As a result of the employee's serious health condition;

(b) To care for an employee's parent, spouse, or minor/dependent child who has a serious health condition; ~~((and/or))~~

(c) For the birth of and to provide care to an employee's newborn, adopted or foster child as provided in WAC 357-31-460(-); and/or

(d) Due to a qualifying exigency (as described in the Family and Medical Leave Act of 1993 and its amendments (29 USC 2601 et seq) and its implementing rules, 29 CFR Part 825) arising from the fact that the employee's spouse, child of any age, or parent is on active duty or has been notified of pending call to active duty in the armed forces in support of a contingency operation.

(i) This subsection only applies if the spouse, child, or parent of the employee is a member of the National Guard or Reserves, and certain retired members of the regular armed forces and retired reserves. This section does not apply if the spouse, child, or parent of the employee is a member of the regular armed forces on active duty.

(ii) This section only applies to federal calls to active duty.

(2) An eligible employee who is the spouse, son, daughter, parent of a child of any age, or next of kin of a covered service member shall be entitled to a total of twenty-six work weeks of leave during a twelve-month period to care for the service member who is suffering from a serious illness or injury arising from injuries incurred in the line of duty. The leave described in this paragraph shall only be available during a single twelve-month period. This twelve-month period begins on the first day leave is taken pursuant to this subsection.

(a) For purposes of this section, "next of kin" with respect to an individual means the nearest blood relative of

that individual other than the individual's spouse, parent, or child in the following order of priority:

(i) Blood relatives who have been granted legal custody of the service member;

(ii) Siblings;

(iii) Grandparents;

(iv) Aunts and uncles;

(v) Cousins;

(vi) The service member can designate another blood relative as the "nearest blood relative" and that designation takes precedent over the above list.

(b) For purposes of this section, "covered service member" is a member of the armed forces, including the National Guard or reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on a temporary disability retired list for a serious illness or injury.

(c) For purposes of this section, "serious illness or injury" means an injury or illness incurred by the covered service member in the line of duty while on active duty in the armed forces that may render the service member medically unfit to perform the duties of the service member's office, grade, rank, or rating.

(3) During the twelve-month period described in subsection (2) above, an eligible employee shall be entitled to a combined total of twenty-six work weeks of leave under subsections (1) and (2) above. Nothing in this section shall be construed to limit the availability of leave under subsection (1) during any other twelve-month period.

(4) For general government employers, the twelve-month period in subsections (1) and (2) above is measured forward from the date the requesting employee begins leave under the Family and Medical Leave Act of 1993. The employee's next twelve-month period would begin the first time leave under the Family and Medical Leave Act is taken after completion of the previous twelve-month period. Higher education employers must define within their family and medical leave policy how the twelve months are measured.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 09-11-067

PERMANENT RULES

DEPARTMENT OF PERSONNEL

[Filed May 14, 2009, 3:48 p.m., effective June 16, 2009]

Effective Date of Rule: June 16, 2009.

Purpose: The following proposed rule modification will eliminate any reference to the term "occupational category" in Title 357 WAC and replace it with "class series."

Citation of Existing Rules Affected by this Order: Amending WAC 357-19-160, 357-19-240, and 357-19-285.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 09-08-093 on March 31, 2009.

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 3, Repealed 0.

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

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

Date Adopted: May 14, 2009.

Eva N. Santos
Director

AMENDATORY SECTION (Amending WSR 05-01-206, filed 12/21/04, effective 7/1/05)

WAC 357-19-160 Can an employee be elevated following a demotion? Employers may elevate an employee with permanent status to the class held by the employee immediately prior to being demoted or to a class in the same (~~(occupational category)~~) class series which is between the current class and the class from which the employee was demoted. Elevation must be to a position for which they meet the competencies and other position requirements. The employer may require the elevated employee to serve a trial service period.

AMENDATORY SECTION (Amending WSR 05-01-206, filed 12/21/04, effective 7/1/05)

WAC 357-19-240 What positions can be designated as in-training? Employers may designate specific positions, groups of positions, or all positions in a class or class series (~~(or an occupational category)~~), as in-training positions. Unless other staffing methods have been exhausted, positions with primary responsibility for supervision should not be designated as in-training positions.

AMENDATORY SECTION (Amending WSR 06-15-065, filed 7/13/06, effective 8/14/06)

WAC 357-19-285 What happens to an employee who fails to progress satisfactorily through an in-training plan?

This table is used to determine what happens when an employee appointed to an in-training position fails to satisfactorily progress through the in-training plan.		
	Type of In-Training Position:	
	Class Series ((Occupational Category)): All positions in the ((occupational category)) class series are designated as in-training positions by the employer	Individual position: The individual position is designated as an in-training position

Employee Status:		
Employee in Probationary Period	⇒ The employee must be separated in accordance with WAC 357-46-185.	⇒ The employee must be separated in accordance with WAC 357-46-185.
Employee in Trial Service Period	<i>If the employee WAS PERMANENT before the in-training appointment:</i> ⇒ The employee has reversion rights in accordance with WAC 357-19-115 through 357-19-117 to the class the employee held permanent status in before the in-training appointment. <i>If the employee was NOT PERMANENT before the in-training appointment:</i> ⇒ The employee must be dismissed under the provisions of WAC 357-40-010.	⇒ The employee has reversion rights in accordance with WAC 357-19-115 through 357-19-117 to the class in which the employee was most recently permanent.
Employee achieved permanent status in job class of the current in-training step but is failing to progress to the next step	<i>If the employee WAS PERMANENT before the in-training appointment:</i> ⇒ The employee has reversion rights in accordance with WAC 357-19-115 through 357-19-117 to the class the employee held permanent status in before the in-training appointment. <i>If the employee was NOT PERMANENT before the in-training appointment:</i> ⇒ The employee must be dismissed under the provisions of WAC 357-40-010.	⇒ The employee is removed from the in-training position and has reversion rights in accordance with WAC 357-19-115 through 357-19-117. The employee has reversion rights to a position, if available, in the class in which the employee currently holds permanent status.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 09-11-068

PERMANENT RULES

DEPARTMENT OF PERSONNEL

[Filed May 14, 2009, 3:49 p.m., effective June 16, 2009]

Effective Date of Rule: June 16, 2009.

Purpose: The following proposed changes are house-keeping in nature.

Citation of Existing Rules Affected by this Order: Amending WAC 357-31-150, 357-31-345, 357-58-245, and 357-58-285.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 09-08-096 on March 31, 2009.

Changes Other than Editing from Proposed to Adopted Version: WAC 357-58-245 added language to clarify a project employee will gain permanent status upon completion of the review period.

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 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 4, Repealed 0.

Date Adopted: May 14, 2009.

Eva N. Santos
Director

AMENDATORY SECTION (Amending WSR 08-07-062, filed 3/17/08, effective 4/18/08)

WAC 357-31-150 Can an employee be paid for accrued sick leave? In accordance with the attendance incentive program established by RCW 41.04.340, employees are eligible to be paid for accrued sick leave as follows:

(1) In January of each year, an employee whose sick leave balance at the end of the previous year exceeds four hundred eighty hours may elect to convert the sick leave hours earned in the previous calendar year, minus those hours used during the year, to monetary compensation.

(a) No sick leave hours may be converted which would reduce the calendar year-end balance below four hundred eighty hours.

(b) Monetary compensation for converted hours is paid at the rate of twenty-five percent and is based on the employee's current salary.

(c) All converted hours are deducted from the employee's sick leave balance.

(d) Hours which are accrued, donated(;) and returned from the shared leave program in the same calendar year may be included in the converted hours for monetary compensation.

(e) For the purpose of this section, hours which are contributed to a sick leave pool per WAC 357-31-570 are considered hours used.

(2) Employees who separate from state service because of retirement or death must be compensated for their total unused sick leave accumulation at the rate of twenty-five percent. The employer may deposit equivalent funds for a retiring employee in a medical expense plan as provided in WAC 357-31-375. Compensation must be based on the employee's salary at the time of separation. For the purpose of this subsection, retirement does not include "vested out-of-service"

employees who leave funds on deposit with the department of retirement systems (DRS).

(3) No contributions are to be made to the department of retirement systems (DRS) for payments under subsection (1) or (2) of this section, nor are such payments reported to DRS as compensation.

AMENDATORY SECTION (Amending WSR 05-08-138, filed 4/6/05, effective 7/1/05)

WAC 357-31-345 How does leave without pay affect a general government employee's anniversary date, unbroken service date, ~~(and)~~ periodic increment date, and seniority date? (1) For a general government employee, the anniversary date, unbroken service date, and periodic increment date is adjusted for any period of leave without pay which exceeds fifteen consecutive calendar days except when the leave without pay is taken for:

(a) Military leave of absence without pay as provided in WAC 357-31-370;

(b) Compensable work-related injury or illness leave;

(c) Government service leave not to exceed two years and one month;

(d) Educational leave, contingent upon successful completion of the coursework; and/or

(e) Voluntarily reducing the effect of an employer's lay-off.

(2) When an employee is on leave without pay for more than fifteen consecutive calendar days and the absence is not due to one of the reasons listed above, the employee's anniversary date, unbroken service date and periodic increment date must be moved forward in an amount equal to the number of calendar days on leave without pay.

(3) For a general government employee the seniority date is adjusted for leave without pay in accordance with WAC 357-46-055.

AMENDATORY SECTION (Amending WSR 05-12-070, filed 5/27/05, effective 7/1/05)

WAC 357-58-245 Must an employee appointed to a project position serve a review period? ~~((An employee who does not have permanent status in classified service must serve a review period when appointed to a project WMS position. The employee gains permanent status upon completion of the review period.~~

~~Permanent employees who promote to a project WMS position must serve a review period.-))~~ (1) An employee appointed to a WMS project position **must** serve a review period when:

(a) The employee does not have permanent status in classified service; or

(b) The employee is a permanent employee who has promoted to a project WMS position.

(2) An employee who does not have permanent status prior to appointment to a project WMS position will gain permanent status upon completion of the review period.

AMENDATORY SECTION (Amending WSR 05-12-070, filed 5/27/05, effective 7/1/05)

WAC 357-58-285 When must a WMS employee serve a review period? (1) A review period **must** be served when:

~~((1))~~ (a) A permanent employee promotes to a permanent WMS position; or

~~((2))~~ (b) An employee who does not have permanent status in the classified service is appointed to a permanent WMS position.

(2) An employee appointed to a WMS project position must serve a review period in accordance with WAC 357-58-245.

WSR 09-11-069

PERMANENT RULES

WASHINGTON STATE UNIVERSITY

[Filed May 14, 2009, 4:10 p.m., effective July 1, 2009]

Effective Date of Rule: July 1, 2009.

Purpose: The university's rules regarding parking permits and traffic for the WSU Spokane, WSU Pullman, and WSU Vancouver campuses are being updated. Rules are added to govern parking and traffic at the Washington State University tri-cities campus. The university's rules for the WSU college of nursing are being repealed because the college is relocating to the WSU Spokane campus.

Citation of Existing Rules Affected by this Order: Amending WAC 504-14-560, 504-15-560, 504-19-460, 504-19-560 and 504-19-930; creating chapter 504-13 WAC; and repealing chapter 504-18 WAC.

Statutory Authority for Adoption: RCW 28B.30.150.

Adopted under notice filed as WSR 09-05-095 on February 18, 2009.

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 38, Amended 5, Repealed 8.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 38, Amended 5, Repealed 8.

Number of Sections Adopted Using Negotiated Rule Making: New 38, Amended 5, Repealed 8; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: May 8, 2009.

Ralph T. Jenks, Director
Procedures, Records, and Forms
and University Rules Coordinator

Chapter 504-13 WAC

CAMPUS PARKING AND TRAFFIC REGULATIONS FOR WASHINGTON STATE UNIVERSITY TRI-CITIES

PART I INTRODUCTION

NEW SECTION

WAC 504-13-010 Authorization. Pursuant to the authority granted by RCW 28B.30.125, 28B.30.150, 28B.10.560, and chapter 34.05 RCW, the board of regents of the university adopts this chapter to govern parking and traffic at Washington State University Tri-Cities, hereinafter referred to as WSUTC.

NEW SECTION

WAC 504-13-020 Purposes of regulations. (1) The purposes of these regulations are to:

(a) Expedite university business and provide maximum safety, order, and access;

(b) Regulate parking, with priority given to:

(i) Services of the university;

(ii) Persons who require the use of vehicles in connection with their on-campus work; and

(iii) Staff and students who require the use of private vehicles because of a disability or other approved reason.

(c) Provide and maintain suitable campus parking and traffic facilities.

(2) The vice-chancellor or designee whose responsibilities include supervision of the parking department shall have the authority to designate particular locations as parking, temporary parking, restricted parking, or prohibited parking, as well as the authority to designate permanent and temporary areas as being closed to vehicular traffic.

NEW SECTION

WAC 504-13-030 Knowledge of parking regulations.

It is the responsibility of all individuals parking on the campus to read and fully understand these regulations. Lack of knowledge of these regulations is not acceptable as grounds for dismissal of parking tickets.

NEW SECTION

WAC 504-13-040 Applicable parking and traffic laws and regulations. The following laws and regulations apply upon lands owned and/or controlled by WSUTC:

(1) The motor vehicle and other traffic laws of the state of Washington (Revised Code of Washington); and

(2) This chapter.

NEW SECTION

WAC 504-13-050 Emergencies. The president of the university delegates to the WSUTC campus chancellor the authority to suspend, modify, or repeal any or all provisions

in this chapter for an authorized WSU special event or in the event of an emergency, disaster, or other like contingency. Such action shall be limited in duration and scope to meet the institutional needs of WSUTC and/or address the dangers of the contingency.

NEW SECTION

WAC 504-13-080 Severability. If any provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of the chapter or its application to other persons or circumstances is unaffected.

NEW SECTION

WAC 504-13-100 Definitions. The definitions in this section are applicable within the context of this chapter.

(1) **Campus.** Describes all property owned, leased, and/or controlled by WSUTC which is or may hereafter be dedicated mainly to the educational, research, recreational, parking, or other activities of WSUTC.

(2) **Day.** Unless otherwise specified, the term "day" refers to a calendar day.

(3) **Disability parking.** See persons with disability.

(4) **Disability zone.** A parking zone designated for exclusive use by persons with disability and identified with a sign bearing the associated international symbol.

(5) **Fire zone.** An area needed for emergency access to buildings, fire hydrants, or fire equipment. Such areas include, but are not limited to, areas with adjacent curbs or rails painted red.

(6) **Holiday.** See university holiday.

(7) **Illegal use of permit.** A parking violation in which a parking ticket is issued under the following circumstances:

(a) Use of a parking permit or indicator obtained under false pretenses;

(b) Use of a modified parking permit or indicator;

(c) Use and/or retention of a parking permit or indicator by person(s) ineligible, or no longer eligible, for such permit as described and authorized in this chapter.

(8) **Impound.** To take and hold a vehicle in legal custody, either by use of a wheel lock and/or towing.

(9) **Indicator.** A vinyl, plastic, or paper instrument displayed adjacent to a parking permit which defines the parking areas available to a permit holder.

(10) **Loading zone.** A loading dock or an area signed "loading zone" adjacent to a facility or in a parking area. Such an area is intended for loading and unloading bulky or voluminous material. Loading zones are restricted at all times unless signed otherwise.

(11) **Moped.** Any two-wheeled or three-wheeled motor vehicle with an engine displacement of 50cc or less.

(12) **Motorcycle.** Any two-wheeled or three-wheeled motor vehicle with an engine displacement greater than 50cc.

(13) **Motor vehicle.** All motor-driven conveyances except wheelchairs. Also referred to as "vehicle" in this chapter.

(14) **No parking zone.** Any area not specifically marked and/or signed for parking. Such areas include, but are not limited to, areas with adjacent curbs or rails painted yellow or red.

(15) **Officer.** Any parking official employed by the university who is designated by the parking administrator to issue parking tickets, to place or remove wheel locks, or to cause vehicles to be towed under this chapter.

(16) **Owner.** The person registered with any state as the present owner of a vehicle in the most current registration record available to the university, the owner's expressed representative, or any transferee not designated in such records, provided that the parking administrator or police department head has received actual written notice of the transfer.

(17) **Park/parking.** This refers to the placement or standing of a vehicle, with or without a driver in attendance, and with or without the engine running.

(18) **Parking administrator.** The manager in charge of the parking department or designee.

(19) **Parking appeals committee.** Any person or persons appointed to consider parking violations and the application of fees, fines, and sanctions. Said person or persons are appointed by the vice-chancellor whose responsibilities include supervision of the parking department or designee.

(20) **Parking department.** The university department which is charged with the responsibility of managing, operating, planning, and maintaining parking facilities and enforcing the parking regulations for the WSUTC campus.

(21) **Parking meter.** A single fixed device that typically requires payment and limits the amount of time a vehicle can park in a single space. Also referred to as "meter" in this chapter. A parking meter is not a parking payment device.

(22) **Parking payment device.** A machine that requires payment and vends a parking permit and/or a paid receipt. Parking payment devices may be located in various places on campus. A parking payment device is not a parking meter.

(23) **Parking permit.** A vinyl, plastic, paper, or other instrument sanctioned by the parking department that is displayed from a vehicle and authorizes parking in specified areas. Also referred to as "permit" in this chapter.

(24) **Parking ticket.** The first notice of a parking violation which is usually placed in a visible location on a motor vehicle.

(25) **Pay parking facility.** A location where parking is provided and payment is made on-site via a parking payment device, cashier, or other means other than a parking meter.

(26) **Pedestrian mall.** A space that is designed primarily for pedestrian use, but with limited authorized use of motor vehicle and other motorized and nonmotorized conveyances.

(27) **Persons with disability.** For the purposes of this chapter, persons with disability shall refer to a person or persons with disability or disabilities who qualify for a state-issued persons with disability parking identification and permit.

(28) **Service vehicle.** A vehicle used to provide a service for WSUTC or a tenant or contractor of WSUTC (e.g., a university-owned vehicle or a privately owned vehicle with a valid service vehicle authorization displayed).

(29) **Service zone.** Parking spaces or area designated for the use of service vehicles, other government-owned vehicles, and vehicles displaying a service indicator or commercial permit. Authorized vehicles may park in these zones for a maximum of fifteen minutes, except for vehicles that dis-

play a service indicator issued for an extended time. Service zones are restricted at all times unless signed otherwise.

(30) Staff. For the purposes of these regulations, "staff" includes all nonstudent employees of the university, and the nonstudent employees of other entities located on or regularly doing business on campus. Teaching assistants, research assistants, and other students employed by the university or other entities located on or regularly doing business on campus are not "staff." They are considered as students for the purpose of these rules.

(31) Standing. "Standing" is the stopping of a vehicle with the driver remaining in it.

(32) Storage of a vehicle. Impounded vehicles are held in storage until released. During such time they are subject to storage fees.

(33) Student. The term "student" includes all persons who are not staff, who are taking courses at the university, enrolled full-time or part-time, pursuing undergraduate, graduate, professional studies, or auditing one or more classes.

(34) Summer session. The summer session includes all summer sessions beginning on the first day of the earliest session and ending on the last day of the latest session.

(35) University. Refers to Washington State University Tri-Cities.

(36) University holiday. A day regarded by the university as an official university holiday.

(37) Unpaid. A full or partial outstanding balance due. This definition includes parking tickets which are pending appeal.

(38) Vacation. A period of time when classes or final exams are not in session. Except for holidays that fall within this period, the business offices of WSUTC typically are open during this time.

(39) Visitors. Persons who are not staff or students and who only visit the campus on an occasional basis.

(40) Wheel lock. A device used to temporarily immobilize a motor vehicle. Wheel locked vehicles are considered to be impounded in place and subject to storage fees.

(41) Wheel lock-eligible list. The current list of wheel lock-eligible vehicles as maintained by the parking department. A vehicle remains on the wheel lock-eligible list until all fines and fees related to parking tickets are paid in full or otherwise resolved to include the payment of fines and fees related to parking tickets not yet eligible for late fees.

(42) Wheel lock-eligible vehicle. Any vehicle on which three or more parking tickets more than thirty days old are unpaid and which parking tickets were issued during the time the vehicle was registered to or otherwise held by the owner. The vehicle remains wheel lock-eligible until all fines and fees related to parking tickets are paid in full or otherwise resolved to include the payment of fines and fees related to parking tickets not yet eligible for late fees.

(43) WSUTC. Refers to Washington State University Tri-Cities.

PART II ENFORCEMENT

NEW SECTION

WAC 504-13-200 Enforcement authority (i.e., parking and transportation coordinator). WSUTC public safety (e.g., security personnel and emergency response coordinator) and the parking department are charged with the impartial enforcement of these regulations. Personnel in these departments have authority to issue parking tickets, to impound vehicles, and to control access to areas.

NEW SECTION

WAC 504-13-210 Times of enforcement. Parking regulations are subject to enforcement at all times.

(1) Parking permit areas. All parking permit areas are limited to authorized permit holders during specific hours. These hours are posted in each parking area at the entrance to parking areas or along roadways where parking is marked.

(2) Restricted spaces. These spaces are restricted for their designated purpose at all times unless signed otherwise:

(a) Disability zones;

(b) Load/unload;

(c) Service;

(d) Reserved;

(e) Reserved (bagged) parking meters; and

(f) Areas which are specially signed or physically set apart by barricades, traffic cones, tape, or other devices.

(3) Parking metered spaces. Parking meters are in effect during the times posted on each meter. During these times the meter must be paid the posted amount. Additional time cannot be purchased beyond the meter's posted maximum time limit (e.g., a thirty-minute meter will allow a maximum of thirty minutes to be purchased at one time). A motor vehicle which is parked at an expired meter is considered in violation initially, and after each period equal to the maximum time posted for the meter. In such case, a parking ticket may be issued for each violation. For example, a vehicle parked at a meter with a two-hour maximum time limit for six hours and five minutes of continuous unpaid parking at the same meter would be eligible for up to three parking tickets.

NEW SECTION

WAC 504-13-220 Signed and marked areas. (1) Parking on campus is permitted only in the marked and/or signed spaces in parking areas and on streets. All other areas outside these designated areas are "no parking zones." Each parking area has signs or markings to indicate the type of parking permit or parking payment required and the times they are required.

(2) Individual parking spaces are marked, and no vehicle may be parked so as to occupy any portion of more than one parking space. The fact that other vehicles were parked in a manner requiring a vehicle to occupy a portion of more than one space shall not constitute an excuse for a violation of this regulation.

(3) Standing (the stopping of a vehicle with the driver remaining in it) is permitted in marked parking spaces, except

metered spaces and restricted spaces, even though the vehicle does not have a valid parking permit. Double parking while "standing" is not permitted.

(4) Should there be a conflict between these regulations, map designation, and on-site signs regarding parking instructions, the on-site sign takes precedence.

(5) Permit areas and restricted spaces are not always signed individually.

NEW SECTION

WAC 504-13-250 Motorcycles and mopeds. (1) The general traffic regulations applicable to motor vehicles apply to motorcycles and mopeds. Motorcycles or mopeds may not be driven on sidewalks or in pedestrian mall areas. Owners of motorcycles and mopeds are responsible for all violations issued.

(2) The university classifies mopeds and motorcycles by engine displacement (also referred to as engine size). This definition applies only to university property and does not replace or supersede the definitions established by the state of Washington for licensing purposes.

(3) Motorcycles and mopeds: Motorcycles and mopeds may park only in spaces which are marked by signs or the letter "M" painted on the parking surface. Motorcycles and mopeds must display a valid WSUTC motorcycle permit during posted times. During all other times, these spaces are restricted to use by motorcycles and mopeds only.

NEW SECTION

WAC 504-13-300 Financial responsibility for parking tickets. (1) Each registered parking permit holder shall be financially responsible for parking tickets on vehicles:

- (a) Registered with the parking department; and/or
 - (b) Displaying the registered parking permit holder's permit.
- (2) Owners of vehicles are held ultimately financially responsible for parking tickets issued to their vehicles.

NEW SECTION

WAC 504-13-350 Use of areas for emergency, maintenance, events, construction, or special needs. WSUTC reserves the right to close any campus parking area at any time it is deemed necessary for maintenance, safety, events, construction, or to meet special needs. WSUTC public safety will provide notice to users when possible.

Public safety and maintenance personnel performing official duties may deviate from these regulations as required to conduct emergency procedures.

NEW SECTION

WAC 504-13-360 Liability. The university assumes no responsibility for the care and protection of any vehicle or its contents at any time the vehicle is on university property.

PART III PARKING PERMITS

NEW SECTION

WAC 504-13-410 Issuance, use, and term of parking permits. Parking permits are available at various campus locations upon application and payment of the appropriate fees. The applicant may receive a parking permit and/or indicator which specifies parking area(s) where the vehicle may be parked. Permits are valid up to and including the expiration date on the permit.

NEW SECTION

WAC 504-13-420 Withholding of fines and fees. All parking permit applications shall provide that the university may withhold unpaid fines and fees, when permitted by law, from any sums owed the permit holder and to treat the same as a debt.

NEW SECTION

WAC 504-13-440 Transfer of parking permit. The ownership of a parking permit is not transferable.

NEW SECTION

WAC 504-13-450 Replacement parking permits and indicators. (1) The permit holder has responsibility for removing parking permits prior to selling or trading a vehicle. The identifiable remnants of the original permit must be presented to the parking department to receive a free replacement. Persons failing to comply with this requirement shall pay the cost of a new permit.

(2) Lost/stolen permits. Permit holders are responsible for the security of their permits. The theft or loss of a parking permit should be reported to the parking department immediately upon discovery. A lost or stolen permit may be replaced upon payment to the parking department of the cost of replacing the permit, according to a schedule adopted by the parking department. Lost or stolen permits must be returned to the parking department immediately if recovered.

(3) Windshield replacements. When a permit-bearing windshield is replaced, the permit replacement fee is waived if proof of windshield replacement is presented.

NEW SECTION

WAC 504-13-460 False information. No person shall obtain, attempt to obtain, or use in a manner contrary to these regulations, a modified parking permit or a permit issued upon false information. A violation of this section includes giving a false name, address, identification number, and/or other information known to be false. It also includes the use of a visitor, conference, and commercial permit by staff or students. Violation of this provision shall constitute the illegal use of a parking permit and is subject to the issuance of parking tickets.

NEW SECTION

WAC 504-13-470 Recall of parking permits. Parking permits are the property of WSUTC and may be recalled by the parking administrator when:

- (1) The purpose for which the permit was issued changes or no longer exists;
 - (2) A parking permit application is falsified;
 - (3) A counterfeit, modified, or lost/stolen permit is used;
- or
- (4) The parking permit fee is unpaid.

NEW SECTION

WAC 504-13-510 Parking permits—General. The parking department issues parking permits for designated areas of the campus. Any vehicle parked on the campus, other than a pay area or metered space, must clearly display a valid WSUTC parking permit in accordance with this chapter during the posted hours and in locations when and where permits are required. University staff and students may not use any other permit in lieu of a valid university parking permit.

NEW SECTION

WAC 504-13-520 Parking permits—Form and display. All parking permits must be displayed in the approved position on the vehicle with permit numbers and relevant dates visible. Vehicles with permits which are not displayed in accordance with the provisions of this section are subject to parking tickets for the violation of improperly displaying a permit.

- (1) Autos and trucks:
 - (a) Hanging permits, both annual and daily, must be displayed hanging from the rear-view mirror post.
 - (b) Permits mounted solely by suction cup and permit decals directly affixed to the windshield must be displayed on the front windshield at the lower left corner (driver's side). Decals must be mounted completely by means of their own adhesive (not by tape).
- (2) Motorcycles and mopeds: Motorcycle and moped permits must be mounted completely by means of their own adhesive and prominently displayed on the left rear side of the vehicle or on top of the rear tail light.

NEW SECTION

WAC 504-13-540 Zone parking permits—Availability and use. The management and assignment of parking zones is designed to provide a parking space to permit holders. However, uncontrolled access to parking areas and unexpected parking demand make it impossible to guarantee a parking space in the permit holder's assigned zone. Staff and students are generally assigned to specific parking areas referred to as zones. Parking zones are color-coded with respect to their price and numbered with respect to the specific parking zone assignment of each permit holder. Permit holders may park in their assigned zone as reflected by the combination of color and number on their permit and corresponding sign. Exception: Green permit holders may park in their numerically assigned green zone or in any red zone.

NEW SECTION

WAC 504-13-560 Other parking permits—Availability and use. (1) Visitor permits. Visitor permits may be used only by bona fide visitors as defined by this chapter. Use by any other person constitutes illegal use of a parking permit. Visitor permits are valid in any zone and parking spaces signed for visitors only. Visitor permits are not valid at meters or restricted spaces.

(2) Golden cougar permits. Golden cougar permits are special visitor permits that are issued to retired staff in recognition of their service without additional cost. They are issued on an annual basis and are valid in any zone. Staff who are employed by the university or other entities located on campus after formal retirement are not eligible to use a golden cougar permit in lieu of a regular paid zone permit.

(3) President's associates decals. President's associates decals are issued to eligible members of the Washington State University foundation. Use of these decals for parking shall be in accordance with a separate agreement between WSU and the WSU foundation. However, WSU faculty, staff, and students may not use a president's associates decal or any other parking benefit instrument in lieu of a paid zone permit.

(4) Conference permits. Conference permits are available to visitors who participate in conferences held on the WSUTC campus. They are available on a daily basis only. Conference permits are valid in any assigned zone.

(5) Motorcycle permits. Motorcycle permits are valid within boundaries of areas specifically posted and/or marked for motorcycle permits.

(6) Construction permits. A construction permit is issued to personnel who are working on a construction site on campus. Construction permits are assigned to a specific parking area.

(7) Carpool. Upon application, a bona fide carpool as defined by the campus policies and procedures is given preference in the assignment of parking zones, and issued a permit that facilitates the carpool. Obtaining or using a carpool permit under false pretenses constitutes the illegal use of a permit.

(8) Commercial permits. Commercial permits are issued to vendors, suppliers, and service representatives of outside companies performing a service for the university. Commercial permits are valid in zones and areas indicated on the permit.

(9) Departmental permits. Departmental parking permits are available for use by department employees who need to use their personal vehicles for university business. Departmental permits are available in different forms and are valid at parking meters, service zones, green and red permit zones, and pay parking facilities. Departmental permits are not valid in reserved spaces. The use of departmental permits for anything other than official departmental business is prohibited by the State Ethics Act.

NEW SECTION

WAC 504-13-580 Special indicator decals and hangers. Special indicator decals or hangers may be issued to staff

and student permit holders who have otherwise valid parking permits in the following cases:

(1) A "service indicator decal or hanger" is valid typically for a maximum of fifteen minutes in a marked service zone. A "mall service" indicator is valid typically for a maximum of fifteen-minute parking in the pedestrian mall. These are available to staff or students who must use a private vehicle for university business.

(2) Reserved parking indicator decals and hangers which are valid in parking spaces that are signed for the corresponding permit and indicator.

NEW SECTION

WAC 504-13-600 Parking permits for persons with disability. (1) The provisions of this chapter cover the purchase and display of parking permits and the payment of fees and fines associated with parking for persons with disability.

(2) For the purpose of this chapter, persons with disability shall refer to a person or persons with disability who qualify for a state-issued persons with disability parking identification and permit.

(3) The university uses the state persons with disability parking permit system to determine eligibility for a university persons with disability parking permit. Persons desiring to purchase a university persons with disability parking permit must present a valid state-issued persons with disability parking identification and permit.

(4) Unless otherwise authorized, parking in spaces designated for persons with disability requires a valid university persons with disability parking permit to park on campus. University parking permits for persons with disability are available at the green zone rate.

(5) Persons with a university persons with disability parking permit may park in a persons with disability parking space and any other, nonrestricted permit space within a parking permit zone.

(6) Persons with a university persons with disability parking permit may not park in restricted spaces with the exception of persons with disability parking spaces.

(7) Unless otherwise posted, any university parking permit to include a persons with disability parking permit is not valid in lieu of payment of regular posted fees in pay parking facilities.

(8) A state-issued persons with disability license plate, placard, or permit is valid in lieu of a university persons with disability parking permit in parking zones during times when a university permit is not required.

(9) The university intends to retain control of access to the pedestrian malls on campus. For that reason a university persons with disability parking permit is required in lieu of a state-issued persons with disability license plate, placard, or permit as authorization to use a pedestrian mall to access marked persons with disability parking spaces within the confines of a pedestrian mall.

NEW SECTION

WAC 504-13-650 Parking fees and fines. (1) Schedules for parking fees, parking administrative fees, late payment fees, parking fines and sanctions, parking meter rates,

prorate and refund schedules, and the effective date thereof are submitted to the president or his/her designee and to the board of regents for approval by motion, provided however, that increases in fees and fines do not exceed limits established by the board of regents. Increases in fees and fines that do not exceed limits established by the board of regents are not submitted to the board of regents so long as the board of regents has delegated authority to the president or his designee to approve all such fees and fines. The schedules described above for all parking fees and fines are thereafter posted in the public area of the parking department office and posted on the parking department's web site.

(2) Payments. Parking fees and fines may be paid at the parking department by cash, check, approved payment card, or money order. A payroll deduction plan is available for eligible university employees and eligible graduate students.

(3) The annual fee for any shorter period relative to all permits shall be prorated according to the published schedule.

(4) The proper fee must be paid for all vehicles parked in parking meter spaces unless otherwise authorized.

(5) Staff members whose work schedules qualify them for nighttime differential pay may purchase a permit for one-half the regular fee. Verification is required.

(6) Refunds. Annual permits being relinquished may be returned to the parking department for a pro rata refund in accordance with university policy. Identifiable remnants of the permit must be returned. The balance of any fees and fines owed the parking department is deducted from any refund due. Refunds for temporary permits are not granted. Refunds for pretax payroll deductions cannot be granted pursuant to federal tax laws.

(7) The parking department makes a wide array of options available in advance to university departments for use by their visitors, guests, and employees for the purpose of conducting departmental business. However, when necessary, university departments that can establish in writing that a parking ticket issued by the parking department was received as a result of parking any vehicle for the purpose of conducting official state business, or while conducting official business with the university or an entity located at the university are assessed a parking fee assessment (PFA) in lieu of the parking fine. Such requests for PFAs are signed by a department fiscal custodian. A PFA consists of the maximum daily parking fee plus an additional administrative fee for failing to purchase and provide the necessary parking permit or fee in advance or at the time of parking. University departments are encouraged to avoid additional administrative fees associated with PFAs by purchasing and storing prepaid parking permits and by making them available as the department deems necessary. Nothing in this rule allows a university employee to receive, or attempt to receive, any benefit associated with his or her personal expenses in violation of the State Ethics Act. All questionable employee conduct regarding the application of this section is reported to, and investigated by, the university internal auditor. This section applies only to parking tickets issued pursuant to this chapter.

NEW SECTION**WAC 504-13-750 Reciprocal parking agreements.**

(1) Purpose. The university can enter into reciprocal parking agreements with other universities and Washington State University campuses for the purpose of enhancing the accessibility to various campuses for staff and students participating in various courses and programs.

(2) The university faculty, staff, and students assigned to, enrolled at, or who pay fees to the WSUTC campus or employees of other entities located on the WSUTC campus must display a valid university parking permit when parking at the university. Any attempt by the above personnel to use a parking permit from another university campus in lieu of a valid university WSUTC campus permit may result in a fine for illegal use of a parking permit.

**PART IV
FINES, SANCTIONS, AND APPEALS**

NEW SECTION**WAC 504-13-810 Violations, fines, and sanctions. (1)**

Violations and fines. Parking violations are processed by the university. Fines must be paid at the parking department or at other authorized locations. Schedules for parking violations, fines, and sanctions are posted in the public area of the parking services office and on the parking department's web site.

(2) Reduction of fines.

(a) Fines for violations of overtime/nonpayment at meter and overtime in time zone paid within twenty-four hours of issuance are reduced by one-half. Eligible violations received on Friday or Saturday can be paid on the following Monday to satisfy the twenty-four-hour requirement. Mailed payment must be postmarked within twenty-four hours to receive the one-half reduction.

(b) Visitors. The first violation of notices for "no parking permit" and "no parking permit for this area" issued to a visitor is considered a warning notice upon presentation to the parking department.

(c) If a permit holder of record neglects to display his or her permit and receives a notice of violation for "no parking permit," a reduced fine is assessed when possession of a valid parking permit for the location is verified by the parking department within twenty-four hours.

(d) Internal policies regarding disposition of parking tickets may be established on approval of the vice-chancellor or designee whose responsibilities include supervision of the parking department under the advisement of the university's internal auditor.

(3) Inoperable vehicles. It is the owner's responsibility to immediately contact the parking department in the event that the owner's vehicle becomes inoperable when the vehicle is present on campus.

(4) Payment of parking fines. All parking fines are due upon issuance of a parking ticket. Thirty days after date of issuance of a parking ticket, a late fee shall be added to all unpaid parking fines. For example, a parking ticket issued on May 1st would be assessed a late fee on May 31st. Failure to pay the fine and fee assessed for any violation results in referral to the university controller's office for collection. The

controller (or designee) may, if other collection efforts fail, withhold the amount of the outstanding fines and fees from deposits or other funds held for any student in order to secure payment.

When collection efforts are unsuccessful, the controller (or designee) may notify the registrar to refrain from issuing student transcripts or to withhold permission to reenroll for a subsequent term until outstanding fines and fees are paid. The procedures discussed above are not exclusive, however, and failure by anyone to pay fines and fees may also lead to towing or use of the wheel lock device described in these regulations. Nor are the procedures discussed above a precondition to towing or use of the wheel lock.

(5) Failure to pay fines. Failure to pay a fine or comply with other penalties assessed pursuant to these regulations, and exhausting or failing to exercise appeals provided for in these regulations, may result in the inability to renew a vehicle license through the state pursuant to RCW 46.16.216.

NEW SECTION

WAC 504-13-860 Appeals procedure. The parking ticket represents a determination that a parking violation has been committed and the determination is final unless otherwise provided for or appealed as provided in this chapter.

(1) Purpose. The parking appeals process serves the following functions:

(a) To hear parking ticket appeals;

(b) To hear appeals of wheel lock eligibility determinations; and

(c) To hear appeals of impoundments.

(2) Procedure. Any person who has received a parking ticket may appeal the alleged parking violation. Appeal of wheel lock eligibility determinations and impoundments are described in WAC 504-13-865 and 504-13-870.

(3) Written parking ticket appeals. The appeal must be in writing and received at the parking department within ten calendar days of issuance of the parking ticket. Forms for this purpose are available from the parking department. The parking appeals committee makes an initial decision regarding the appeal within twenty calendar days during the academic year and thirty calendar days during the summer months after receipt of the appeal. The committee provides a brief statement of the reason for its decision to the appellant within ten calendar days of the decision.

(4) Review hearing of initial decision. If the appellant is dissatisfied with the initial decision, he or she may request a hearing before a hearing officer or the parking appeals committee. Such a request must be made within ten calendar days of the date of the initial parking appeals committee decision. If no such request is received, the initial decision shall be final. During the hearing the appellant and representatives of the parking department may present and cross-examine witnesses. The hearing officer or appeals committee shall render a decision in writing and provide the appellant with the decision within ten calendar days after the hearing.

(5) Appeal to district court. RCW 28B.10.560 provides that a person who is not satisfied with the final decision of the university may appeal to district court. The application for appeal to district court shall be in writing and must be filed at

the parking department within ten calendar days after the date of the review hearing. The parking department forwards the documents relating to the appeal to the district court.

**PART V
IMPOUNDMENT OF VEHICLE**

NEW SECTION

WAC 504-13-865 General. (1) Pursuant to the provisions of this chapter, an officer shall cause a vehicle to be wheel locked, or towed, or both, if:

- (a) The vehicle is on the wheel lock-eligible list; or
- (b) The vehicle displays a lost, stolen, or counterfeit parking permit.
- (2) Any vehicle may be towed away at owner's/operator's expense if the vehicle:
 - (a) Has been immobilized by wheel lock for more than twenty-four hours; or
 - (b) Is illegally parked in a marked tow-away zone; or
 - (c) Is a hazard or obstruction to vehicular or pedestrian traffic (including, but not limited to, vehicles parked at curbs or rails painted yellow or red or in crosswalks); or
 - (d) Cannot be immobilized with a wheel lock device; or
 - (e) Is illegally parked in a disability space.
- (3) The process for towing of vehicles under any other circumstances to include those not described in this section will be in accordance with chapter 46.55 RCW.
- (4) The driver and/or owner of a towed vehicle shall pay towing and storage expenses.
- (5) Any vehicle immobilized by use of the wheel lock device in excess of twenty-four hours is assessed a storage fee for each calendar day or portion thereof, beyond the first twenty-four hours.
- (6) The university assumes no responsibility in the event of damages resulting from towing, use of wheel lock devices, storage, or attempts to move a vehicle with a wheel lock device installed.
- (7) No vehicle impounded by towing or wheel lock devices shall be released until the following fines are paid in cash or with an approved payment card:
 - (a) All unpaid parking ticket fines and late fees against said vehicle and any other vehicle registered to the owner;
 - (b) A wheel lock fee; and
 - (c) All towing and storage fees.
- (8) A person wishing to challenge the validity of any fines or fees imposed under this chapter may appeal such fines or fees as provided in WAC 504-13-860. However, in order to secure release of the vehicle, such person must pay the amount of such fines or fees as a bond which shall be refunded to the extent the appeal is successful.
- (9) An accumulation of six unpaid violations during any twelve-month period, exclusive of overtime at parking meter violations, and overtime in time zone violations, subjects the violator to revocation or denial of parking privileges. Vehicles without permits which accumulate the above number of violations may be prohibited from parking on university property.

NEW SECTION

WAC 504-13-870 Wheel lock-eligible list. (1) The parking administrator shall be responsible for creating and maintaining the wheel lock-eligible list. See definition of "wheel lock-eligible vehicle."

(2) A wheel lock-eligible vehicle shall be placed on the wheel lock-eligible list after notice has been issued as provided in subsection (3) of this section and an appeal of the wheel lock eligibility determination, if requested, under subsection (4) of this section.

(3) At least ten days prior to placing a vehicle on the wheel lock-eligible list, the parking administrator shall mail a notice to the owner. The parking administrator mails the notice to the address stated on the most current registration records available to the university from a state, or any more current address of which the parking administrator or chief of police has actual written notice. The notice is sent by first class United States mail, postage prepaid. The notice shall set forth:

(a) The make and license plate number of the alleged wheel lock-eligible vehicle.

(b) A specified date on which the wheel lock-eligible vehicle is subject to placement on the wheel lock-eligible list.

(c) A list of the three or more alleged unpaid parking tickets, including the parking ticket number, date, time, place of the violation, and the nature of the violation. This list shall include all unpaid parking tickets issued to a particular vehicle to include the payment of fines and fees related to parking tickets not yet eligible for late fees.

(d) That the owner may avoid the placement of the vehicle on the wheel lock-eligible list by making payment in full of fines and late fees on all unpaid parking tickets to include the payment of fines and fees related to parking tickets not yet eligible for late fees by the specified date on which the vehicle is subject to placement on the wheel lock-eligible list.

(e) The name, mailing address (and street address if different), and telephone number of the parking department office that may be contacted to appeal the wheel lock eligibility determination. Such an appeal only considers whether an individual vehicle was properly placed on the wheel lock-eligible list and not the merits of an individual parking ticket, which may be addressed pursuant to a separate appeals process described in WAC 504-13-860.

(f) That the vehicle is subject to wheel lock, towing, or both once it is placed on the wheel lock-eligible list.

(g) That all late fees, wheel lock fees, towing, and storage fees shall be payable in full to obtain the release of a vehicle wheel locked or towed pursuant to this chapter in addition to payment of any and all unpaid parking tickets on this vehicle or other vehicles owned by the registered owner to include the payment of fines and fees related to parking tickets not yet eligible for late fees.

(4) If a request for an appeal of a wheel lock eligibility determination is received by the parking administrator before the specified date in the notice for placement of the vehicle on the wheel lock-eligible list, then the parking administrator shall afford the owner an opportunity to appeal the wheel lock eligibility determination prior to the placing of a vehicle on the wheel lock-eligible list. Although the parking administrator shall not have the authority to adjudicate the merits of

any parking ticket, she or he shall, however, receive evidence and other input from the owner appealing the wheel lock eligibility determination that the notice given under subsection (3) of this section was erroneous or based on erroneous information.

(5) If an owner timely participates in the appeal as scheduled by the parking administrator, he or she shall furnish the owner written notice of his or her decision prior to placing the vehicle on the wheel lock-eligible list.

(6) After the specified date provided in the notice issued under subsection (3) of this section, the parking administrator shall review the records to ensure that the alleged unpaid parking tickets have not been paid or otherwise resolved, and that no information has been received indicating that the notice was erroneous.

(7) Once a vehicle has been placed on the wheel lock-eligible list, it shall not be removed from the list unless and until:

(a) The fines and fees on all unpaid parking tickets issued during the time it has been registered to or otherwise held by the owner are paid or otherwise resolved to include the payment of fines and fees related to parking tickets not yet eligible for late fees;

(b) The parking administrator receives reliable information that title to the vehicle has been transferred; or

(c) The parking administrator determines that the placement of the vehicle on the wheel lock-eligible list was erroneous.

(8) If a vehicle is not properly registered in any state or no registration information is available to the university and the vehicle is wheel lock eligible, then notice shall be provided by posting on the vehicle a conspicuous notice, which shall set forth:

(a) A description of the alleged wheel lock-eligible vehicle;

(b) A specified date on which the wheel lock-eligible vehicle is subject to placement on the wheel lock-eligible list;

(c) That the owner may avoid placement of the vehicle on the wheel lock-eligible list by making payment in full of fines and late fees on all unpaid parking tickets to include the payment of fines and fees related to parking tickets not yet eligible for late fees by the specified date certain on which the vehicle is subject to placement on the wheel lock-eligible list; and

(d) That the vehicle is subject to wheel lock, towing, or both once it is placed on the wheel lock-eligible list.

(9) An officer shall attempt to wheel lock any vehicle which appears on the wheel lock-eligible list when parked, lawfully or unlawfully, on campus.

(10) The university parking administrator or the chief of police shall ensure that officers are on duty to remove wheel locks from vehicles Monday through Friday between 8:00 a.m. and 5:00 p.m.

NEW SECTION

WAC 504-13-880 Fees, fines, and release of an impounded vehicle. The owner of an impounded vehicle may not secure the release of the stored vehicle until payment in full of fines and fees has been made on all unpaid parking

tickets to include the payment of fines and fees related to parking tickets not yet eligible for late fees relating to the vehicle which were issued while the vehicle was owned by the person who owned the vehicle at the time it is wheel locked or towed hereunder, and the owner has paid in full the wheel lock fee, unpaid parking tickets, late fees, storage fees, and towing fees for any and all other vehicles owned by the registered owner.

NEW SECTION

WAC 504-13-885 Theft, damage, or removal of a wheel lock device. The following conduct of any person shall be reported to university police:

- (1) Causing physical damage to a wheel lock device;
- (2) Removing, or attempting to remove, a wheel lock device; or
- (3) Taking or stealing a wheel lock device.

PART VI TRAFFIC REGULATIONS

NEW SECTION

WAC 504-13-900 Speed limits. Driving on campus roads and streets is permitted at any time, unless otherwise posted or restricted by signs and/or by these regulations. The maximum speed limit unless otherwise posted is twenty-five miles per hour.

NEW SECTION

WAC 504-13-920 Closed and restricted areas. In certain designated areas on campus, such as the pedestrian mall in the campus core, driving is restricted to mall service vehicles.

NEW SECTION

WAC 504-13-930 Bicycles, skateboards, and roller blades/skates. (1) The riding and use of bicycles, skateboards, and roller blades/skates is prohibited from all building plazas, and interior building spaces.

(2) Bicycles, skateboards, and roller blades/skates may be ridden and used on sidewalks when a bike path is not provided. Operators must move at a safe speed and yield to pedestrians at all times.

(3) Bicycles, skateboards, and roller blades/skates may not be ridden on or over stairways, steps, ledges, benches, planting areas, or any other fixtures.

(4) Bicyclists must obey all traffic rules of the road when operating a bicycle in roadways.

(5) Bicycles may be secured only at bicycle racks and facilities designed for such purpose.

NEW SECTION

WAC 504-13-940 Pedestrians. (1) When traffic control signals are in place at intersections, pedestrians shall be subject to them.

(2) When traffic control signals are not in place or not in operation at pedestrian crossings, a vehicle must yield the right of way, by slowing down or stopping, when the pedestrian in the crossing is upon the same half of the roadway as the vehicle, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(3) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

(4) Pedestrians who are between adjacent intersections at which traffic control signals are in operation must not cross at any place except in a marked crosswalk.

AMENDATORY SECTION (Amending WSR 08-08-048, filed 3/27/08, effective 7/1/08)

WAC 504-14-560 Other parking permits—Availability and use. (1) Visitor permits. Visitor permits may be used only by bona fide visitors as defined by this chapter. Use by any other person constitutes illegal use of a parking permit. Visitor permits are valid in any zone and parking spaces signed for visitor permits only. Visitor permits are not valid at meters or restricted spaces.

(2) Golden cougar permits. Golden cougar permits are special visitor permits that are issued to retired staff in recognition of their service without additional cost. They are issued on an annual basis and are valid in any zone. Staff who are employed by the university or by other entities located on campus after formal retirement are not eligible to use a golden cougar permit in lieu of a regular paid zone permit. Comparable permits from other campus institutions will be honored.

(3) President's associates decals. President's associates decals are issued to eligible members of the Washington State University foundation. ~~((They are valid in any zone.))~~ Use of these decals for parking shall be in accordance with a separate agreement between WSU and the WSU foundation. However, university faculty, staff, and students may not use a president's associates decal or any other parking benefit instrument in lieu of a paid zone permit.

(4) Conference permits. Conference permits are available to visitors who participate in conferences held on the WSU campus. They are available on a daily basis only. Conference permits may be assigned to a specific zone.

(5) Construction permits. A construction permit is issued to personnel who are working on a construction site on campus. Construction permits are available on an annual or daily basis and are assigned to a specific parking area.

(6) Carpool. Upon application, a bona fide carpool ~~((with four or more participants))~~ as defined by the campus policies and procedures is given preference in the assignment of parking zones, and issued a permit that facilitates the carpool. Obtaining or using a carpool permit under false pretenses constitutes the illegal use of a permit.

AMENDATORY SECTION (Amending WSR 08-08-050, filed 3/27/08, effective 7/1/08)

WAC 504-15-560 Other parking permits—Availability and use. (1) Visitor permits. Visitor permits are available on an annual or daily basis to visitors of the univer-

sity. Visitor permits may be used only by bona fide visitors as defined by this chapter. Use by any other person constitutes illegal use of a parking permit. Annual visitor permits are valid in green, yellow, red and blue zones, and parking spaces signed for visitor permits only. Daily visitor permits may be assigned to specific zones on a space-available basis. If a parking zone is not specified on the permit, it is valid in the same parking areas as an annual visitor permit. Visitor permits are not valid in pay parking facilities, parking meters, or restricted spaces.

(2) Golden cougar permits. Golden cougar permits are special visitor permits that are issued to retired staff in recognition of their service without additional cost. They are issued on an annual basis and are valid in green, yellow, red, blue zones, and visitor-permit-only parking spaces. Staff who are employed by the university or by other entities located on campus after formal retirement are not eligible to use a golden cougar permit in lieu of a regular paid zone permit.

(3) President's associates decals. President's associates decals are issued to eligible members of the Washington State University foundation. ~~((They are valid in green, yellow, red, blue zones, and visitor permit only parking spaces.))~~ Use of these decals for parking shall be in accordance with a separate agreement between WSU and the WSU foundation. However, university faculty, staff, and students may not use a president's associates decal or any other parking benefit instrument in lieu of a paid zone permit.

(4) Conference permits. Conference permits are available to visitors who participate in conferences held on the university campus. They are available on a daily basis only. Conference permits may be assigned to specific zones on a space-available basis. If a parking zone is not specified on the permit, it is valid in green, yellow, red, blue zones, and visitor-permit-only parking spaces. Conference permits are not valid in orange zones, pay parking facilities, parking meters, or restricted spaces.

(5) Motorcycle permits. Motorcycle permits are valid within boundaries of areas specifically posted and/or marked for motorcycle permits. Motorcycle permits are available on an annual and daily basis.

(6) Moped permits. Moped permits are valid within boundaries of areas specifically posted and/or marked for moped permits. Moped permits are available on an annual and daily basis.

(7) Commercial permits. Commercial permits are issued to vendors, suppliers, and service representatives of outside companies performing a service for the university. Commercial permits are available on an annual or daily basis. Annual commercial permits are valid in service zones, parking meters, and green, yellow, red and blue zones, and visitor-permit-only parking spaces. Daily commercial permits may be assigned to specific zones on a space-available basis. Commercial permits are not valid in orange zones or pay parking facilities.

(8) Construction permits. A construction permit is issued to personnel who are working on a construction site on campus. Construction permits are available on an annual or daily basis and are assigned to a specific parking area.

(9) Housing permits. A housing permit is issued to eligible residents of university-owned housing. Housing permits are valid only in specific housing parking areas.

(10) Carpool. Upon application, a bona fide carpool (~~((with four or more participants))~~) as defined by the campus policies and procedures is given preference in the assignment of parking zones, and issued a permit that facilitates the carpool. Obtaining or using a carpool permit under false pretenses constitutes the illegal use of a permit.

(11) Departmental permits. Departmental parking permits are available for use by department employees who need to use their personal vehicles for university business. Departmental permits are available in different forms and are valid at parking meters; service zones; orange, green, yellow, red, blue, crimson, and gray permit zones; and pay parking facilities. Departmental permits are not valid in reserved spaces. The use of departmental permits for anything other than official departmental business is prohibited by the State Ethics Act.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 504-18-100	Purpose of regulations.
WAC 504-18-110	Authorization.
WAC 504-18-120	Definitions.
WAC 504-18-130	General.
WAC 504-18-140	Parking permits.
WAC 504-18-150	Parking permit fees.
WAC 504-18-160	Parking areas.
WAC 504-18-170	Administration and enforcement.

AMENDATORY SECTION (Amending WSR 08-08-049, filed 3/27/08, effective 7/1/08)

WAC 504-19-460 False information. No person shall obtain, attempt to obtain, or use in a manner contrary to these regulations, a modified (~~((or counterfeit))~~) parking permit or a permit issued upon false information. A violation of this section includes giving a false name, address, identification number, and/or other information known to be false. It also includes the use of a visitor, conference, and commercial permit by staff or students. Violation of this provision shall constitute the illegal use of a parking permit and is subject to the issuance of parking tickets.

AMENDATORY SECTION (Amending WSR 08-08-049, filed 3/27/08, effective 7/1/08)

WAC 504-19-560 Other parking permits—Availability and use. (1) Visitor permits. Visitor permits may be used only by bona fide visitors as defined by this chapter. Use by any other person constitutes illegal use of a parking permit. Visitor permits are valid in any zone and parking spaces

signed for visitors only. Visitor permits are not valid at meters or restricted spaces.

(2) Golden cougar permits. Golden cougar permits are special visitor permits that are issued to retired staff in recognition of their service without additional cost. They are issued on an annual basis and are valid in any zone. Staff who are employed by the university or other entities located on campus after formal retirement are not eligible to use a golden cougar permit in lieu of a regular paid zone permit.

(3) President's associates decals. President's associates decals are issued to eligible members of the Washington State University foundation. (~~((They are valid in any zone.))~~) Use of these decals for parking shall be in accordance with a separate agreement between WSU and the WSU foundation. However, WSU faculty, staff, and students may not use a president's associates decal or any other parking benefit instrument in lieu of a paid zone permit.

(4) Conference permits. Conference permits are available to visitors who participate in conferences held on the WSUV campus. They are available on a daily basis only. Conference permits are valid in any assigned zone.

(5) Motorcycle permits. Motorcycle permits are valid within boundaries of areas specifically posted and/or marked for motorcycle permits.

(6) Construction permits. A construction permit is issued to personnel who are working on a construction site on campus. Construction permits are assigned to a specific parking area.

(7) Carpool. Upon application, a bona fide carpool (~~((with three or more participants))~~) as defined by the campus policies and procedures is given preference in the assignment of parking zones, and issued a permit that facilitates the carpool. Obtaining or using a carpool permit under false pretenses constitutes the illegal use of a permit.

(8) Commercial permits. Commercial permits are issued to vendors, suppliers, and service representatives of outside companies performing a service for the university. Commercial permits are valid in zones and areas indicated on the permit.

(9) Departmental permits. Departmental parking permits are available for use by department employees who need to use their personal vehicles for university business. Departmental permits are available in different forms and are valid at parking meters, service zones, orange, green, red, and gray permit zones, and pay parking facilities. Departmental permits are not valid in reserved spaces. The use of departmental permits for anything other than official departmental business is prohibited by the State Ethics Act.

AMENDATORY SECTION (Amending WSR 08-08-049, filed 3/27/08, effective 7/1/08)

WAC 504-19-930 Bicycles, skateboards, and roller blades/skates. (1) The riding and use of bicycles, skateboards, and roller blades/skates is prohibited from all building plazas, and interior building spaces.

(2) Bicycles, skateboards, and roller blades/skates may be ridden and used on sidewalks when a bike path is not provided. Operators must move at a safe speed and yield to pedestrians at all times.

(3) Bicycles, skateboards, and roller blades/skates may not be ridden on or over stairways, steps, ledges, benches, planting areas, or any other fixtures.

(4) Bicyclists must obey all traffic rules of the road when operating a bicycle in roadways.

(5) Bicycles may be secured only at bicycle racks and facilities designed for such purpose.

~~((6) Bicyclists desiring to enjoy the right of way provided to pedestrians in crosswalks must dismount and walk their bicycle in crosswalks. Failure to do so will result in a bicyclist being in violation of the traffic laws.))~~

WSR 09-11-070

PERMANENT RULES

WASHINGTON STATE UNIVERSITY

[Filed May 14, 2009, 4:16 p.m., effective June 14, 2009]

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

Purpose: Update the rules and language regarding registered student organizations, to accommodate a multicampus system, and to clarify requirements for participation and membership in such organizations.

Citation of Existing Rules Affected by this Order: Amending WAC 504-28-010, 504-28-020 and 504-28-050; and repealing WAC 504-28-030.

Statutory Authority for Adoption: RCW 28B.30.150.

Adopted under notice filed as WSR 09-01-190 on December 24, 2008.

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

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

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 3, Repealed 1; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: May 8, 2009.

Ralph T. Jenks, Director
Procedures, Records, and Forms
and University Rules Coordinator

AMENDATORY SECTION (Amending WSR 95-07-046, filed 3/8/95, effective 4/8/95)

WAC 504-28-010 Student organizations. (1) ~~((Recognition process))~~ Registration.

(a) ~~((Recognition))~~ The university ~~((recognizes))~~ registers a wide variety of student ~~((groups))~~ organizations to facilitate the diverse interests of the student body. Attendant to ~~((recognition, groups))~~ registration, organizations are

granted certain privileges and assume certain responsibilities as set forth in these rules. ~~((Recognition))~~ Registration in no way implies that the university plans, organizes, or sanctions any particular activity or policy of a student ~~((group))~~ organization. The term registration as it applies to student organizations in this chapter has the same meaning as the term recognition as used with respect to student organizations in chapter 504-26 WAC.

~~(b) ((Union board. The union board recommends and reviews policies pertaining to all student organizations. Based on those policies the associate director, activities and recreational sports, determines whether or not it is appropriate that the university recognize a particular organization. The board serves as an appeal body.)) Pursuant to established policies, the university department responsible for student affairs makes student organization registration determinations.~~

(2) Membership in organizations.

~~(a) Full membership in student organizations ((will be))~~ is restricted to enrolled graduate and undergraduate students at Washington State University.

~~(b) Faculty and others may participate as honorary or associate members ((at the option of the ((group)))~~ organization as specified in the ~~((group's))~~ organization's constitution.

~~(c) Only a full member(s) may be eligible to vote on matters of business or hold an elective office in the organization.~~

~~((3) Obtaining recognition for organizations.~~

~~(a) To become an approved student organization, recognition must be granted by the associate director, activities and recreational sports, or the union board. Contact the activities/recreational sports office, CUB 337.~~

~~(b) Before requesting recognition, the group should hold a meeting of interested persons to draft a constitution, elect officers, and select an advisor. Constitutions normally include:~~

~~(i) Name of the organization.~~

~~(ii) Purpose and objectives.~~

~~(iii) Qualifications for membership.~~

~~(iv) Sources of financial support (e.g., dues, initiation fees, local and national aid, and financial projects).~~

~~(v) Description of offices including qualifications, duties and method of election.~~

~~(vi) National-local affiliations and any financial obligation (to an affiliate) resulting therefrom.~~

~~(vii) Parliamentary authority and method of amending the constitution.~~

~~(viii) Adoption and amendment procedures.~~

~~(ix) A description of the organization's safety program.~~

~~(x) Responsibilities of the advisor.~~

~~(e))~~ (d) Washington State University ~~((will))~~ does not ~~((recognize))~~ register any student organization which directly or indirectly denies membership to any student because of race, religion, sex, color, national or ethnic origin, age, marital status, sexual orientation, gender identity/gender expression, veteran status or disability except that the permissibility of a single-sex organization ~~((will be))~~ is evaluated in ~~((accord))~~ accordance with Title IX guidelines. ~~((Recognized))~~ Registered student organizations must ~~((insure))~~

ensure that additional policies and procedures do not create de facto differentiation. Student organizations that select their members based on commitment to a creed or a set of beliefs (e.g., political or religious beliefs) may limit full membership and participation privileges to eligible individuals who, upon individual inquisition, affirm that they agree with the organization's beliefs and support the organization's goals; so long as no eligible individual is excluded from membership and participation on the basis of race, religion, sex, color, national or ethnic origin, age, marital status, sexual orientation, gender identity/gender expression, veteran status, or disability except that the permissibility of a single-sex organization is evaluated in accordance with Title IX guidelines.

~~((d))~~ (e) Students who ~~((feel))~~ believe they have been denied membership in violation of ~~((e) of this))~~ subsection (2)(d) of this section may appeal to the ~~((union board))~~ director of the university department responsible for student affairs.

~~((e))~~ (f) Washington State University ~~((shall))~~ does not ~~((recognize))~~ register a student ~~((group))~~ organization if ~~((recognition))~~ registration would violate local, state, or federal law.

~~((4))~~ (3) Requirements and responsibilities of ~~((recognized))~~ registered student organizations.

(a) Officers of ~~((organizations))~~ each organization are responsible for seeing that ~~((the))~~ their organization abides by university rules and regulations~~((:))~~ concerning scheduling, financial projects, advertising, and other policies ~~((of the union board))~~ applicable to their respective campus as established by the department responsible for student affairs.

(b) ~~((Recognized))~~ Registered student organizations must have an advisor (see WAC 504-28-020 Advisors).

(c) Registered student organization funds must be deposited into a ~~((faculty, student, and alumni))~~ registered student organization account ~~((in the controller's office, which acts as a free banking service))~~ with the university. The university financial services office assists registered student organizations in establishing accounts and processing transactions.

(d) Each registered student organization must keep the following records ~~((must be kept))~~ current ~~((in))~~ with the ~~((activities/recreational sports office))~~ university department responsible for student affairs:

(i) Constitution and bylaws.

(ii) Officer roster card.

(iii) Student organization report ~~((forms available in the activities/recreational sports office;))~~ including activities, accomplishments, and financial status.

(iv) ~~((Special))~~ Student event registration forms.

~~((5))~~ (4) Privileges of ~~((recognized))~~ registered student organizations.

(a) ~~((Recognized))~~ Registered student organizations have the right to sponsor on-campus activities that comply with university rules, policies, and guidelines.

(b) ~~((Recognized student organizations may use university facilities and services through appropriate scheduling offices.~~

~~((e))~~ The activities/recreational sports office staff is available to serve approved organizations in all areas of concern.

~~((d))~~ Free banking service is provided to approved organizations through faculty student alumni accounts.) The university department responsible for student affairs assists registered student organizations in understanding and complying with university rules and policies.

AMENDATORY SECTION (Amending WSR 95-07-046, filed 3/8/95, effective 4/8/95)

WAC 504-28-020 Advisors to ~~((recognized))~~ registered student organizations. (1) Advisors are members of the Washington State University faculty ~~((or))~~, staff, or graduate students ~~((whom))~~ serving in current graduate assistantships who are chosen by the student members ~~((choose))~~ and whose interest in the ~~((group))~~ organization indicates that they would judiciously advise the organization concerning its goals, purposes, and procedures. Advisors guide the ~~((group))~~ organization in accordance with the purposes and ideals of the university and the organization. ~~((They))~~ Advisors do not directly control the ~~((group's))~~ organization's programs and activities.

(2) Advisors assist the ~~((union board to implement the))~~ university department responsible for student affairs in implementing policies for student organizations.

(3) Advisor responsibilities may include the following:

(a) Attending the organization's meetings.

(b) Assisting in planning the organization's program.

(c) Supervising the handling of funds and approving all expenditures and contracts.

(d) Assisting in arranging for university facilities and equipment.

AMENDATORY SECTION (Amending WSR 95-07-046, filed 3/8/95, effective 4/8/95)

WAC 504-28-050 Financial projects. (1) Definition.

~~((a))~~ A financial project is any approved activity of a registered student organization which is undertaken to raise funds and/or to defray expenses. Projects may be for the benefit of organizations themselves or for charity groups.

(2) Approval.

(a) The ~~((union board and/or its designated representative has been given the responsibility of approving all))~~ registered student organization must obtain advice from the university department responsible for student affairs on financial projects ~~((so that the following services can be provided))~~ in the following areas:

(i) Planning advice~~((:))~~;

(ii) Advertising and publicity assistance~~((:))~~;

(iii) Facility and equipment arrangements~~((:))~~; and

(iv) Consumer protection.

(b) The financial projects requested and the proposed budget must be completed, approved, and filed with the ~~((activities/recreational sports office))~~ university department responsible for student affairs in advance of the proposed date using the ~~((special events))~~ student event registration form. Forms are available ~~((in the activities/recreational sports office))~~ at the university department responsible for student affairs.

(c) For approval, the organization must have funds on hand to cover ~~((400%))~~ 100 percent of the estimated expenses of a proposed financial project.

(d) Projects involving films are subject to additional ~~((union board))~~ student affairs policies. Copies of the policies are available in CUB scheduling and the ~~((activities/recreational sports office))~~ university department responsible for student affairs.

(e) Scholarship fund projects must be administered in accordance with university policy governing such funds. Sponsoring organizations may reserve the right to select recipients and to establish the amount of grants in accordance with policies of the ~~((student))~~ university and the financial ~~((aids))~~ aid office.

~~((f))~~ ~~((Financial projects involving tables in the west entrance of the CUB, on the mall, or on the library plaza must be approved using the special events form. The forms may be picked up in the activities/recreational sports office. After approval the table requests are taken to scheduling to reserve a table. There shall be only one table per organization, available on a first come, first served basis.~~

~~((g))~~ Raffles are subject to state law. ~~((Contact the activities/recreational sports office))~~ Registered student organizations should contact the university department responsible for student affairs for current regulations.

~~((h))~~ Retailing ~~((g))~~ Retail sales of student classroom books, supplies, and equipment by university departments, personnel, registered student organizations, or students on ~~((the))~~ a WSU campus is prohibited.

(3) Additional requirements.

(a) ~~((All advertising and publicity for each project must include:~~

~~((i))~~ The name of the sponsoring organization.

~~((ii))~~ The product or service being sold.) Student organizations are required to comply with university facilities use rules and policies in order to use university facilities for commercial and charitable uses associated with financial projects.

~~((b))~~ ~~((Any distributing, soliciting or selling must be done without individuals hawking or shouting.~~

~~((c))~~ An organization seeking approval to sell a ~~((product))~~ good or service must provide proof of ownership prior to approval.

~~((d))~~ Individual students wishing to sell goods on campus must contact the director of the Compton Union Building.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 504-28-030 Scheduling of events.

WSR 09-11-078
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed May 18, 2009, 9:04 a.m., effective June 18, 2009]

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

Purpose: The department is amending WAC 388-448-0050 PEP step II—How we determine the severity of mental impairments, the amendments replace obsolete and outdated medical descriptions and references.

Citation of Existing Rules Affected by this Order: Amending WAC 388-448-0050.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.

Adopted under notice filed as WSR 08-22-054 on November 3, 2008.

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: May 18, 2009.

Stephanie E. Schiller
Rules Coordinator

AMENDATORY SECTION (Amending WSR 00-16-113, filed 8/2/00, effective 9/1/00)

WAC 388-448-0050 PEP step II—How we determine the severity of mental impairments. If you are diagnosed with a mental impairment by a professional described in WAC 388-448-0020, we use information from the provider to determine if your impairment prevents you from being ~~((gainfully employed))~~ able to work. ~~((We review the psychological evidence to determine the severity of your mental impairment.))~~

(1) We review the following psychological evidence to determine the severity of your mental impairment ~~((is based on))~~:

(a) Psychosocial and treatment history records;

(b) Clinical findings of specific abnormalities of behavior, mood, thought, orientation, or perception;

(c) Results of psychological tests; and

(d) Symptoms observed by the examining practitioner that show ~~((impairment of))~~ how your impairment affects your ability to perform basic work-related activities.

(2) We exclude diagnosis and related symptoms of alcohol or substance abuse or addiction;

(3) If you are diagnosed with mental retardation, the diagnosis must be based on the Wechsler Adult Intelligence Scale (WAIS). The following test results determine the severity rating:

Intelligence Quotient (IQ) Score	Severity Rating
85 or above	1
71 to 84	3
70 or lower	5

~~((3))~~ (4) If you are diagnosed with a mental impairment with physical causes, we assign a severity rating based on the most severe of the following ~~((three))~~ four areas of impairment:

- (a) Short term memory ~~((defect for recent events))~~ impairment;
- (b) ~~((Impoverished, slowed, perseverative thinking, with confusion or disorientation))~~ Perceptual or thinking disturbances; ~~((or))~~
- (c) Disorientation to time and place; or
- (d) Labile, shallow, or coarse affect.

~~((4))~~ (5) We base the severity of ~~((the))~~ a functional ~~((psychotic or nonpsychotic))~~ disorder ~~((, excluding alcoholism or drug addiction.))~~ on a clinical assessment of the intensity and frequency of symptoms that:

- (a) ~~((Clinical assessment of these twelve symptoms: Depressed mood, suicidal trends, verbal expression of anxiety or fear, expression of anger, social withdrawal, motor agitation, motor retardation, paranoid behavior, hallucinations, thought disorder, hyperactivity, preoccupation with physical complaints))~~ Affect your ability to perform basic work related activities; and
- (b) ~~((Clinical assessment of the intensity and pervasiveness of your symptoms and their effect on work activities))~~ Are consistent with a diagnosis of a mental impairment as listed in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM-IV).

~~((5))~~ (6) We base the severity rating for a functional mental impairment on accumulated severity ratings for the ~~((twelve))~~ symptoms in subsection ~~((4(a)))~~ (5)(a) of this section as follows:

Symptom Ratings or Condition	Severity Rating
(a) The functional mental impairment is diagnosed with psychotic features; (b) You have had two or more hospitalizations for psychiatric reasons in the past two years; (c) You have had more than six months of continuous psychiatric hospital or residential treatment in the past two years; (d) The overall assessment of symptoms is rated three; or (e) At least three symptoms are rated three or higher.	3

Symptom Ratings or Condition	Severity Rating
(f) The overall assessment of symptoms is rated four; or (g) At least three symptoms are rated four or five.	4
(h) The overall assessment of symptoms is rated five; or (i) At least three symptoms are rated five.	5

~~((6))~~ (7) If you ~~((have more than one type of))~~ are diagnosed with any combination of mental retardation, mental impairment with physical causes, or functional mental impairment, we assign a severity rating as follows:

Condition	Severity Rating
(a) Two or more disorders with ratings of three; or (b) One or more disorders rated three; and one rated four.	4
(c) Two or more disorders rated four.	5

~~((7))~~ (8) We deny incapacity when you ~~((do not have))~~ haven't been diagnosed with a significant physical impairment and your overall mental severity rating is one or two;

~~((8))~~ (9) We approve incapacity when you have an overall mental severity rating of five ~~((, regardless of whether you have a physical impairment)).~~

**WSR 09-11-083
PERMANENT RULES
GAMBLING COMMISSION**

[Order 644—Filed May 18, 2009, 11:27 a.m., effective July 1, 2009]

Effective Date of Rule: July 1, 2009.

Purpose: The petitioner originally requested that poker managers at house-banked card rooms be prohibited from accepting tips from players or patrons. However, WAC 230-15-475 already prohibits poker managers and supervisors from receiving tips. The petitioner clarified that her intent is to only allow poker supervisors to receive tips. The petitioner's request was adopted at the May 2009 commission meeting.

Citation of Existing Rules Affected by this Order: Amending WAC 230-15-475.

Statutory Authority for Adoption: RCW 9.46.070.

Adopted under notice filed as WSR 09-06-022 filed on February 23, 2009, and published March 18, 2009.

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 1, 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: May 18, 2009.

Susan Arland
Rules Coordinator

AMENDATORY SECTION (Amending Order 617, filed 10/22/07, effective 1/1/08)

WAC 230-15-475 Tips from players and patrons to card room employees. (1) House-banked card game licensees may allow selected employees to accept tips from players or patrons.

(2) If licensees allow house-banked card game dealers to accept tips, licensees must ensure that tips are controlled so that only authorized employees receive tips, that tips are properly accounted for, and that tips are maintained separately from all other gambling funds.

(3) Cage cashiers may accept tips. They must locate their tip containers outside the cage enclosure. Players or patrons must deposit the tips directly into the container. A shift or floor supervisor, security, or an accounting manager who does not work as a cashier must verify the tips cage cashiers receive.

(4) Employees directly concerned with management, supervision, accounting, security, or surveillance must not ask for, accept, or share any tip originating from players or patrons; however, this restriction does not apply to poker "floor supervisors."

(5) House-banked card game licensees must:

(a) Establish and implement procedures for the accounting of tips received by authorized card room employees.

(b) Fully document the procedures in their internal controls and describe in detail any methods used to allocate tips.

(c) Establish procedures necessary to ensure that the floor supervisor and surveillance observe card room employees accepting tips. Procedures must include an overt display of received tips, for example tapping the table with the tip before placing it in the tip container.

(6) Employees must:

(a) Drop all tips into a locked tip container which prevents the removal of tips except by unlocking the container. Tips may be accumulated on the table, exchanged into higher denomination chips, and then deposited into the tip container. Tip containers must remain under camera coverage of the closed circuit television system at all times; and

(b) Keep all tips received or pool them with tips of all card room employees according to the licensee's internal controls; and

(c) Redeem all tips received under surveillance at the cashier's cage; and

(d) Accurately report all tips to their employer as described in the licensee's internal controls.

(7) Licensees may determine whether employees must retain or pool tips among employees. Employees must

redeem all pooled tips under surveillance at the cashier's cage, count room, or a gaming table.

WSR 09-11-085
PERMANENT RULES
GAMBLING COMMISSION

[Order 646—Filed May 18, 2009, 11:41 a.m., effective July 1, 2009]

Effective Date of Rule: July 1, 2009.

Purpose: During the rules simplification project, the manufacturer requirements below were removed because, at that time, it was felt they did not need to be spelled out in our rules. However, after further review, staff have determined these should be added back into our rules. (1) Staff may conduct an on-site review of a manufacturer's processes; and (2) manufacturers must comply with quality control restrictions for gambling equipment used in Washington state.

Citation of Existing Rules Affected by this Order: Amending WAC 230-03-185.

Statutory Authority for Adoption: RCW 9.46.070.

Adopted under notice filed as WSR 09-07-092 filed on March 17, 2009, and published April 1, 2009.

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: May 18, 2009.

Susan Arland
Rules Coordinator

AMENDATORY SECTION (Amending Order 457, filed 3/22/06, effective 1/1/08)

WAC 230-03-185 Applying for a manufacturer license. (1) You must apply for a manufacturer license if you:

~~((+))~~ (a) Make or assemble a completed piece or pieces of gambling equipment for use in authorized gambling activities; or

~~((=))~~ (b) Convert, modify, combine, add to, or remove parts or components of any gambling equipment for use in authorized gambling activities.

(2) You must demonstrate your ability to comply with all manufacturing, quality control, and operations restrictions imposed on authorized gambling equipment that you want to manufacture or market for use in Washington state.

(3) The licensing process may include an on-site review of your manufacturing equipment and process for each sepa-

rate type of authorized gambling equipment to ensure compliance capability.

WSR 09-11-086
PERMANENT RULES
GAMBLING COMMISSION

[Order 647—Filed May 18, 2009, 11:42 a.m., effective July 1, 2009]

Effective Date of Rule: July 1, 2009.

Purpose: The change allows fund-raising events licensees to award cash prizes at poker tournaments. The rule currently states that only merchandise prizes can be given away. The ability to award cash prizes was inadvertently removed during the rules simplification project.

Citation of Existing Rules Affected by this Order: Amending WAC 230-09-131.

Statutory Authority for Adoption: RCW 9.46.070.

Adopted under notice filed as WSR 09-07-089 filed on March 17, 2009, and published on April 1, 2009.

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: May 18, 2009.

Susan Arland
 Rules Coordinator

AMENDATORY SECTION (Amending Order 604, filed 10/27/06, effective 1/1/08)

WAC 230-09-131 Poker tournaments authorized.

Licensees may operate poker tournaments at fund-raising events. Licensees must:

- (1) Adopt and prominently post tournament rules; and
- (2) Count all money paid to enter a tournament or purchase chips as a wager when determining their ten thousand dollar net receipts limits; and
- (3) Not allow chips used in poker tournaments to have a monetary value; and
- (4) Allow chips to be redeemed for cash and/or merchandise prizes (~~only~~); and
- (5) Maintain a record of all prizes awarded, including, at least:
 - (a) The amount paid for each prize; and
 - (b) For donated prizes, the name of the donor and a description of the prize(s) donated; and
 - (c) The name and complete address of each winner.

WSR 09-11-087
PERMANENT RULES
GAMBLING COMMISSION

[Order 648—Filed May 18, 2009, 11:48 a.m., effective July 1, 2009]

Effective Date of Rule: July 1, 2009.

Purpose: Prior to the rules simplification project (RSP), we only required logo cards for house-banked card games (such as Blackjack and Pai Gow). We allowed house-banked card game licensees to use nonlogo cards for nonhouse-banked games (i.e. poker). The requirement that house-banked licensees use logo cards for nonhouse-banked games was inadvertently added during the RSP. This change no longer requires house-banked licensees to use logo cards for nonhouse-banked games (i.e. poker).

Citation of Existing Rules Affected by this Order: Amending WAC 230-15-115.

Statutory Authority for Adoption: RCW 9.46.070.

Adopted under notice filed as WSR 09-07-091 filed on March 17, 2009, and published on April 1, 2009.

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: May 18, 2009.

Susan Arland
 Rules Coordinator

AMENDATORY SECTION (Amending Order 608, filed 4/10/07, effective 1/1/08)

WAC 230-15-115 Standards for cards. (1) Card game licensees must:

- (a) Supply cards of conventional size and design to maximize the integrity of the card games; and
 - (b) Safeguard all cards; and
 - (c) Not allow cards that have been modified or marked in any manner.
- (2) For Class E, Class F, and house-banked games, the cards must:
- (a) Be made by a licensed manufacturer; and
 - (b) Be purchased from a licensed manufacturer or distributor.
- (3) ~~((House-banked licensees must use))~~ Cards with the house name or logo must be used for house-banked card games.

WSR 09-11-088
PERMANENT RULES
GAMBLING COMMISSION

[Order 649—Filed May 18, 2009, 11:48 a.m., effective July 1, 2009]

Effective Date of Rule: July 1, 2009.

Purpose: Former WAC 230-04-140 stated "Public card room operators shall not employ any unlicensed person to perform duties for which a license is required and shall take all measures to prevent an unlicensed person from doing so." This rule was left out of the new rules simplification rules manual because it was felt that RCW 9.46.158 would suffice. However, it has been determined that this rule is important because it clarifies that card room operators are responsible for ensuring that their employees are properly licensed. The rule change clarifies that card room licensees are responsible for ensuring their card room employees are properly licensed.

Citation of Existing Rules Affected by this Order: New section WAC 230-15-158.

Statutory Authority for Adoption: RCW 9.46.070.

Adopted under notice filed as WSR 09-07-093 filed on March 17, 2009, and published on April 1, 2009.

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

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

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New [1], Amended 1 [0], Repealed 0.

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

Date Adopted: May 18, 2009.

Susan Arland
Rules Coordinator

NEW SECTION

WAC 230-15-158 Ensuring card room employees meet license requirements. Card game licensees must not allow any person to perform the duties of card room employee until they have met our licensing requirements.

WSR 09-11-093
PERMANENT RULES
GAMBLING COMMISSION

[Order 645—Filed May 18, 2009, 1:49 p.m., effective July 1, 2009]

Effective Date of Rule: July 1, 2009.

Purpose: The petitioner's request that house-banked card game jackpot payout verification limits be increased from \$1,000 to \$3,000 was approved.

Citation of Existing Rules Affected by this Order: Amending WAC 230-15-320.

Statutory Authority for Adoption: RCW 9.46.070.

Adopted under notice filed as WSR 09-08-030 filed on March 24, 2009, and published on April 15, 2009.

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 1, 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: May 18, 2009.

Susan Arland
Rules Coordinator

AMENDATORY SECTION (Amending Order 638, filed 11/18/08, effective 1/1/09)

WAC 230-15-320 Surveillance room requirements for house-banked card game licensees. House-banked card game licensees must maintain one or more surveillance rooms. They must:

(1) Control access to the surveillance room so that only surveillance department employees use the room. Owners or their approved supervisory or management personnel may also enter the surveillance room to monitor activities. Licensees may allow authorized personnel to escort any other person into the surveillance room for educational, investigative, or maintenance purposes; and

(2) Ensure that surveillance room entrances are not easily observed from the gambling floor; and

(3) Ensure that a surveillance employee is present in the room and monitoring activities using the equipment any time the card room is conducting gambling and during the count process. However, subject to subsection (4) of this section, licensees may operate the surveillance room without staff:

(a) For routine breaks that are less than thirty minutes per shift; or

(b) When only nonhouse-banked card games are operated with wager limits of forty dollars or less and such limits are documented in their internal controls.

(4) Ensure that any time a winning wager, a jackpot, or bonus pay out greater than ~~((one))~~ three thousand dollars is won, they use pan-tilt-zoom (PTZ) cameras to verify:

(a) Winning hands; and

(b) Amounts of the wager; and

(c) Amounts of the pay out; and

(d) Players who won the prize.

WSR 09-11-111
PERMANENT RULES
DEPARTMENT OF HEALTH

[Filed May 19, 2009, 5:15 p.m., effective June 19, 2009]

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

Purpose: The change adds a form for the courts to file a record of a dissolution of a domestic partnership. The rule adds the details of the new form to the existing rule concerning vital records. This makes it consistent with the documentation of details of all other vital records forms.

Citation of Existing Rules Affected by this Order: Amending WAC 246-491-149.

Statutory Authority for Adoption: RCW 26.09.150.

Adopted under notice filed as WSR 09-07-052 on March 11, 2009.

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 1, Repealed 0.

Date Adopted: May 19, 2009.

Mary C. Selecky
 Secretary

AMENDATORY SECTION (Amending WSR 02-20-092, filed 10/1/02, effective 11/1/02)

WAC 246-491-149 Information collected on the legal or public section of certificates; modifications to the United States standard certificates and report forms. (1) Effective January 1, 2003, the department shall use the 2003 revisions of the United States standard forms for live birth and fetal death.

(2) Effective January 1, 2004, the department shall use the 2003 standard form for death.

(3) Effective January 1, 1992, the department shall use the 1988 revisions of the United States standard forms for marriage and certificate of divorce, dissolution of marriage or annulment.

(4) These forms are developed by the United States Department of Health and Human Services, National Center for Health Statistics. Copies of these forms may be obtained by contacting the department's center for vital statistics.

(5) With the exception of the confidential section, the department may modify any part of these forms.

(a) Table((s)) 3(~~, 4, and 5 identify~~) identifies the modifications to the United States standard form((s)) for live birth(~~, fetal death, and death~~).

(b) Table 4 identifies the modifications to the United States standard form for fetal death.

(c) Table 5 identifies the modifications to the United States standard form for death.

(d) Table((s)) 6 (~~and 7 identify~~) identifies modifications to the United States standard form for marriage(~~, and certificate of divorce, dissolution of marriage, or annulment~~).

(e) Table 7 identifies modifications to the United States standard form for certificate of divorce, dissolution of marriage, or annulment.

(6) Table 8 lists items to be collected on the certificate of dissolution of Washington state domestic partnership. This is a Washington state form not addressed in the United States standard forms.

U.S. STANDARD CERTIFICATE OF LIVE BIRTH

Table 3:
Legal or Public Birth Certificate Items

Item Number	Item Name	Difference from U.S. Standard, if any
1	Child's name	
2	Child's date of birth	
3	Time of birth	
4	Type of birthplace	Add "En route," Add "Planned birthplace if different"
5	Child's sex	
6	Name of facility	
7	City, town or location of birth	
8	County of birth	
9	Mother's name before first marriage	
10	Mother's date of birth	
11	Mother's birthplace	
12	Mother's Social Security number	
13	Mother's current legal last name	
14	Social Security number requested for child?	
16a	Mother's residence - number, street, and Apt. No.	
16b	Mother's residence - city or town	
16c	Mother's residence - county	
16d	Tribal reservation name (if applicable)	Added

Item Number	Item Name	Difference from U.S. Standard, if any	Item Number	Item Name	Difference from U.S. Standard, if any
16e	Mother's residence - state or foreign country		11	Mother's name before first marriage	
16f	Mother's residence - zip code + 4		12	Mother's date of birth	
16g	Mother's residence - inside city limits?		13	Mother's current legal last name	
17	Telephone number	Added	14	Mother's birthplace	
18	How long at current residence?	Added	15a	Mother's residence - number, street, and Apt. No.	
19	Mother's mailing address, if different		15b	Mother's residence - city or town	
25	Father's current legal name		15c	Mother's residence - county	
26	Father's date of birth		15d	Tribal reservation name (if applicable)	Added
27	Father's birthplace		15e	Mother's residence - state or foreign country	
28	Father's Social Security number		15f	Mother's residence - zip code + 4	
66	Certifier name and title	Delete check boxes	15g	Mother's residence - inside city limits?	
67	Date certified		16	How long at current residence?	Added
68	Attendant name and title	Delete check boxes	17	Father's current legal name	
69	NPI of person delivering the baby		18	Father's date of birth	
—	Date filed by registrar	Deleted	19	Father's birthplace	

U.S. STANDARD REPORT OF FETAL DEATH

Table 4:

Legal or Public Fetal Death Certificate Items

Item Number	Item Name	Difference from U.S. Standard, if any	Item Number	Item Name	Difference from U.S. Standard, if any
1	Name of fetus		20	Name and title of person completing the report	
2	Sex		21	Date report completed	
3	Date of delivery		22	Attendant name and title	Delete check boxes
4	Time of delivery		23	NPI of person delivering the baby	
5	Type of birthplace	Add "En route," Add "Planned birthplace if different"	24	Method of disposition	
6	Name of facility		25	Date of disposition	
7	Facility ID (NPI)		26	Place of disposition	Added
8	City, town or location of birth		27	Location of disposition - city/town and state	Added
9	Zip code of delivery		28	Name and complete address of funeral facility	Added
10	County of birth		29	Funeral director signature	Added
			30	Initiating cause/condition (cause of death)	
			31	Other significant causes or conditions	

U.S. STANDARD CERTIFICATE OF DEATH			U.S. STANDARD CERTIFICATE OF DEATH		
Item Number	Item Name	Difference from U.S. Standard, if any	Table 5: Death Certificate Items		
			Item Number	Item Name	Difference from U.S. Standard, if any
32	Estimated time of fetal death				
33	Was an autopsy performed?		13d	Tribal reservation name (if applicable)	Added
34	Was a histological placental examination performed?		13e	Residence - state or foreign country	
35	Were autopsy or histological placental examination results used in determining the cause of death?		13f	Residence - zip code	
36	Registrar signature	Added	13g	Inside city limits?	
37	Date received		14	Estimated length of time at residence	Added
			15	Marital status at time of death	
			16	Surviving spouse's name	
			17	Occupation	
			18	Kind of business/industry	
			19	Father's name	
			20	Mother's name before first marriage	
			21	Informant - name	
			22	Informant - relationship to decedent	
			23	Informant - address	
			24	Place of death	
			25	Facility name (if not a facility, give number and street)	
			26a	City, town, or location of death	
			26b	State of death	
			27	Zip code of death	
			28	Method of disposition	
			29	Place of disposition (name of cemetery, crematory, other place)	
			30	Disposition - city/town, and state	
			31	Name and complete address of funeral facility	
			32	Date of disposition	Added
			33	Funeral director signature	
			34	Causes of death and intervals between onset and death	
			35	Other significant conditions contributing to death	
			36	Autopsy?	

U.S. STANDARD CERTIFICATE OF DEATH		
Table 5: Death Certificate Items		
Item Number	Item Name	Difference from U.S. Standard, if any
1	Legal name (include a.k.a.'s if any)	
2	Death date	
3	Sex	
4a	Age - years	
4b	Age - under 1 year	
4c	Age - under 1 day	
5	Social Security number	
6	County of death	
7	Birth date	
8a	Birth place - city, town or county	
8b	Birth place - state or foreign country	
9	Decedent's education	Add "Specify": next to box for "8th Grade or less"
10	Decedent's Hispanic origin	
11	Decedent's race	
12	Was decedent ever in U.S. Armed Forces?	
13a	Residence - number and street	
13b	Residence - city or town	
13c	Residence - county	

U.S. STANDARD CERTIFICATE OF DEATH

**Table 5:
Death Certificate Items**

Item Number	Item Name	Difference from U.S. Standard, if any
37	Were autopsy findings available to complete the cause of death?	
38	Manner of death	
39	Pregnancy status	
40	Did tobacco use contribute to death?	
41	Date of injury	
42	Hour of injury	
43	Place of injury	
44	Injury at work?	
45	Injury location - street, city, county, state, zip	County Added
46	Describe how injury occurred	
47	Transport injury type	
48a	Certifying physician signature	
48b	Medical examiner/coroner signature	
49	Name and address of certifier	
50	Hour of death	
51	Name and title of attending physician if other than certifier	Added
52	Date certified	
53	Title of certifier	
54	License number of certifier	
55	ME/coroner file number	Added
56	Was case referred to medical examiner?	
57	County registrar signature	Added
58	County date received	Added
59	Record amendment	Added
—	License number of funeral director	Deleted
—	Date pronounced dead	Deleted
—	Time pronounced dead	Deleted
—	Signature of person pronouncing death	Deleted
—	License number of person pronouncing death	Deleted

U.S. STANDARD CERTIFICATE OF DEATH

**Table 5:
Death Certificate Items**

Item Number	Item Name	Difference from U.S. Standard, if any
—	Date person pronouncing death signed	Deleted

U.S. STANDARD LICENSE AND CERTIFICATE OF MARRIAGE

**Table 6:
Certificate of Marriage**

Item Number	Item Name	Difference from U.S. Standard, if any
—	Certificate name	Changed name of form to "Certificate of Marriage"
—	County of license	
—	Date valid	
—	Not valid after (date)	
1	Date of marriage	
2	County of ceremony	
3	Type of ceremony	Added
4	Date signed (by officiant)	Added
5	Officiant's name	
6	Officiant's signature	
7	Officiant's address	
8	Groom's name	
9	Groom's address (street)	
10	Groom's date of birth	
11	Groom's place of birth (state or country)	
12	Groom's address (city)	
13	Groom's address (inside city limits)	Added
14	Groom's address (county)	
15	Groom's address (state)	
16	Groom's father - name	
17	Groom's father - place of birth	
18	Groom's mother - maiden name	
19	Groom's mother - place of birth	
20	Groom's signature	
21	Date signed (by groom)	
22	Bride's name	

Item Number	Item Name	Difference from U.S. Standard, if any	U.S. STANDARD CERTIFICATE OF DIVORCE, DISSOLUTION OF MARRIAGE, OR ANNULMENT		
			TABLE 7: Certification of Dissolution, Declaration of Invalidity of Marriage, or Legal Separation		
Item Number	Item Name	Difference from U.S. Standard, if any	Item Number	Item Name	Difference from U.S. Standard, if any
23	Bride's maiden last name			Certificate name	
24	Bride's residence - (street)				
25	Bride's date of birth				
26	Bride's place of birth (state or country)				
27	Bride's residence (city)			Court file number	
28	Bride's residence (inside city limits)	Added		1 Type of decree	Added check boxes
29	Bride's residence (county)		2	Date of filing	
30	Bride's residence (state)		3	County where decree filed	
31	Bride's father - name		4	Signature of superior court clerk	
32	Bride's father - place of birth		5	Husband's name	
33	Bride's mother - maiden name		6	Husband's date of birth	
34	Bride's mother - place of birth		7	Husband's place of birth	
35	Bride's signature		8	Husband's residence - street	
36	Date signed (by bride)		9	Husband's residence - city	
37	Witness #1 signature		10	Husband's residence - inside city limits	Added
38	Witness #2 signature		11	Husband's residence - county	
39	County auditor signature		12	Husband's residence - state	
40	Date received (by county auditor)		13	Wife's name	
Reverse side		Groom's Social Security number	14	Wife's maiden name	
Reverse side		Bride's Social Security number	15	Wife's date of birth	
	Groom's age last birthday	Deleted	16	Wife's place of birth	
	Bride's age last birthday	Deleted	17	Wife's residence - street	
	License to marry section	Deleted	18	Wife's residence - city	
	Expiration date of license	Deleted	19	Wife's residence - inside city limits	Added
	Title of issuing official	Deleted	20	Wife's residence - county	
	Confidential information	Deleted	21	Wife's residence - state	
			22	Place of marriage - county	
			23	Place of marriage - state	
			24	Date of marriage	
			25	Number of children of this marriage	Name change

Item Number	Item Name	Difference from U.S. Standard, if any	Item Number	Item Name
26	Petitioner	Delete check boxes	<u>12</u>	<u>First partner's residence - state</u>
27	Name of petitioner's attorney/pro se		<u>13a</u>	<u>Second partner's name</u>
28	Petitioner's address		<u>13b</u>	<u>Second partner's name at birth</u>
29	Husband's Social Security number		<u>14</u>	<u>Second partner's date of birth</u>
30	Wife's Social Security number		<u>15</u>	<u>Second partner's place of birth</u>
	Date couple last resided in same household	Delete	<u>16</u>	<u>Second partner's residence - street</u>
	Number of children under 18 whose physical custody was awarded to	Delete	<u>17</u>	<u>Second partner's residence - city</u>
	Title of court	Delete	<u>18</u>	<u>Second partner's residence - inside city limits</u>
	Title of certifying official	Delete	<u>19</u>	<u>Second partner's residence - county</u>
	Date signed	Delete	<u>20</u>	<u>Second partner's residence - state</u>
	Confidential information	Delete	<u>21</u>	<u>Date of this partnership</u>
			<u>22</u>	<u>Domestic partnership certificate number</u>
			<u>23</u>	<u>Petitioner</u>
			<u>24</u>	<u>Name of petitioner's attorney/pro se</u>
			<u>25</u>	<u>Petitioner's address</u>

TABLE 8:
Certification of Dissolution of Washington State Domestic Partnership

Item Number	Item Name
	<u>Certificate name</u>
	<u>Court file number</u>
<u>1</u>	<u>Type of decree</u>
<u>2</u>	<u>Date of decree</u>
<u>3</u>	<u>County where decree filed</u>
<u>4</u>	<u>Signature of superior court clerk</u>
<u>5a</u>	<u>First partner's name</u>
<u>5b</u>	<u>First partner's name at birth</u>
<u>6</u>	<u>First partner's date of birth</u>
<u>7</u>	<u>First partner's place of birth</u>
<u>8</u>	<u>First partner's residence - street</u>
<u>9</u>	<u>First partner's residence - city</u>
<u>10</u>	<u>First partner's residence - inside city limits</u>
<u>11</u>	<u>First partner's residence - county</u>

WSR 09-11-129
PERMANENT RULES
OFFICE OF
INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2008-07—Filed May 20, 2009, 11:28 a.m., effective August 21, 2009]

Effective Date of Rule: August 21, 2009.

Purpose: These rules clarify and recodify numerous sections of chapter 284-30 WAC related to unfair practices in the settlement of insurance claims. The amendments do not make substantive changes to these rules; the amendments and new sections refine or clarify current rules.

NOTE: These rules are not intended and do not create any new unfair settlement or trade practice rules subject to the Insurance Fair Conduct Act (RCW 48.30.015).

Citation of Existing Rules Affected by this Order: Repealing WAC 284-30-3901, 284-30-3902, 284-30-3903, 284-30-3904, 284-30-3905, 284-30-3906, 284-30-3907, 284-30-3908, 284-30-3909, 284-30-3910, 284-30-3911, 284-30-3912, 284-30-3913, 284-30-3914, 284-30-3915, 284-30-3916 and 284-30-410; and amending WAC 284-30-300, 284-30-310, 284-30-320, 284-30-330, 284-30-340, 284-30-360, 284-30-370, 284-30-380, 284-30-390, and 284-30-400.

Statutory Authority for Adoption: RCW 48.02.060 and 48.30.010.

Adopted under notice filed as WSR 09-03-106 on January 21, 2009.

Changes Other than Editing from Proposed to Adopted Version: The following changes were made based on public comment:

- Amended the definition of "comparable motor vehicle" in WAC 284-30-320(3).
- WAC 284-30-390(5) was amended to include: "If requested by the claimant and."
- WAC 284-30-393 was amended to include: "must be allocated first to the insured for any deductible(s) incurred in the loss."

A final cost-benefit analysis is available by contacting Chris Carlson, P.O. Box 40258, Olympia, WA 98504, phone (360) 725-7042, fax (360) 586-3109, e-mail ChrisCA@oic.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 4, Amended 10, Repealed 17.

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 4, Amended 10, Repealed 17.

Date Adopted: Mary [May] 20, 2009.

Mike Kreidler
Insurance Commissioner

THE UNFAIR CLAIMS SETTLEMENT PRACTICES REGULATION

AMENDATORY SECTION (Amending Order R 78-3, filed 7/27/78, effective 9/1/78)

WAC 284-30-300 Authority and purpose. RCW 48.30.010 authorizes the commissioner to define methods of competition and acts and practices in the conduct of the business of insurance which are unfair or deceptive. The purpose of this regulation, WAC 284-30-300 through ~~((284-30-410))~~ 284-30-400, is to define certain minimum standards which, if violated with such frequency as to indicate a general business practice, will be deemed to constitute unfair claims settlement practices. This regulation may be cited and referred to as the unfair claims settlement practices regulation.

AMENDATORY SECTION (Amending Order R 78-3, filed 7/27/78, effective 9/1/78)

WAC 284-30-310 Scope of this regulation. This regulation applies to all insurers and to all insurance policies and

insurance contracts. This regulation is not exclusive, and acts performed, whether or not specified herein, may also be deemed to be violations of specific provisions of the insurance code or other regulations.

AMENDATORY SECTION (Amending Order R 78-3, filed 7/27/78, effective 9/1/78)

WAC 284-30-320 Definitions. When used in this regulation, WAC 284-30-300 through 284-30-400:

(1) ~~("Agent" means any individual, corporation, association, partnership or other legal entity authorized to represent an insurer with respect to a claim.;~~) "Actual cash value" means the fair market value of the loss vehicle immediately prior to the loss.

(2) "Claimant" means, depending upon the circumstance, either a first party claimant, a third party claimant, or both and includes ~~((such))~~ a claimant's designated legal representative and ~~((includes))~~ a member of the claimant's immediate family designated by the claimant(;;).

(3) "Comparable motor vehicle" means a vehicle that is the same make and model, of the same or newer model year, similar body style, with similar options and mileage as the loss vehicle and in similar overall condition, as established by current data. To achieve comparability, deductions or additions for options, mileage or condition may be made if they are itemized and appropriate in dollar amount.

(4) "Current data" means data within ninety days prior to or after the date of loss.

(5) "File" means a record in any retrievable format, and unless otherwise specified, includes paper and electronic formats.

(6) "First party claimant" means an individual, corporation, association, partnership or other legal entity asserting a right as a covered person to payment under an insurance policy or insurance contract arising out of the occurrence of the contingency or loss covered by ~~((such))~~ a policy or contract(;;).

~~((4))~~ (7) "Insurance policy" or "insurance contract" mean any contract of insurance, indemnity, suretyship, or annuity issued, proposed for issuance, or intended for issuance by any insurer(;;).

~~((5))~~ (8) "Insurer" means any individual, corporation, association, partnership, reciprocal exchange, interinsurer, Lloyds insurer, fraternal mutual insurer, fraternal mutual life insurer, and any other legal entity engaged in the business of insurance, authorized or licensed to issue or who issues any insurance policy or insurance contract in this state. "Insurer" does not include health care service contractors, as defined in RCW 48.44.010, and health maintenance organizations, as defined in RCW 48.46.020(;;).

~~((6))~~ (9) "Investigation" means all activities of ~~((an))~~ the insurer directly or indirectly related to the determination of liabilities under coverages afforded by an insurance policy or insurance contract(;;).

~~((7))~~ (10) "Loss vehicle" means the damaged motor vehicle or a motor vehicle that the insurer determines is a "total loss."

(11) "Motor vehicle" means any vehicle subject to registration under chapter 46.16 RCW.

(12) "Notification of claim" means any notification, whether in writing or other means acceptable under the terms of an insurance policy or insurance contract, to ~~((an))~~ the insurer or its agent, by a claimant, which reasonably apprises the insurer of the facts pertinent to a claim~~((and))~~.

~~((8))~~ (13) "Principally garaged area" means the place where the loss vehicle is normally kept, consistent with the applicable policy of insurance.

(14) "Third party claimant" means any individual, corporation, association, partnership or other legal entity asserting a claim against any individual, corporation, association, partnership or other legal entity insured under an insurance policy or insurance contract of ~~((an))~~ the insurer.

(15) "Total loss" means that the insurer has determined that the cost of parts and labor, plus the salvage value, meets or exceeds, or is likely to meet or exceed, the "actual cash value" of the loss vehicle. Other factors may be considered in reaching the total loss determination, such as the existence of a biohazard or a death in the vehicle resulting from the loss.

(16) "Written" or "in writing" means any retrievable method of recording an agreement or document, and, unless otherwise specified, includes paper and electronic formats.

AMENDATORY SECTION (Amending Order R 87-5, filed 4/21/87)

WAC 284-30-330 Specific unfair claims settlement practices defined. The following are hereby defined as unfair methods of competition and unfair or deceptive acts or practices of the insurer in the business of insurance, specifically applicable to the settlement of claims:

(1) Misrepresenting pertinent facts or insurance policy provisions.

(2) Failing to acknowledge and act reasonably promptly upon communications with respect to claims arising under insurance policies.

(3) Failing to adopt and implement reasonable standards for the prompt investigation of claims arising under insurance policies.

(4) Refusing to pay claims without conducting a reasonable investigation.

(5) Failing to affirm or deny coverage of claims within a reasonable time after fully completed proof of loss ~~((statements have))~~ documentation has been ~~((completed))~~ submitted.

(6) Not attempting in good faith to effectuate prompt, fair and equitable settlements of claims in which liability has become reasonably clear. In particular, this includes an obligation to ~~((effectuate prompt payment of))~~ promptly pay property damage claims to innocent third parties in clear liability situations. If two or more insurers ~~((are involved))~~ share liability, they should arrange to make ~~((such))~~ appropriate payment, leaving to themselves the burden of apportioning ~~((it))~~ liability.

(7) Compelling ~~((insureds))~~ a first party claimant to ~~((institute))~~ initiate or submit to litigation, arbitration, or appraisal to recover amounts due under an insurance policy by offering substantially less than the amounts ultimately recovered in such actions or proceedings.

(8) Attempting to settle a claim for less than the amount to which a reasonable ~~((man))~~ person would have believed he or she was entitled by reference to written or printed advertising material accompanying or made part of an application.

(9) Making a claim~~((s))~~ payment(s) to ~~((insureds))~~ a first party claimant or ~~((beneficiaries))~~ beneficiary not accompanied by a statement setting forth the coverage under which the payment~~((s are being))~~ is made.

(10) Asserting to ~~((insureds or))~~ a first party claimant(s) a policy of appealing ~~((from))~~ arbitration awards in favor of insureds or first party claimants for the purpose of compelling them to accept settlements or compromises less than the amount awarded in arbitration.

(11) Delaying the investigation or payment of claims by requiring ~~((an insured,))~~ a first party claimant(s) or ~~((the))~~ his or her physician ~~((of either))~~ to submit a preliminary claim report and then requiring subsequent submissions which contain substantially the same information.

(12) Failing to promptly settle claims, where liability has become reasonably clear, under one portion of the insurance policy coverage in order to influence settlements under other portions of the insurance policy coverage.

(13) Failing to promptly provide a reasonable explanation of the basis in the insurance policy in relation to the facts or applicable law for denial of a claim or for the offer of a compromise settlement.

(14) Unfairly discriminating against claimants because they are represented by a public adjuster.

(15) ~~((Failure))~~ Failing to expeditiously honor drafts given in settlement of claims. A failure to honor a draft within three working days ~~((of))~~ after notice of receipt by the payor bank will constitute a violation of this provision. Dishonor of ~~((any such))~~ a draft for valid reasons related to the settlement of the claim will not constitute a violation of this provision.

(16) ~~((Failure))~~ Failing to adopt and implement reasonable standards for the processing and payment of claims ~~((onee))~~ after the obligation to pay has been established. Except as to those instances where the time for payment is governed by statute or rule or is set forth in an applicable contract, procedures which are not designed to deliver a check or draft to the payee in payment of a settled claim within fifteen business days after receipt by the insurer or its attorney of properly executed releases or other settlement documents are not acceptable. Where the insurer is obligated to furnish an appropriate release or settlement document to ~~((an insured or))~~ a claimant, it ~~((shall))~~ must do so within twenty working days after a settlement has been reached.

(17) Delaying appraisals or adding to their cost under insurance policy appraisal provisions through the use of appraisers from outside of the loss area. The use of appraisers from outside the loss area is appropriate only where the unique nature of the loss or a lack of competent local appraisers make the use of out-of-area appraisers necessary.

(18) Failing to make a good faith effort to settle a claim before exercising a contract right to an appraisal.

(19) Negotiating or settling a claim directly with any claimant known to be represented by an attorney without the attorney's knowledge and consent. This does not prohibit routine inquiries to ~~((an insured))~~ a first party claimant to identify the claimant or to obtain details concerning the claim.

AMENDATORY SECTION (Amending Order R 78-3, filed 7/27/78, effective 9/1/78)

WAC 284-30-340 File and record documentation.

The insurer's claim files ~~((shall be))~~ are subject to examination by the commissioner or by ~~((his))~~ duly appointed designees. ~~((Such))~~ The files ~~((shall))~~ must contain all notes and work papers pertaining to the claim in ~~((such))~~ enough detail that pertinent events and ~~((the))~~ dates of ~~((such))~~ the events can be reconstructed.

AMENDATORY SECTION (Amending Order R 78-3, filed 7/27/78, effective 9/1/78)

WAC 284-30-360 ~~((Failure))~~ Standards for the insurer to acknowledge pertinent communications. (1)

~~((Every insurer, upon))~~ Within ten working days after receiving notification of a claim ~~((shall, within ten working days))~~ under an individual insurance policy, or within fifteen working days with respect to claims arising under group insurance contracts, the insurer must acknowledge ~~((the))~~ its receipt of ~~((such))~~ the notice ~~((unless))~~ of claim.

(a) If payment is made within ~~((such))~~ that period of time, acknowledgement by payment constitutes a satisfactory response.

(b) If an acknowledgement is made by means other than writing, an appropriate notation of ~~((such))~~ the acknowledgement ~~((shall))~~ must be made in the claim file of the insurer ~~((and dated))~~ describing how, when, and to whom the notice was made.

(c) Notification given to an agent of ~~((an))~~ the insurer ~~((shall be))~~ is notification to the insurer.

(2) ~~((Every insurer,))~~ Upon receipt of any inquiry from the ~~((office of the insurance))~~ commissioner ~~((respecting a claim shall, within fifteen working days of receipt of such inquiry,))~~ concerning a complaint, every insurer must furnish the ~~((department))~~ commissioner with an adequate response to the inquiry within fifteen working days after receipt of the commissioner's inquiry.

(3) For all other pertinent communications from a claimant reasonably suggesting that a response is expected, an appropriate reply ~~((shall))~~ must be ~~((made))~~ provided within ten working days for individual insurance policies, or fifteen working days with respect to communications arising under group insurance contracts ~~((, on all other pertinent communications from a claimant which reasonably suggest that a response is expected)).~~

(4) ~~((Every insurer,))~~ Upon receiving notification of a claim, ~~((shall))~~ every insurer must promptly provide necessary claim forms, instructions, and reasonable assistance so that first party claimants can comply with the policy conditions and the insurer's reasonable requirements. Compliance with this paragraph within the time limits specified in subsection (1) of this section ~~((shall))~~ constitutes compliance with that subsection.

AMENDATORY SECTION (Amending Order R 78-3, filed 7/27/78, effective 9/1/78)

WAC 284-30-370 Standards for prompt investigation of a claim~~((s))~~. Every insurer ~~((shall))~~ must complete its

investigation of a claim within thirty days after notification of claim, unless ~~((such))~~ the investigation cannot reasonably be completed within ~~((such))~~ that time. All persons involved in the investigation of a claim ~~((shall))~~ must provide reasonable assistance to the insurer in order to facilitate compliance with this provision.

AMENDATORY SECTION (Amending Order R 78-3, filed 7/27/78, effective 9/1/78)

WAC 284-30-380 Settlement standards ~~((for prompt, fair and equitable settlements))~~ applicable to all insurers.

(1) Within fifteen working days after receipt by the insurer of ~~((properly))~~ fully completed and executed proofs of loss, the insurer must notify the first party claimant ~~((shall be advised of the acceptance or denial of the claim by the insurer))~~ whether the claim has been accepted or denied. ~~((No))~~ The insurer ~~((shall))~~ must not deny a claim on the grounds of a specific policy provision, condition, or exclusion unless reference to ~~((such))~~ the specific provision, condition, or exclusion is included in the denial. The denial must be given to the claimant in writing and the claim file of the insurer ~~((shall))~~ must contain a copy of the denial.

(2) If a claim is denied for reasons other than those described in subsection (1) and is made by any other means than in writing, an appropriate notation ~~((shall))~~ must be made in the claim file of the insurer describing how, when, and to whom the notice was made.

(3) If the insurer needs more time to determine whether a first party claim should be accepted or denied, it ~~((shall so))~~ must notify the first party claimant within fifteen working days after receipt of the proofs of loss giving the reasons more time is needed. If after that time the investigation remains incomplete, the insurer ~~((shall,))~~ must notify the first party claimant in writing stating the reason or reasons additional time is needed for investigation. This notification must be sent within forty-five days ~~((from))~~ after the date of the initial notification and ~~((no later than)), if needed, additional notice must be provided~~ every thirty days ~~((thereafter, send to such claimant a letter setting forth the reasons additional time is needed for investigation))~~ after that date explaining why the claim remains unresolved.

(4) Insurers ~~((shall))~~ must not fail to settle first party claims on the basis that responsibility for payment should be assumed by others except as may otherwise be provided by policy provisions.

(5) Insurers ~~((shall))~~ must not continue negotiations for settlement of a claim directly with a claimant who is neither an attorney nor represented by an attorney until the claimant's rights may be affected by a statute of limitations or a policy or contract time limit, without giving the claimant written notice that the time limit may be expiring and may affect the claimant's rights. ~~((Such))~~ This notice ~~((shall))~~ must be given to first party claimants thirty days and to third party claimants sixty days before the date on which ~~((such))~~ any time limit may expire.

(6) ~~((No))~~ The insurer ~~((shall))~~ must not make statements which indicate that the rights of a third party claimant may be impaired if a form or release is not completed within a ~~((given))~~ specified period of time unless the statement is

given for the purpose of notifying the third party claimant of the provision of a statute of limitations.

(7) Insurers are responsible for the accuracy of evaluations to determine actual cash value.

AMENDATORY SECTION (Amending Matter No. R 2002-06, filed 6/30/03, effective 10/1/03)

WAC 284-30-390 ~~((Regulation of settlements of insurance claims relating to vehicles.))~~ **Acts or practices considered unfair in the settlement of motor vehicle claims.** ~~((WAC 284-30-390 through 284-30-3916 are the standards for prompt, fair, and equitable settlements for insurance claims relating to vehicles.))~~ In addition to the unfair claims settlement practices specified in this regulation, the following acts or practices of the insurer are hereby defined as unfair methods of competition and unfair or deceptive acts or practices in the business of insurance, specifically applicable to the settlement of motor vehicle claims:

(1) Failing to make a good faith effort to communicate with the repair facility chosen by the claimant.

(2) Arbitrarily denying a claimant's estimate for repairs.

(a) A denial of the claimant's estimate for repairs to be completed at the chosen repair facility based solely on the repair facility's hourly rate is considered arbitrary if the rate does not result in a higher overall cost of repairs.

(b) If the insurer pays less than the amount of the estimate from the claimant's chosen repair facility, the insurer must fully disclose the reason or reasons it paid less than the claimant's estimate, and must thoroughly document the circumstances in its claim file.

(3) Requiring the claimant to travel unreasonably to:

(a) Obtain a repair estimate;

(b) Have the loss vehicle repaired at a specific repair facility; or

(c) Obtain a temporary rental or loaner vehicle.

(4) Failing to prepare or accept an estimate provided by the claimant that will restore the loss vehicle to its condition prior to the loss.

(a) If the insurer prepares the estimate, it must provide a copy of the estimate to the claimant.

(b) If a claimant provides the estimate and the insurer, after evaluation of the claimant's estimate, determines it owes an amount that differs from the estimate the claimant provided, the insurer must fully disclose the reason or reasons for the difference to the claimant, and must thoroughly document the circumstances in the claim file.

(c) If the claimant chooses to take the loss vehicle to a repair facility where the overall cost to restore the loss vehicle to its condition prior to the loss exceeds the insurer's estimate, the claimant must be advised that he or she may be responsible for any additional amount above the insurer's estimate.

(5) If requested by the claimant and if the insurer prepares the estimate, failing to provide a list of repair facilities within a reasonable distance of the claimant's principally garaged area that will complete the vehicle repairs for the estimated cost of the insurer prepared estimate.

(6) Failing to consider any additional loss related damage the repair facility discovers during the repairs to the loss vehicle.

(7) Failing to limit deductions for betterment and depreciation to parts normally subject to repair and replacement during the useful life of the loss vehicle. Deductions for betterment and depreciation are limited to the lesser of:

(a) An increase in the actual cash value of the loss vehicle caused by the replacement of the part; or

(b) An amount equal to the value of the expired life of the part to be repaired or replaced when compared to the normal useful life of that part.

(8) If provided for by the terms of the applicable insurance policy, and if the insurer elects to exercise its right to repair the loss vehicle at a specific repair facility, failing to prepare or accept an estimate that will restore the loss vehicle to its condition prior to the loss at no additional cost to the first party claimant other than as stated in the applicable policy of insurance.

(9) If liability and damages are reasonably clear, recommending that claimants make a claim under their own collision coverage solely to avoid paying claims under the liability insurance policy.

NEW SECTION

WAC 284-30-391 Methods and standards of practice for settlement of total loss vehicle claims. Unless an agreed value is reached, the insurer must adjust and settle vehicle total losses using the methods set forth in subsections (1) through (3) of this section. Subsections (4) through (6) of this section establish standards of practice for the settlement of total loss vehicle claims. If an agreed value or methodology is reached between the claimant and the insurer using an evaluation that varies from the methods described in subsections (1) through (3) of this section, the agreement must be documented in the claim file. The insurer must take reasonable steps to ensure that the agreed value is accurate and representative of the actual cash value of a comparable motor vehicle in the principally garaged area.

(1) Replacing the loss vehicle: The insurer may settle a total loss claim by offering to replace the loss vehicle with a comparable motor vehicle that is available for inspection within a reasonable distance from where the loss vehicle is principally garaged.

(2) Cash settlement: The insurer may settle a total loss claim by offering a cash settlement based on the actual cash value of a comparable motor vehicle, less any applicable deductible provided for in the policy.

(a) Only a vehicle identified as a comparable motor vehicle may be used to determine the actual cash value.

(b) The insurer must determine the actual cash value of the loss vehicle by using any one or more of the following methods:

(i) Comparable motor vehicle: The actual cash value of a comparable motor vehicle based on current data obtained in the area where the loss vehicle is principally garaged.

(ii) Licensed dealer quotes: Quotations for the cost of a comparable motor vehicle obtained from two or more licensed dealers within a reasonable distance of the princi-

pally garaged area not to exceed one hundred fifty miles (except where there are no licensed dealers having comparable motor vehicles within one hundred fifty miles).

(iii) Advertised data comparison: The actual cash value of two or more comparable motor vehicles advertised for sale in the local media if the advertisements meet the definition of current data as defined in WAC 284-30-320(4). The vehicles must be located within a reasonable distance of the principally garaged area not to exceed one hundred fifty miles.

(iv) Computerized source: The insurer may use a computerized source to establish a statistically valid actual cash value of the loss vehicle. The source used must meet all of the following criteria:

(A) The source's data base must produce values for at least eighty-five percent of all makes and models for a minimum of fifteen years taking into account the values of all major options for such motor vehicles.

(B) The source must produce actual cash values based on current data within a reasonable distance of the principally garaged area, not to exceed one hundred fifty miles.

(C) The source must rely upon the actual cash value of comparable motor vehicles that are currently available or were available in the market place within ninety days prior to or after the date of loss.

(D) The source must provide a list of comparable motor vehicles used to determine the actual cash value. If more than thirty comparable motor vehicles are located, the insurer need list only thirty but may list more.

(v) Cash settlement search area: If none of the methods in subsection (2)(b)(i) through (iv) of this section produce a comparable motor vehicle to establish an actual cash value within a reasonable distance of the principally garaged area, the search area may be expanded in increasing circles of twenty-five mile increments, up to one hundred and fifty miles, until two or more comparable motor vehicles are located. If no comparable motor vehicles can be located within one hundred fifty miles, the search area may be expanded with the agreement of the first party claimant.

(3) Appraisal: If the first party claimant and the insurer fail to agree on the actual cash value of the loss vehicle and the insurance policy has an appraisal provision, either the insurer or the first party claimant may invoke the appraisal provision of the policy to resolve disputes concerning the actual cash value.

(4) Settlement requirements: When settling a total loss vehicle claim using methods in subsections (1) through (3) of this section, the insurer must:

(a) Communicate its settlement offer to the claimant by phone or in writing and information about this communication must be documented in the claim file, including the date, time, and name of the person to whom the offer was made.

(b) Base all offers on itemized and verifiable dollar amounts for vehicles that are currently available, or were available within ninety days of the date of loss, using appropriate deductions or additions for options, mileage or condition when determining comparability.

(c) Consider relevant information supplied by the claimant when determining appropriate deductions or additions.

(d) Provide a true and accurate copy of any "valuation report," as described in WAC 284-30-392, if requested.

(e) As part of the settlement amount, include all applicable government taxes and fees that would have been incurred by the claimant if the claimant had purchased the loss vehicle immediately prior to the loss. These taxes and fees must be included in the settlement amount whether or not the claimant retains or subsequently transfers ownership of the loss vehicle.

(5) Settlement adjustments: Insurers may adjust a total loss settlement through the following methods only:

(a) The insurer may deduct from a first party claim the amount of another claim payment (including the applicable deductible) previously made to an insured for prior unrepaired damage to the same vehicle.

(b) Deductions other than those made pursuant to (a) of this subsection may be made for other unrepaired damage as long as the amount of deduction is no greater than the decrease in the actual cash value due to prior damage.

(c) If the claimant retains the total loss vehicle, the insurer may deduct the salvage value from the settlement amount, as described in subsection (4)(e) of this section. Upon a request by the claimant, the insurer must provide the name and address of a salvage entity or dismantler who will purchase the salvage for the amount deducted with no additional charge. This purchase option must remain available for at least thirty days after the settlement agreement is reached and the claimant must be advised that the salvage entity may not honor its offer if the condition of the salvage has changed.

(d) Any additions or deductions from the actual cash value must be explained to the claimant and must be itemized showing specific dollar amounts.

(6) Reopening a claim file:

(a) The insurer must reopen the claim file if within the first thirty-five days after the date final payment is sent to the first party claimant, lienholder, or both, the claimant is not able to purchase a comparable motor vehicle for the agreed amount but was able to locate, but did not purchase a comparable motor vehicle that costs more than the agreed settlement amount.

(b) If the claimant has satisfied (a) of this subsection, and if the appraisal section of the policy has not been utilized, the insurer must do one of the following:

(i) Locate a comparable motor vehicle that is currently available for the agreed settlement amount;

(ii) Pay the claimant the difference between the agreed settlement amount and the cost of the comparable motor vehicle;

(iii) Purchase the comparable motor vehicle for the claimant; or

(iv) Conclude the loss settlement in the manner provided in the appraisal section of the insurance policy in force at the time of the loss.

(c) The insurer is not required to reopen the claim file if:

(i) The claimant received written notification of the location of a specific comparable motor vehicle available for purchase for the agreed settlement amount and the claimant did not purchase this vehicle within five business days after the date final payment is sent to the claimant, lienholder, or both; or

(ii) The appraisal provision was previously exercised.

NEW SECTION

WAC 284-30-392 Information that must be included in the insurer's total loss vehicle valuation report. The insurer's total loss vehicle valuation report must include:

- (1) All information collected during the initial inspection assessing the condition, equipment, and mileage of the loss vehicle;
- (2) All information the insurer used to determine the actual cash value of the loss vehicle;
- (3) A list of the comparable motor vehicles used by the insurer to arrive at the actual cash value. This list must include:
 - (a) The source of the information used;
 - (b) The date of the information;
 - (c) The contact information for the seller, the comparable motor vehicle's vehicle identification number, or both;
 - (d) The seller's asking price;
 - (e) The sold price, if available; and
 - (f) The location or contact information for each comparable motor vehicle at the time of the valuation.
- (4) When the insurer uses a computerized source for determining statistically valid actual cash values after meeting the requirements of WAC 284-30-391 (2)(b)(iv):
 - (a) The source must provide a list of comparable motor vehicles used to determine the actual cash value. If more than thirty comparable motor vehicles are used, only thirty must be listed.
 - (b) Any supplemental information must be clearly identified with a separate heading.
 - (c) Any weighting of identified vehicles to arrive at an average must be documented and explained.

NEW SECTION

WAC 284-30-393 Insurer must include an insured's deductible in its subrogation demands. The insurer must include the insured's deductible, if any, in its subrogation demands. Subrogation recoveries must be allocated first to the insured for any deductible(s) incurred in the loss. Deductions for expenses must not be made from the deductible recovery unless an outside attorney is retained to collect the recovery. The deduction may then be made only as a pro rata share of the allocated loss adjustment expense. The insurer must keep its insured regularly informed of its efforts related to the progress of subrogation claims. "Regularly informed" means that the insurer must contact its insured within sixty days after the start of the subrogation process, and no less frequently than every one hundred eighty days until the insured's interest is resolved.

NEW SECTION

WAC 284-30-394 Denial of storage and towing costs. Prior to denying storage and towing costs, the insurer must do all of the following:

- (1) Advise the first party claimant by phone or in writing before it stops payment for storage of the loss vehicle. This communication must be documented in the claim file. If it is a phone call, the documentation must include the date, time,

name of the person contacted and a summary of the conversation;

- (2) Provide reasonable time for the claimant to move the loss vehicle before stopping payment for storage. Five calendar days is considered reasonable time unless the claimant agrees to a shorter time period;

- (3) Pay any and all reasonable towing charges unless otherwise provided in the applicable insurance policy.

AMENDATORY SECTION (Amending Order R 78-3, filed 7/27/78, effective 9/1/78)

WAC 284-30-400 Enforcement. Violations of the standards ~~((imposed by WAC 284-30-330 through 284-30-390 shall be))~~ for unfair claims settlement practices in this regulation are subject to the enforcement provisions set forth in RCW 48.30.010 and ~~((shall))~~ also constitute a failure to comply with a regulation pursuant to RCW 48.05.140(1).

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 284-30-3901	Definitions for settlement of vehicle claims.
WAC 284-30-3902	When my vehicle is repairable, what can I expect from the insurer?
WAC 284-30-3903	Can I get my vehicle repaired at a shop of my choice?
WAC 284-30-3904	Will my insurer pursue collection of my deductible?
WAC 284-30-3905	If my insurer collects my deductible back, will I recover the full amount of my deductible?
WAC 284-30-3906	If another party is responsible for my vehicle damage, can that party's insurer refuse to settle my vehicle damage and force me to use my own collision coverage?
WAC 284-30-3907	How can my insurer settle my vehicle total loss claim?
WAC 284-30-3908	Are there factors that may adjust my settlement?
WAC 284-30-3909	If my vehicle is determined to be a total loss, can I keep it?
WAC 284-30-3910	Can the insurer move my vehicle prior to settlement of the claim?

WAC 284-30-3911	What information must be included in the insurer's valuation report?
WAC 284-30-3912	What if I, as an insured, accept the settlement based on my insurer's valuation and cannot find a comparable vehicle within a reasonable distance of my vehicle's principally garaged area?
WAC 284-30-3913	What must the insurer do prior to the denial of storage and towing costs?
WAC 284-30-3914	When I am dealing with someone else's insurer, what are my rights regarding a rental vehicle?
WAC 284-30-3915	What if the other person's insurer offers a flat rental amount per day, week, or month?
WAC 284-30-3916	In a total loss situation, what happens if I have a loan or lease on my vehicle and the outstanding balance exceeds the actual cash value of my vehicle?
WAC 284-30-410	Effective date.

WSR 09-11-131**PERMANENT RULES****DEPARTMENT OF ECOLOGY**

[Order 05-19—Filed May 20, 2009, 11:55 a.m., effective June 20, 2009]

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

Purpose: This rule revision involves an update of two WACs that regulate new or modified sources of air pollution emissions. The revision to chapter 173-460 WAC includes an update of the list of toxic air pollutants, recalculation of the acceptable source impact levels and small quantity emission rates to reflect current scientific findings, setting *de minimis* values for emissions of toxic air pollutants, and deleting out-of-date control technologies for best available control technologies. The revisions to WAC 173-400-110 consolidate the new source review process which has historically been divided between the two rules.

Citation of Existing Rules Affected by this Order: Amending WAC 173-400-110 General regulations for air pollution sources and chapter 173-460 WAC, Controls for new sources of toxic air pollutants.

Statutory Authority for Adoption: Washington Clean Air Act, RCW 70.94.152.

Adopted under notice filed as WSR 08-23-097 on November 19, 2008.

Changes Other than Editing from Proposed to Adopted Version: Ecology made two changes to the proposed rule language that are more substantive than editing changes. Both these changes are in WAC 173-460-150.

Pursuant to RCW 34.05.340 [(2)](c), changes that are more than editing changes require a brief description of the changes, and the principal reasons for adopting the changes. The brief description shall be filed with the code reviser together with the order of adoption for publication in the state register. Within sixty days of publication of the adopted rule in the state register, any interested person may petition the agency to amend any portion of the adopted rule that is substantially different from the proposed rule.

The following are the changes from the proposed rule language and the principal reasons for these changes. More detailed descriptions of these changes can be found in Section II of the concise explanatory statement and responsiveness summary for this rule revision.

Change to certain small quantity emission rates (SQERs) and *de minimis* levels: The SQERs and *de minimis* levels for the acceptable source impact levels (ASILs) with twenty-four hour averaging periods have been changed. The calculation used to determine both of these contained a mathematical error. When the raw one-hour concentration output was converted to a twenty-four hour averaging period one of the multiplication factors was inadvertently dropped from the formula. Ninety-two toxic air pollutants were affected by this error. This error did not affect the ASILs. The appropriate SQERs and *de minimis* values (which are calculated as 1/20 of the SQERs) have been corrected in the final text.

Change to *de minimis* levels for criteria pollutants: The *de minimis* levels for the four criteria pollutants listed in WAC 173-460-150 are also changed. The four criteria pollutants, nitrogen dioxide (NO₂), sulfur dioxide (SO₂), carbon dioxide (CO), and lead (Pb) are regulated as criteria pollutants in WAC 173-400-110 and as toxic air pollutants in chapter 173-460 WAC. To assure consistency between the two rules, ecology applied the existing WAC 173-400-110(5) exemption levels for NO₂, CO, SO₂, and Pb to their corresponding toxic air pollutant *de minimis* levels.

A final cost-benefit analysis is available by contacting Linda Hitcher, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6875, fax (360) 407-7534, e-mail liwh461@ecy.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 2, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 4.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 7, 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: May 20, 2009.

Jay J. Manning
Director

AMENDATORY SECTION (Amending Order 06-03, filed 5/8/07, effective 6/8/07)

WAC 173-400-110 New source review (NSR). In lieu of filing a notice of construction application under this section, the owner or operator may apply for coverage under an applicable general order of approval issued under WAC 173-400-560. Coverage under a general order of approval satisfies the requirement for new source review under RCW 70.94.-152.

(1) Applicability.

(a) This section, WAC 173-400-112 and 173-400-113 apply statewide except where an authority has adopted its own new source review rule.

(b) This section applies to sources as defined in RCW 70.94.030~~((2+))~~ (22), but does not include nonroad engines. Nonroad engines are regulated under WAC 173-400-035.

(2) Projects subject to NSR - notice of construction application.

(a) A notice of construction application must be filed by the owner or operator and an order of approval issued by the permitting authority prior to ~~((the establishment))~~ beginning actual construction of any new source, except for the following:

(i) Those sources exempt under subsection (4) or (5) of this section; and

(ii) A source regulated under WAC 173-400-035.

For purposes of this section ~~(("establishment" shall mean to begin actual construction, as that term is defined in WAC 173-400-030, and))~~ "new source" ~~((shall))~~ includes any modification to an existing stationary source, as defined in WAC 173-400-030, and any new or modified toxic air pollutant source, as defined in WAC 173-460-020.

(b) Regardless of any other subsection of this section, a notice of construction application must be filed and an order of approval issued by the permitting authority prior to ~~((establishment))~~ beginning actual construction of any of the following new sources:

(i) Any project that qualifies as construction, reconstruction or modification of an affected facility, within the meaning of 40 CFR Part 60 (New Source Performance Standards), except ~~((Part))~~ subpart AAA, Wood stoves ~~((in effect on February 20, 2001))~~ and except subpart IIII (Standards of Performance for Stationary Compression Ignition Internal Combustion Engines) and subpart JJJJ (Standards of Performance for Stationary Spark Ignition Internal Combustion Engines) as they apply to emergency stationary internal combustion engines with a maximum engine power less than or equal to 500 brake horsepower (federal rules in effect on April 30, 2008);

(ii) Any project that qualifies as a new or modified source within the meaning of 40 CFR 61.02 (National Emission Standards for Hazardous Air Pollutants) (in effect on July 1, 2004), except for asbestos demolition and renovation

projects subject to 40 CFR 61.145, and except from sources or emission units emitting only radionuclides, which are required to obtain a license under WAC 246-247-060, and are subject to 40 CFR Part 61, subparts H and/or I;

(iii) Any project that qualifies as a new source within the meaning of 40 CFR 63.2 (National Emission Standards for Hazardous Air Pollutants for Source Categories) ~~((in effect on October 1, 2006))~~ except subpart ZZZZ (National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines) as it applies to emergency or limited use stationary reciprocating internal combustion engines with a maximum engine power less than or equal to 500 brake horsepower (federal rules in effect on April 30, 2008);

(iv) Any project that qualifies as a new major stationary source, or a major modification to a major stationary source subject to the requirements of WAC 173-400-112;

(v) Any modification to a stationary source that requires an increase either in a plant-wide cap or in a unit specific emission limit.

(c) An applicant filing a notice of construction application for a project described in WAC 173-400-117(2), Special protection requirements for Class I areas, must send a copy of the application to the responsible federal land manager.

(3) **Modifications.** New source review of a modification ~~((shall be))~~ is limited to the emission unit or units proposed to be added to an existing source or modified and the air contaminants whose emissions would increase as a result of the modification; provided, however, that review of a major modification must comply with WAC 173-400-112 and/or 173-400-720, as applicable.

(4) Emission unit and activity exemptions.

Except as provided in subsection (2) of this section, ~~((establishment of a new emission unit that falls within))~~ the construction or modification of emission units in one of the categories listed below is exempt from new source review ~~((Modification of any emission unit listed below is exempt from new source review))~~, provided that the modified unit continues to fall within one of the listed categories. The ~~((installation))~~ construction or modification of ~~((a))~~ an emission unit exempt under this subsection does not require the filing of a notice of construction application.

(a) Maintenance/construction:

(i) Cleaning and sweeping of streets and paved surfaces;

(ii) Concrete application, and installation;

(iii) Dredging wet spoils handling and placement;

(iv) Paving application and maintenance, excluding asphalt plants;

(v) Plant maintenance and upkeep activities (grounds keeping, general repairs, routine house keeping, routine plant painting, welding, cutting, brazing, soldering, plumbing, reroofing roofs, etc.);

(vi) Plumbing installation, plumbing protective coating application and maintenance activities;

(vii) Roofing application;

(viii) Insulation application and maintenance, excluding products for resale;

(ix) Janitorial services and consumer use of janitorial products.

(b) Storage tanks:

Note: It can be difficult to determine requirements for storage tanks. Ecology strongly recommends that an owner or operator contact the permitting authority to determine the exemption status of storage tanks prior to their installation.

(i) Lubricating oil storage tanks except those facilities that are wholesale or retail distributors of lubricating oils;

(ii) Polymer tanks and storage devices and associated pumping and handling equipment, used for solids dewatering and flocculation;

(iii) Storage tanks, reservoirs, pumping and handling equipment of any size containing soaps, vegetable oil, grease, animal fat, and nonvolatile aqueous salt solutions;

(iv) Process and white water storage tanks;

(v) Operation, loading and unloading of storage tanks and storage vessels, with lids or other appropriate closure and less than 260 gallon capacity (35 cft);

(vi) Operation, loading and unloading of storage tanks, ≤ 1100 gallon capacity, with lids or other appropriate closure, not for use with materials containing toxic air pollutants, as defined in chapter 173-460 WAC, max. VP 550 mm Hg @21°C;

(vii) Operation, loading and unloading storage of butane, propane, or liquefied petroleum gas with a vessel capacity less than 40,000 gallons;

(viii) Tanks, vessels and pumping equipment, with lids or other appropriate closure for storage or dispensing of aqueous solutions of inorganic salts, bases and acids.

(c) A project with combined aggregate heat inputs of combustion units (excluding emergency engines exempted by subsection (4)(h)(xxxix) of this section), ≤ all of the following:

(i) ≤ 500,000 Btu/hr using coal with ≤ 0.5% sulfur or other fuels with ≤ 0.5% sulfur;

(ii) ≤ 500,000 Btu/hr used oil, per the requirements of RCW 70.94.610;

(iii) ≤ 400,000 Btu/hr wood waste or paper;

(iv) (\leq) ≤ 1,000,000 Btu/hr using kerosene, #1, or #2 fuel oil and with ≤ 0.05% sulfur;

(v) ≤ 4,000,000 Btu/hr using natural gas, propane, or LPG.

(d) Material handling:

(i) Continuous digester chip feeders;

(ii) Grain elevators not licensed as warehouses or dealers by either the Washington state department of agriculture or the U.S. Department of Agriculture;

(iii) Storage and handling of water based lubricants for metal working where organic content of the lubricant is ≤ 10%;

(iv) Equipment used exclusively to pump, load, unload, or store high boiling point organic material in tanks less than one million gallon, material with initial atmospheric boiling point not less than 150°C or vapor pressure not more than 5 mm Hg @21°C, with lids or other appropriate closure.

(e) Water treatment:

(i) Septic sewer systems, not including active wastewater treatment facilities;

(ii) NPDES permitted ponds and lagoons used solely for the purpose of settling suspended solids and skimming of oil and grease;

(ii) De-aeration (oxygen scavenging) of water where toxic air pollutants as defined in chapter 173-460 WAC are not emitted;

(iv) Process water filtration system and demineralizer vents;

(v) Sewer manholes, junction boxes, sumps and lift stations associated with wastewater treatment systems;

(vi) Demineralizer tanks;

(vii) Alum tanks;

(viii) Clean water condensate tanks.

(f) Environmental chambers and laboratory equipment:

(i) Environmental chambers and humidity chambers not using toxic air pollutant gases, as regulated under chapter 173-460 WAC;

(ii) Gas cabinets using only gases that are not toxic air pollutants regulated under chapter 173-460 WAC;

(iii) Installation or modification of a single laboratory fume hood;

(iv) Laboratory research, experimentation, analysis and testing at sources whose primary purpose and activity is research or education. To be exempt, these sources must not engage in the production of products, or in providing commercial services, for sale or exchange for commercial profit except in a de minimis manner. Pilot-plants or pilot scale processes at these sources are not exempt.

(v) Laboratory calibration and maintenance equipment.

(g) Monitoring/quality assurance/testing:

(i) Equipment and instrumentation used for quality control/assurance or inspection purpose;

(ii) Hydraulic and hydrostatic testing equipment;

(iii) Sample gathering, preparation and management;

(iv) Vents from continuous emission monitors and other analyzers.

(h) Miscellaneous:

(i) Single-family residences and duplexes;

(ii) Plastic pipe welding;

(iii) Primary agricultural production activities including soil preparation, planting, fertilizing, weed and pest control, and harvesting;

(iv) Comfort air conditioning;

(v) Flares used to indicate danger to the public;

(vi) Natural and forced air vents and stacks for bathroom/toilet activities;

(vii) Personal care activities;

(viii) Recreational fireplaces including the use of barbecues, campfires, and ceremonial fires;

(ix) Tobacco smoking rooms and areas;

(x) Noncommercial smokehouses;

(xi) Blacksmith forges for single forges;

(xii) Vehicle maintenance activities, not including vehicle surface coating;

(xiii) Vehicle or equipment washing (see (c) of this subsection for threshold for boilers);

(xiv) Wax application;

(xv) Oxygen, nitrogen, or rare gas extraction and liquefaction equipment not including internal and external combustion equipment;

(xvi) Ozone generators and ozonation equipment;

(xvii) Solar simulators;

(xviii) Ultraviolet curing processes, to the extent that toxic air pollutant gases as defined in chapter 173-460 WAC are not emitted;

(xix) Electrical circuit breakers, transformers, or switching equipment installation or operation;

(xx) Pulse capacitors;

(xxi) Pneumatically operated equipment, including tools and hand held applicator equipment for hot melt adhesives;

(xxii) Fire suppression equipment;

(xxiii) Recovery boiler blow-down tank;

(xxiv) Screw press vents;

(xxv) Drop hammers or hydraulic presses for forging or metal working;

(xxvi) Production of foundry sand molds, unheated and using binders less than 0.25% free phenol by sand weight;

(xxvii) Kraft lime mud storage tanks and process vessels;

(xxviii) Lime grits washers, filters and handling;

(xxix) Lime mud filtrate tanks;

(xxx) Lime mud water;

(xxxi) Stock cleaning and pressurized pulp washing down process of the brown stock washer;

(xxxii) Natural gas pressure regulator vents, excluding venting at oil and gas production facilities and transportation marketing facilities;

(xxxiii) Nontoxic air pollutant, as defined in chapter 173-460 WAC, solvent cleaners less than 10 square feet air-vapor interface with solvent vapor pressure not more than 30 mm Hg @21°C;

(xxxiv) Surface coating, aqueous solution or suspension containing ≤ 1% (by weight) VOCs, and/or toxic air pollutants as defined in chapter 173-460 WAC;

(xxxv) Cleaning and stripping activities and equipment using solutions having ≤ 1% VOCs (by weight); on metallic substances, acid solutions are not exempt;

(xxxvi) Dip coating operations, using materials less than 1% VOCs (by weight) and/or toxic air pollutants as defined in chapter 173-460 WAC.

(xxxvii) Abrasive blasting performed inside a booth or hangar designed to capture the blast grit or overspray.

(xxxviii) For structures or items too large to be reasonably handled indoors, abrasive blasting performed outdoors that employs control measures such as curtailment during windy periods and enclosure of the area being blasted with tarps and uses either steel shot or an abrasive containing less than one percent (by mass) which would pass through a No. 200 sieve.

(xxxix) Emergency generators powered by internal combustion engines with a maximum power of less than or equal to 500 brake horsepower.

(xl) Gasoline dispensing facilities (GDFs) regulated by chapter 173-491 WAC.

(5) Exemptions based on emissions.

(a) Except as provided in subsection (2) of this section and in this subsection:

(i) Construction of a new emissions unit that has a potential to emit below each of the levels listed in the table contained in (d) of this subsection is exempt from new source review provided that the conditions of (b) of this subsection are met.

(ii) A modification to an existing emissions unit that increases the unit's actual emissions by less than each of the threshold levels listed in the table contained in (d) of this subsection is exempt from new source review provided that the conditions of (b) of this subsection are met.

(b) The owner or operator seeking to exempt a project from new source review under this section (~~(shall)~~) must notify, and upon request, file a brief project summary with the permitting authority prior to beginning actual construction on the project. If the permitting authority determines that the project will have more than a de (~~minimis~~) minimis impact on air quality, the permitting authority may require the filing of a notice of construction application. The permitting authority may require the owner or operator to demonstrate that the emissions increase from the new or modified emission(~~s~~) unit is smaller than all of the levels listed below.

(c) The owner/operator may begin actual construction on the project thirty-one days after the permitting authority receives the summary, unless the permitting authority notifies the owner/operator within thirty days that the proposed new source requires a notice of construction application.

(d) Exemption level table:

POLLUTANT	LEVEL (TONS PER YEAR)
(a) Total Suspended Particulates	1.25
(b) PM-10	0.75
(c) <u>PM-2.5</u>	<u>0.5</u>
(d) Sulfur Oxides	2.0
((+)) (e) Nitrogen Oxides	2.0
((+)) (f) Volatile Organic Compounds, total	2.0
((+)) (g) Carbon Monoxide	5.0
((+)) (h) Lead	0.005
((+)) (i) Ozone Depleting Substances (in effect on July 1, 2000), total	1.0
((+)) (j) Toxic Air Pollutants	((As specified in chapter 173-460-WAC-)) <u>The de minimis emission rate specified for each TAP in WAC 173-460-150.</u>

(6) Application processing - completeness determination.

(a) Within thirty days after receiving a notice of construction application, the permitting authority (~~(shall)~~) must either notify the applicant in writing that the application is complete or notify the applicant in writing of all additional information necessary to complete the application.

(b) For a project subject to the Special protection requirements for federal Class I areas in WAC 173-400-117(2), a completeness determination includes a determination that the application includes all information required for review of that project under WAC 173-400-117(3).

(7) Final determination.

(a) Within sixty days of receipt of a complete notice of construction application, the permitting authority ~~((shall))~~ must either issue a final decision on the application or for those projects subject to public notice under WAC 173-400-171(1), initiate notice and comment on a proposed decision, followed as promptly as possible by a final decision.

(b) A person seeking approval to construct or modify a source that requires an operating permit may elect to integrate review of the operating permit application or amendment required under chapter 173-401 WAC and the notice of construction application required by this section. A notice of construction application designated for integrated review ~~((shall))~~ must be processed in accordance with operating permit program procedures and deadlines in chapter 173-401 WAC and must also comply with WAC 173-400-171.

(c) Every final determination on a notice of construction application ~~((shall))~~ must be reviewed and signed prior to issuance by a professional engineer or staff under the direct supervision of a professional engineer in the employ of the permitting authority.

(d) If the new source is a major stationary source or the change is a major modification subject to the requirements of WAC 173-400-112, the permitting authority ~~((shall))~~ must:

(i) Submit any control technology determination included in a final order of approval for a major source or a major modification to a major stationary source in a nonattainment area to the RACT/BACT/LAER clearinghouse maintained by EPA; and

(ii) Send a copy of the final approval order to EPA.

(8) **Appeals.** Any conditions contained in an order of approval, or the denial of a notice of construction application may be appealed to the pollution control hearings board as provided in chapter 43.21B RCW. The permitting authority ~~((shall))~~ must promptly mail copies of each order approving or denying a notice of construction application to the applicant and to any other party who submitted timely comments on the application, along with a notice advising parties of their rights of appeal to the pollution control hearings board.

(9) **Construction time limitations.** Approval to construct or modify a stationary source becomes invalid if construction is not commenced within eighteen months after receipt of the approval, if construction is discontinued for a period of eighteen months or more, or if construction is not completed within a reasonable time. The permitting authority may extend the eighteen-month period upon a satisfactory showing that an extension is justified. The extension of a project that is either a major stationary source in a nonattainment area or a major modification in a nonattainment area must also require LAER as it exists at the time of the extension. This provision does not apply to the time period between construction of the approved phases of a phased construction project. Each phase must commence construction within eighteen months of the projected and approved commencement construction date.

(10) Change of conditions.

(a) The owner or operator may request, at any time, a change in conditions of an approval order and the permitting authority may approve the request provided the permitting authority finds that:

(i) The change in conditions will not cause the source to exceed an emissions standard;

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

(iii) The change will not adversely impact the ability of ecology or the authority to determine compliance with an emissions standard;

(iv) The revised order will continue to require BACT, as defined at the time of the original approval, for each new source approved by the order except where the Federal Clean Air Act requires LAER; and

(v) The revised order meets the requirements of WAC 173-400-110, 173-400-112, 173-400-113 ~~((and))~~, 173-400-720 and 173-460-040(3), as applicable.

(b) Actions taken under this subsection are subject to the public involvement provisions of WAC 173-400-171 or the permitting authority's public notice and comment procedures.

(c) This rule does not prescribe the exact form such requests must take. However, if the request is filed as a notice of construction application, that application must be acted upon using the timelines found in subsections (6) and (7) of this section. The fee schedule found in WAC ~~((173-400-116 shall also apply))~~ 173-455-120 applies to requests filed with ecology as notice of construction applications.

(11) **Enforcement.** All persons who receive an order of approval must comply with all approval conditions contained in the order of approval.

AMENDATORY SECTION (Amending Order 90-62, filed 6/18/91, effective 9/18/91)

WAC 173-460-010 Purpose. (1) Pursuant to chapter 70.94 RCW, Washington Clean Air Act, the purpose of this chapter is to establish the systematic control of new or modified sources emitting toxic air pollutants (TAPs) in order to prevent air pollution, reduce emissions to the extent reasonably possible, and maintain such levels of air quality as will protect human health and safety. Toxic air pollutants include carcinogens and noncarcinogens listed in WAC 173-460-150 ~~((and 173-460-160))~~.

(2) This chapter establishes three major requirements:

(a) Best available control technology for toxics;

(b) Toxic air pollutant emission quantification;

(c) Human health and safety protection demonstration.

(3) Policy. It is the policy of ecology to reduce, avoid, or eliminate toxic air pollutants prior to their generation whenever economically and technically practicable.

AMENDATORY SECTION (Amending Order 93-19, filed 1/14/94, effective 2/14/94)

WAC 173-460-020 Definitions. The definitions of terms contained in chapter 173-400 WAC are incorporated into this chapter by reference. ~~((In the event of a conflict between the definitions provided in chapter 173-400 WAC and the definitions provided in this section, the definitions in this section shall govern. Unless a different meaning is clearly required by context, the following words and phrases as used in this chapter shall have the following meanings. Note: For copies of the above mentioned rule and any other rule cited in this chapter, contact the Department of Ecology,~~

Records Section, P.O. Box 47600, Olympia, WA 98504-7600.) Terms specific to this chapter are defined as follows:

(1) "Acceptable source impact analysis" means a procedure for demonstrating compliance with WAC 173-460-070 ~~((and 173-460-080))~~, that compares maximum incremental ambient air impacts with applicable acceptable source impact levels (ASIL).

(2) "Acceptable source impact level (ASIL)" means a screening concentration of a toxic air pollutant in the (out-door atmosphere in any area which does not have restricted or controlled public access that is used to evaluate the air quality impacts of a single source. There are three types of acceptable source impact levels: Risk-based, threshold-based, and special. Concentrations for these three types of ASILs are determined as provided in WAC 173-460-110. ASILs are listed in WAC 173-460-150 and 173-460-160.

(3) "Authority" means an air pollution control authority activated pursuant to chapter 70.94 RCW that has jurisdiction over the subject source. Ecology is the authority if an air pollution control authority has not been activated or if ecology has jurisdiction over the source pursuant to RCW 70.94.395.

(4) ambient air. The ASIL for each toxic air pollutant is listed in WAC 173-460-150.

(3) "Best available control technology for toxics ~~((T-BACT))~~ (BACT)" ~~((applies to each toxic air pollutant (TAP) discharged or mixture of TAPs, taking in account the potency quantity and toxicity of each toxic air pollutant or mixture of TAPs discharged in addition to the meaning given in WAC 173-400-030(10).~~

(5) "Carcinogenic potency factor" means the upper 95th percentile confidence limit of the slope of the dose-response curve and is expressed in units of (mg/kg-day)⁻¹.

(6) "Class A toxic air pollutant (Class A TAP)" means a substance or group of substances listed in WAC 173-460-150.

(7) "Class B toxic air pollutant (Class B TAP)" means any substance that is not a simple asphyxiant or nuisance particulate and that is listed in WAC 173-460-160.

(8) "EPA's Dispersion Modeling Guidelines" means the United States Environmental Protection Agency Guideline on Air Quality Models, EPA (Revised) 40 CFR Part 51 Appendix W, and is hereby incorporated by reference.

(9) "EPA's Risk Assessment Guidelines" means the United States Environmental Protection Agency's Guidelines for Carcinogenic Risk Assessment, 51 FR 33992 (September 24, 1986) and is hereby incorporated by reference.

(10) means best available control technology, as that term is defined in WAC 173-400-030, as applied to toxic air pollutants.

(4) "De minimis emissions" means trivial levels of emissions that do not pose a threat to human health or the environment. The de minimis emission threshold values are listed in WAC 173-460-150.

(5) "Increased cancer risk of one in one hundred thousand" means the 95th percent upper bound on the estimated risk of one additional cancer above the background cancer rate per one hundred thousand individuals continuously exposed to a ~~((Class A))~~ carcinogenic toxic air pollutant at a given average dose for a specified time.

~~((11)) "Increased cancer risk of one in one million" means the 95th percent upper bound on the estimated risk of one additional cancer above the background cancer rate per one million individuals continually exposed to a Class A toxic air pollutant at a given average dose for a specified time.~~

~~(12) "Inhalation Reference Concentration (Inhalation RfC)" means a reference concentration published in the United States Environmental Protection Agency Integrated Risk Information System (IRIS).~~

~~(13) "Mixture" means a combination of two or more substances mixed in arbitrary proportions.~~

~~(14) "Modification" means any physical change in, or change in the method of operation of, a stationary source that increases the amount of any air contaminant emitted by such source or that results in the emission of any air contaminant not previously emitted. The term modification shall be construed consistent with the definition of modification in Section 7411, Title 42, United States Code, and with rules implementing that section. For purposes of this chapter, the term "air contaminant" shall mean "toxic air contaminant" or "toxic air pollutant" as defined in subsection (20) of this section.~~

~~(15))~~ (6) "New or modified toxic air pollutant source" means(~~(:~~

(a)) ~~the construction or modification of a stationary source that increases the amount of any toxic air pollutant emitted by such source or that results in the emission of any toxic air pollutant not previously emitted((; and~~

(b) Any other project that constitutes a new source under section 112 of the Federal Clean Air Act.

(16) "Second Tier Analysis" means an optional procedure used after T-BACT and acceptable source impact analysis for demonstrating compliance with WAC 173-460-070. The second tier analysis uses a health impact assessment as provided in WAC 173-460-090, instead of an acceptable source impact level.

(17) "Simple asphyxiant" means a physiologically inert gas or vapor that acts primarily by diluting atmospheric oxygen below the level required to maintain proper levels of oxygen in the blood. Examples of simple asphyxiants are given in Appendix X of the TLV Booklet referred to in subsection (19) of this section and incorporated by reference.

(18) "Threshold limit value time weighted average (TLV-TWA)" means a concentration limit recommended by the American Conference of Governmental Industrial Hygienists (ACGIH) for a normal eight-hour workday and forty-hour workweek.

(19) "TLV Booklet" means "TLVs, Threshold Limit Values and Biological Exposure Indices for 1991-92," published by the American Conference of Governmental Industrial Hygienists and is hereby incorporated by reference.

(20)) (7) "Small quantity emission rate (SQER)" means a level of emissions below which dispersion modeling is not required to demonstrate compliance with acceptable source impact levels. SQERs are listed in WAC 173-460-150.

(8) "Toxic air pollutant (TAP)" ~~((or "toxic air contaminant"))~~ means any ~~((Class A or Class B))~~ toxic air pollutant listed in WAC 173-460-150 ~~((and 173-460-160. The term toxic air pollutant may include particulate matter and volatile~~

organic compounds if an individual substance or a group of substances within either of these classes is listed in WAC 173-460-150 and/or 173-460-160. The term toxic air pollutant does not include particulate matter and volatile organic compounds as generic classes of compounds.

(21) "Upper bound unit risk factor" means the 95 percent upper confidence limit of an estimate of the extra risk of cancer associated with a continuous 70 year exposure to 1 ug/m³ of a Class A toxic air pollutant).

AMENDATORY SECTION (Amending Order 93-19, filed 1/14/94, effective 2/14/94)

WAC 173-460-030 ((Requirements,)) Applicability ((and exemptions)). ((1) Applicability.

(a)) The provisions of this chapter ((shall)) apply statewide. ((The authority shall enforce WAC 173-460-010, 173-460-020, 173-460-030, 173-460-040, 173-460-050, 173-460-060, 173-460-070, 173-460-080, 173-460-130, 173-460-140, 173-460-150, and 173-460-160.

(b) Except as provided in this chapter, any new toxic air pollutant source listed in (b)(i), (ii), or (iii) of this subsection that may emit a Class A or Class B TAP into the ambient air is subject to these regulations:

(i) Standard industrial classifications:

(A) Major group 10-Metal mining.

(B) Major group 12-Bituminous coal and lignite mining.

(C) Major group 13-Oil and gas extraction.

(D) Manufacturing industries major groups 20-39.

(E) Major group 49-Electric, gas, and sanitary services except 4971 irrigation systems.

(F) Dry cleaning plants, 7216.

(G) General medical surgical hospitals, 8062.

(H) Specialty hospitals, 8069.

(I) National security, 9711.

(ii) Any source or source category listed in WAC 173-400-100, 173-400-115(2), or 173-490-030(1) except WAC 173-490-030(1)(e) gasoline dispensing facilities.

(iii) Any of the following sources:

(A) Landfills.

(B) Sites subject to chapter 173-340 WAC Model Toxics Control Act—Cleanup regulation.

(2) Exempt sources.

(a) Containers such as tanks, barrels, drums, cans, and buckets are exempt from the requirements of this chapter unless equipped with a vent other than those required solely as safety pressure release devices.

(b) Nonprocess fugitive emissions of toxic air pollutants from stationary sources, such as construction sites, unpaved roads, coal piles, waste piles, and fuel and ash handling operations are exempt from WAC 173-460-060.

(c) The following sources are generally exempt from the requirements of WAC 173-460-050, 173-460-070, 173-460-080, and 173-460-090. However, the authority may on a case-by-case basis, require compliance with these sections if the authority determines that the amount of emissions, nature of pollutant, or source location indicate that the ambient impact should be evaluated.

(i) Perchloroethylene dry cleaners

(ii) Petroleum solvent dry cleaning systems

(iii) Solvent metal cleaners

(iv) Chromic acid plating and anodizing

(v) Abrasive blasting

(d) Demolition and renovation projects involving asbestos removal and disposal are exempt from the requirements of this chapter.

(e) Process vents subject to 40 C.F.R. Parts 264 and 265, Subpart AA are exempt from the requirements of this chapter.) WAC 173-460-090 and 173-460-100 must be implemented solely by ecology.

AMENDATORY SECTION (Amending Order 93-19, filed 1/14/94, effective 2/14/94)

WAC 173-460-040 New source review. (1) Applicability and exemptions. This chapter supplements the new source review requirements of WAC 173-400-110 by adding ((additional new source)) review requirements for new and modified toxic air pollutant sources. ((If a notice of construction is required under both chapter 173-400 WAC and this chapter, the written applications shall be combined. A notice of construction is a written application to permit construction of a new source.

(a) The owner or operator of a new toxic air pollutant source listed in WAC 173-460-030(1) shall notify the authority prior to the construction, installation, or establishment of a new toxic air pollutant source and shall file a notice of construction application with the authority for the proposed emission unit(s). Notification and notice of construction are not required if the source is an exempt source listed in WAC 173-460-030(2) or subsection (2) of this section.

(b) The notice of construction and new source review applies only to the affected emission unit(s) and the contaminants emitted from the emission unit(s).

(c) New source review of a modification shall be limited to the emission unit or units proposed to be modified and the toxic air contaminants whose emissions would increase as a result of the modification.

(2) The owner or operator of a new toxic air pollutant source listed in WAC 173-460-030(1) is not required to notify or file a notice of construction with the authority if any of the following conditions are met:

(a) Routine maintenance or repair requires equivalent replacement of air pollution control equipment; or

(b) The new source is a minor process change that does not increase capacity and total toxic air pollutant emissions do not exceed the emission rates specified in small quantity emission rate tables in WAC 173-460-080; or

(c) The new source is the result of minor changes in raw material composition and the total toxic air pollutant emissions do not exceed the emission rates specified in the small quantity emission rate tables in WAC 173-460-080.

(3) Additional information. Within thirty days of receipt of a notice of construction, the authority may require the submission of additional plans, specifications, and other information necessary for the review of the proposed new or modified source.

(4) Requirements for new toxic air pollutant sources. The authority shall review notice(s) of construction, plans,

specifications, and other associated information to determine that:

(a) The source will be in accord with applicable federal, state, and authority air pollution control rules and regulations;

(b) ~~The source will~~) An action that is exempt from new source review under WAC 173-400-110 (4) or (5) is exempt under this chapter as well, except that a local air authority may adopt its own list of exemptions in accordance with RCW 70.94.331 (2)(b) to operate in lieu of or in addition to the exemptions in WAC 173-400-110 (4) and (5). An action that requires a notice of construction application under WAC 173-400-110 is subject to the review requirements of this chapter, unless the emissions before control equipment of each toxic air pollutant from a new source or the increase in emissions from each modification is less than the applicable de minimis emission threshold for that TAP listed in WAC 173-460-150.

(2) New source review of a modification is limited to the emission unit or units proposed to be modified and the TAPs whose emissions would increase as a result of the modification.

(3) The permitting authority that is reviewing a notice of construction application for a new or modified toxic air pollutant source must ensure that:

(a) The new or modified emission units use ((T-BACT)) tBACT for emissions control for the toxic air pollutants ((which are likely to increase)) with emission increases that trigger the need to submit a notice of construction application; and

~~((e) Sources required to use T-BACT for emission control demonstrate compliance))~~ (b) The new or modified emission units comply with WAC 173-460-070 as demonstrated by using the procedures established in WAC 173-460-080 or, failing that, demonstrates compliance(;) by using the additional procedures in WAC 173-460-090 and/or 173-460-100.

~~((5) Preliminary determination. Within thirty days after receipt of all information required, the authority shall:~~

(a) Make preliminary determinations on the matters set forth in this section; and

(b) Initiate compliance with the provisions of WAC 173-400-171 relating to public notice and public comment, as applicable.

(6) Final determination. If, after review of all information received including public comment, the authority finds that all the conditions in this section are satisfied, the authority shall issue a regulatory order to approve the notice of construction for the proposed new source or modification. If the authority finds that the conditions in this section are not satisfied, the authority shall issue an order for the prevention of construction, installation, or establishment of the toxic air pollution source(s). Where ecology has jurisdiction, it will endeavor to make final determinations as promptly as possible.

(7) Appeal of decision. A final notice of construction decision may be appealed to the pollution control hearings board pursuant to chapter 43.21B RCW.

(8) Commencement of construction. The owner(s) or operator(s) of the new source shall not commence construction until the applicable notice of construction has been approved.

(9) Operation and maintenance plan. As a condition of notice of construction approval, prior to start up, the authority may require a plan for the operation and maintenance of all equipment and procedures to assure continuous compliance with this chapter.

(a) A copy of the plan shall be filed with the authority upon request.

(b) The plan shall reflect good industrial practice and may include operating parameters and maintenance procedures, and shall be updated to reflect any changes in good industrial practice.

(c) Submittal of all plans shall coincide with the authorities reporting requirements where applicable.

(10) Jurisdiction. Emission of toxic air pollutants that exceed the acceptable source impact levels listed in WAC 173-460-150 and 173-460-160 requires ecology and, if applicable, authority approval as specified in WAC 173-460-090 and 173-460-100.)

AMENDATORY SECTION (Amending Order 93-19, filed 1/14/94, effective 2/14/94)

WAC 173-460-050 Requirement to quantify emissions. (1) New sources.

~~((a) When applying for a notice of construction, an owner or operator of)~~ A notice of construction application for a new or modified toxic air ((pollution)) pollutant source ((shall)) must quantify ((those emissions of each TAP or combination of TAPs that:

(i) Will be used for the modeling procedures in WAC 173-460-080; and

(ii) That may be discharged after applying required control technology. The information shall be submitted to the authority.

(b) Emissions shall be quantified in sufficient detail to determine whether the source complies with the requirements of this chapter)) the increase in the emissions of each TAP, after application of tBACT, emitted by the new or modified emission units.

(2) Small quantity ((sources)) emission rates.

~~((Sources that choose to use small quantity emission rate tables instead of using))~~ A notice of construction application that relies on SQERs rather than dispersion modeling ((shall)) to demonstrate compliance with WAC 173-460-070 must quantify the increase in emissions ((as required under WAC 173-460-080, in)) of each TAP emitted by the new or modified emission units after application of tBACT. The quantification must contain sufficient detail to demonstrate to the satisfaction of the permitting authority that the increase in emissions ((are)) is less than the applicable small quantity emission rates listed in WAC ((173-460-080)) 173-460-150.

(3) Level of detail.

An acceptable source impact level analysis under WAC 173-460-080(;) may be based on a conservative estimate of emissions that represents good engineering judgment. If compliance with WAC 173-460-070 and 173-460-080 cannot be demonstrated, more precise emission estimates ((shall)) may be used to demonstrate compliance with WAC 173-460-090.

~~((4) Mixtures of toxic air pollutants.~~

(a) An owner or operator of a source that may discharge more than one toxic air pollutant may demonstrate compliance with WAC 173-460-070 and 173-460-080 by:

(i) Quantifying emissions and performing modeling for each TAP individually; or

(ii) Calculating the sum of all TAP emissions and performing modeling for the total TAP emissions and comparing maximum ambient levels to the smallest ASL; or

(iii) Equivalent procedures may be used if approved by ecology.

(b) Dioxin and furan emissions shall be considered together as one TAP and expressed as an equivalent emission of 2,3,7,8 TCDD based on the relative potency of the isomers in accordance with United States Environmental Protection Agency (EPA) guidelines.

Note: Copies of EPA "Interim procedures for estimating risks associated with exposures to mixtures of chlorinated dibenzo-p-dioxins and dibenzofurans (CDDs and CDFs). 1989 Update" are available by requesting EPA/625/3-89/016, March 1989 from ORD Publications (513) 684-7562.

(c) Polyaromatic hydrocarbon (PAH) emissions. The owner or operator of a source that may emit a mixture of polyaromatic hydrocarbon emissions shall quantify the following PAHs and shall consider them together as one TAP equivalent in potency to benzo(a)pyrene: benzo(a)anthracene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, dibenzo(a,h)anthracene, indeno(1,2,3-cd)pyrene, benzo(a)pyrene. The acceptable source impact analysis shall be conducted using the polyaromatic hydrocarbon emission ASL contained in WAC 173-460-150(3).

(d) Uncontrolled roof vent emissions from primary aluminum smelters. The owner or operator of a primary aluminum smelter that may emit a mixture of polyaromatic hydrocarbons from uncontrolled roof vents shall quantify PAH emissions using either of the following methods:

(i) Quantify PAH emissions using the procedures in (c) of this subsection; or

(ii) Multiply the total particulate emission mass from the uncontrolled roof vents by the percent of the particulate that is extractable organic matter. The percent extractable organic matter shall be considered one percent of total particulate matter unless ecology determines that there is compelling scientific data which demonstrates that the use of this value is inappropriate. The acceptable source impact analysis shall be conducted using the primary aluminum smelter uncontrolled roof vent PAH emission ASL contained in WAC 173-460-150(3). Note: For example, 100 grams of particulate air emission mass times one percent yields one gram of PAH emissions.)

AMENDATORY SECTION (Amending Order 98-04, filed 7/21/98, effective 8/21/98)

WAC 173-460-060 Control technology requirements.

(1) Except as provided for in WAC 173-460-040, a person shall not establish, operate, or cause to be established or operated any new or modified toxic air pollutant source which is likely to increase TAP emissions without installing and operating ((T-BACT)) tBACT. ((Satisfaction of the performance requirements listed below fulfill the T-BACT requirement for

those particular sources. Local air pollution authorities may develop and require performance requirements in lieu of T-BACT provided that ecology approves the performance requirements as equivalent to T-BACT.

(1) Perchloroethylene dry cleaners.—The requirements for perchloroethylene dry cleaners found in WAC 173-400-075 are considered T-BACT.

(2) Petroleum solvent dry cleaning systems. A petroleum solvent dry cleaning system shall include the following:

(a) All cleaned articles are dried in a solvent recovery dryer or the entire dryer exhaust is vented through a properly functioning control device which will reduce emissions to no more than 3.5 kg of VOC per 100 kg dry weight of cleaned articles; and

(b) All cartridge filtration systems are drained in their sealed housing or other enclosed container before discarding the cartridges; and

(c) All leaking components shall be repaired immediately.

(3) Chromic acid plating and anodizing.—The facility-wide uncontrolled hexavalent chromium emissions from plating or anodizing tanks shall be reduced by at least ninety-five percent using either of the following control techniques:

(a) An antimist additive or other equally effective control method approved by ecology or authority; or

(b) The tank is equipped with:

(i) A capture system which represents good engineering practice and which shall be in place and in operation at all times electrical current is applied to the tank; and

(ii) An emission control system which limits hexavalent chromium emissions to no more than 0.15 milligrams per ampere-hour of electrical charge applied to the tank or uncontrolled emissions shall be reduced by ninety-five percent.

(4) Chromic acid plating and anodizing (greater than 1 kilogram). If the facility-wide hexavalent chromium emissions from chromic acid plating and anodizing are greater than 1 kilogram per year after the application of control techniques required by subsection (3) of this section, the facility-wide hexavalent chromium emissions shall be reduced by at least ninety-nine percent using either of the following control techniques:

(a) An antimist additive or other equally effective control method approved by ecology or authority; or

(b) The tank is equipped with:

(i) A capture system which represents good engineering practice and which shall be in place and in operation at all times electrical current is applied to the tank; and

(ii) An emissions control system which limits hexavalent chromium emissions to no more than 0.03 milligrams per ampere-hour of electrical charge applied to the tank or uncontrolled emissions shall be reduced by ninety-nine percent.

(5) Solvent metal cleaners.

(a) Any solvent metal cleaner shall include all of the following equipment:

(i) A cover for the solvent tank which shall be closed at all times except when processing work in the degreaser. However, the cover shall be closed to the maximum extent possible when parts are being degreased;

(ii) A facility for draining cleaned parts such that the drained solvent is returned to the solvent tank;

(iii) For cold solvent cleaners, a freeboard ratio greater than or equal to 0.75;

(iv) Vapor degreasers shall have:

(A) A high vapor cutoff thermostat with manual reset; and

(B) For degreasers with spray devices, a vapor up thermostat which will allow spray operation only after the vapor zone has risen to the design level; and

(C) Either a freeboard ratio greater than or equal to 1.00 or a refrigerated freeboard chiller; and

(v) Conveyorized vapor degreasers shall have:

(A) A drying tunnel or a rotating basket sufficient to prevent cleaned parts from carrying liquid solvent out of the degreaser; and

(B) A high vapor cutoff thermostat with manual reset; and

(C) A vapor up thermostat which will allow conveyor movement only after the vapor zone has risen to the design vapor level.

(b) The operation of any solvent metal cleaner shall meet the following requirements:

(i) Solvent shall not leak from any portion of the degreasing equipment;

(ii) Solvent, including waste solvent, shall be stored in closed containers and shall be disposed of in such a manner as to prevent its evaporation into the atmosphere;

(iii) For cold cleaners, cleaned parts shall be drained until dripping ceases; and

(iv) Degreasers shall be constructed to allow liquid solvent from cleaned parts to drain into a trough or equivalent device and return to the solvent tank.

(e) For open top vapor degreasers, solvent drag-out shall be minimized by the following measures:

(i) Racked parts shall be allowed to drain fully;

(ii) The work load shall be degreased in the vapor zone until condensation ceases;

(iii) Spraying operations shall be done within the vapor layer;

(iv) When using a powered hoist, the vertical speed of parts in and out of the vapor zone shall be less than three meters per minute (ten feet per minute);

(v) When the cover is open, the lip of the degreaser shall not be exposed to steady drafts greater than 15.3 meters per minute (fifty feet per minute); and

(vi) When equipped with a lip exhaust, the fan shall be turned off when the cover is closed.

(d) For conveyorized vapor degreasers, solvent drag-out shall be minimized by the following measures:

(i) Racked parts shall be allowed to drain fully; and

(ii) Vertical conveyor speed shall be maintained at less than three meters per minute (ten feet per minute).

(6) Abrasive blasting:

(a) Abrasive blasting shall be performed inside a booth or hangar designed to capture the blast grit or overspray.

(b) Outdoor blasting of structures or items too large to be reasonably handled indoors shall employ control measures such as curtailment during windy periods and enclosure of the area being blasted with tarps.

(c) Outdoor blasting shall be performed with either steel shot or an abrasive containing less than one percent (by mass) which would pass through a No. 200 sieve.

(d) All abrasive blasting with sand shall be performed inside a blasting booth or cabinet.)

(2) A notice of construction application for a new or modified toxic air pollutant source must demonstrate that the new or modified emission units will employ tBACT for all TAPs for which the increase in emissions will exceed de minimis emission values as found in WAC 173-460-150. TAP emission increases from nonprocess fugitive emissions activities such as construction or demolition sites, unpaved and paved roads, coal piles, waste piles and fuel and ash handling operations are exempt from the requirement to apply tBACT.

AMENDATORY SECTION (Amending Order 90-62, filed 6/18/91, effective 9/18/91)

WAC 173-460-070 Ambient impact requirement. ((When applying for)) A notice of construction ((under WAC 173-460-040, the owner or operator of a new toxic air pollutant source which is likely to increase TAP emissions shall)) application must demonstrate that the increase in emissions of toxic air pollutants from the new or modified emission units at the source are sufficiently low to protect human health and safety from potential carcinogenic and/or other toxic effects. Compliance ((shall)) must be demonstrated in any area to which the applicant does not ((have restricted)) restrict or ((controlled public)) control access. The ((source shall)) application must demonstrate compliance by using procedures established in this chapter after complying with the control technology requirements in WAC 173-460-060.

NEW SECTION

WAC 173-460-071 Voluntary limits on emissions. (1) If requested by an applicant, the permitting authority may issue a regulatory order that limits emissions of a particular TAP to a level that is lower than the potential emissions of that particular TAP otherwise allowed under all applicable requirements of chapter 70.94 RCW and the federal Clean Air Act.

(2) Any order issued under this section is subject to the notice and comment procedures in WAC 173-400-171 or the permitting authority's public notice and commenting procedures.

(3) Any order issued under this section must include monitoring, recordkeeping, and reporting requirements sufficient to ensure that the applicant complies with any conditions established under this section. Monitoring requirements must use terms, test methods, units, averaging periods, and other statistical conventions consistent with the requirements of WAC 173-400-105.

AMENDATORY SECTION (Amending Order 93-19, filed 1/14/94, effective 2/14/94)

WAC 173-460-080 ((Demonstrating ambient impact compliance.)) First tier review. (1) ((When applying for)) A notice of construction ((under WAC 173-460-040, the owner or operator of)) application for a new or modified toxic air

pollutant source (~~(which is likely to increase TAP emissions shall complete)~~) must include an acceptable source impact level analysis for ~~((Class A and Class B))~~ each TAP(s) emitted by the new or modified emission units with an emission increase greater than the de minimis emission level specified in WAC 173-460-150. The permitting authority may complete this analysis.

(2) ~~((Acceptable source impact analysis:~~

(a) ~~Carcinogenic effects.~~ The owner or operator shall use dispersion modeling to estimate the maximum incremental ambient impact of each Class A TAP from the source and compare the estimated incremental ambient values to the Class A acceptable source impact levels in WAC 173-460-150. If applicable, the source may use the small quantity emission rate tables in (c) of this subsection.

(b) ~~Other toxic effects.~~ The owner or operator shall use dispersion modeling to estimate the maximum incremental ambient impact of each Class B TAP from the source and compare the estimated ambient values to the Class B acceptable source impact levels in WAC 173-460-160. If applicable, the source may use the small quantity emission rate tables in (c) of this subsection.

(c) ~~Dispersion modeling.~~ The owner or operator shall use dispersion modeling techniques in accordance with EPA guidelines. If concentrations predicted by dispersion screening models exceed applicable acceptable source impact levels, more refined modeling and/or emission estimation techniques shall be used. Refined modeling techniques shall be approved by ecology and the authority. (Note: EPA's Guideline on Air Quality Models, EPA 450/2-78-027R, can be obtained through NTIS (703) 487-4650 or can be downloaded from the OAQPS Technology Transfer Network electronic bulletin board system).

(d) ~~Averaging times.~~ The owner or operator shall use the averaging times in (d)(i), (ii), (iii) of this subsection unless alternate averaging times are approved by ecology. Ecology may allow the use of an alternate averaging time if it determines that the operating procedures of the source may cause a high concentration of a TAP for a short period and that consideration of potential health effects due to peak exposures may be warranted for the TAP.

(i) ~~An annual average shall be used for Class A TAPs listed in WAC 173-460-150(2).~~

(ii) ~~The averaging times specified in WAC 173-460-150(3) shall be used for Class A TAPs listed in WAC 173-460-150(3).~~

(iii) ~~A twenty-four hour averaging time shall be used for Class B TAPs listed in WAC 173-460-160.~~

(e) ~~Small quantity emission rates.~~ Instead of using dispersion modeling to show compliance with ambient impact demonstration requirements in WAC 173-460-080 and 173-460-090, a source may use the small quantity emission rate tables for all toxic air pollutants with acceptable source impact levels equal to or greater than 0.001 ug/m3. A source must first meet control technology and emission quantification requirements of WAC 173-460-050 and 173-460-060, then demonstrate that the source emission rate does not exceed the rates specified in the appropriate table below.

SMALL QUANTITY EMISSION RATES
CLASS A TOXIC AIR POLLUTANTS

Acceptable Source Impact Level (Annual ug/m3)	TAP Emissions Pounds per Year (10 meter stack and downwash)
0.001 to 0.0099	0.5
0.01 to 0.06	-10
0.07 to 0.12	-20
0.13 to 0.99	-50
1.0 to 10	500

SMALL QUANTITY EMISSION RATES
CLASS B TOXIC AIR POLLUTANTS

Acceptable Source Impact Level (24 hour ug/m3)	TAP Emissions	
	Pounds per Year	Pounds per Hour
Less than 1	175	0.02
1 to 9.9	175	0.02
10 to 29.9	1,750	0.20
30 to 59.9	5,250	0.60
60 to 99.9	10,500	1.20
100 to 129.9	17,500	2.0
130 to 250	22,750	2.6
Greater than 250	43,748	5.0

(3) ~~Criteria for compliance.~~ Compliance with WAC 173-460-070 is demonstrated if the authority determines that, on the basis of the acceptable source impact analysis, the source's maximum incremental ambient air impact levels do not exceed the Class A or Class B acceptable source impact levels in WAC 173-460-150 and 173-460-160; or, if applicable, the source TAP emission rates do not exceed the rates specified in subsection (2)(c) of this section. The acceptable source impact analysis requirement of WAC 173-460-070 can be satisfied for any TAP using either dispersion modeling or the small quantity emission rate.

(a) Dispersion modeling. The applicant who relies on dispersion modeling must model the increase in the emissions of each TAP emitted by the new or modified emission units, after application of tBACT. The notice of construction application must demonstrate that the modeled ambient impact of the aggregate emissions increase of each TAP does not exceed the ASIL for that TAP as listed in WAC 173-460-150. If concentrations predicted by dispersion screening models exceed applicable acceptable source impact levels, more refined modeling and/or emission techniques must be used. Refined modeling techniques must be approved by the permitting authority.

(b) Small quantity emission rates. An applicant may show for any TAP that the increase in emissions of that TAP, after application of tBACT, is less than the small quantity emission rate listed for that TAP in WAC 173-460-150.

(3) Reduction of TAPs from existing emission units. An applicant may include in a acceptable source impact analysis proposed reductions in actual emissions of a particular TAP from emission units at the source that are not new or modified for the purpose of offsetting emissions of that TAP caused by the new or modified source. The reductions in TAP emissions authorized by this subsection must be included in the

approval order as enforceable emission limits and must meet all the requirements of WAC 173-460-071.

(4) Decision criteria.

(a) If the permitting authority finds that the modeled impact of the increase in emissions of a TAP from the new or modified emission units does not exceed the ASIL for that TAP then the authority may approve the notice of construction application.

(b) If the permitting authority finds that the modeled impact of the increase in emissions of a TAP from the new or modified emission units exceeds the ASIL for that TAP then the permitting authority may not approve the project. The applicant may file a second tier review application in compliance with WAC 173-460-090.

AMENDATORY SECTION (Amending Order 93-19, filed 1/14/94, effective 2/14/94)

WAC 173-460-090 Second tier ~~((analysis))~~ review. (1) Applicability.

~~((a) The owner or operator))~~ An applicant who cannot demonstrate ~~((class A or class B TAP source))~~ compliance with WAC 173-460-070 ~~((and 173-460-080))~~ using an acceptable source impact level analysis as provided in WAC 173-460-080 ~~((2))~~, may submit a petition requesting that ecology perform a second tier ~~((analysis evaluation))~~ review to determine a means of compliance with WAC 173-460-070 ~~((and 173-460-080 by establishing allowable emissions for the source))~~. Petitions for second tier ~~((analysis evaluation shall))~~ review must be submitted to ecology with a copy to the ~~((local))~~ permitting authority ~~((or ecology if ecology has jurisdiction over the source. Petitions received by local authorities shall be submitted to ecology within ten days of receipt. A second tier analysis evaluation may be requested when a source wishes to more accurately characterize risks, to justify risks greater than acceptable source impact levels, or to otherwise modify assumptions to more accurately represent risks. Risks may be more accurately characterized by utilizing updated EPA unit risk factors, inhalation reference concentrations, or other EPA recognized or approved methods. Ecology shall specify the maximum allowable emissions of any class A or class B TAP source based on ecology's second tier analysis evaluation.~~

~~((b))~~ with jurisdiction.

(2) Second tier petition submittal requirements. Ecology ~~((shall))~~ will evaluate a ~~((source's))~~ second tier ~~((analysis))~~ petition only if:

~~((i))~~ (a) The permitting authority ~~((has advised ecology that other conditions for processing the notice of construction have been met))~~ submits to ecology a preliminary order of approval that addresses all applicable new source review issues with the exception of the outcome of the second tier review, State Environmental Policy Act review, public notification, and prevention of significant deterioration review; and

~~((ii))~~ (b) The emission controls contained in the ~~((conditional notice of construction))~~ preliminary order of approval represent at least ~~((T-BACT))~~ tBACT; and

~~((iii))~~ (c) The applicant has developed a health impact assessment protocol that has been approved by ecology;

~~((d) The ambient ~~((concentrations))~~ impact of the emissions increase of each TAP that exceeds acceptable source impact levels ~~((after))~~ has been quantified using ~~((more))~~ refined ~~((emission quantification and))~~ air dispersion modeling techniques as approved in the health impact assessment protocol; and~~

~~((e) The petition contains a health impact assessment conducted in accordance with the approved health impact assessment protocol.~~

Note: Contact ecology's air quality program for a copy of a guidance document to assist in the preparation of the health impact assessment protocol.

~~((e) Ecology shall determine whether the conditions in (b)(i), (ii), and (iii) of this subsection for a second tier analysis have been satisfied within ten working days of receipt of all information needed to make the determination. The matter shall be returned to the authority if ecology finds the conditions for a second tier analysis evaluation have not been met.~~

~~(2) Jurisdiction:~~

~~(a) Any second tier analysis application submitted by a source wishing to emit toxic air pollutants at levels greater than the acceptable source impact level contained in WAC 173-460-150 or 173-460-160 shall be approved or rejected by ecology.~~

~~(b) Any new emission limits approved by ecology as a result of the second tier analysis evaluation shall be enforced by the authority provided the authority approves the new emission limits.~~

~~(3) Approval criteria:~~

~~(a) Based on the second tier analysis, ecology may approve the emissions of TAPs from a source where ambient concentrations exceed acceptable source impact levels only if it determines that emission controls represent at least T-BACT and the source demonstrates that emissions of Class A TAPs are not likely to result in an increased cancer risk of more than one in one hundred thousand. The emission of Class A TAPs at levels likely to result in an increased cancer risk of more than one in one hundred thousand requires the approval of the director after complying with WAC 173-460-100.~~

~~(b) Ecology shall consider the second tier analysis and other information submitted by the applicant as well as department of health comments.~~

~~(i) Comments from other agencies and universities with appropriate expertise may also be considered in the decision to approve emissions that exceed acceptable source impact levels.~~

~~(ii) Public comments shall be considered if the source applies for a risk management decision under WAC 173-460-100.~~

~~(4) Contents of the second tier analysis:~~

~~(a) The second tier analysis consists of a health impact assessment. The applicant shall complete and submit a health impact assessment to ecology which includes the following information. Ecology may approve the submittal of less information if it determines that such information is sufficient to perform the second tier analysis evaluation. The health impact assessment shall be prepared in accordance with EPA's risk assessment guidelines as defined in WAC 173-460-020(9).~~

- (i) ~~Demographics such as population size, growth, and sensitive subgroups;~~
- (ii) ~~Toxicological profiles of all toxic air pollutants that exceed the ASIL;~~
- (iii) ~~Characterization of existing pathways and total daily intake for toxic air pollutants that exceed the ASIL;~~
- (iv) ~~Contribution of the proposed source toward total daily intake for toxic air pollutants that exceed the ASIL;~~
- (v) ~~Using existing data, characterization of risk from current exposure to the toxic air pollutants that exceed the ASIL. This includes existing TAP sources in the area, and anticipated risk from the new source;~~
- (vi) ~~Additive cancer risk for all Class A toxic air pollutants which may be emitted by the source;~~
- (vii) ~~Other information requested by ecology and pertinent to ecology's decision to approve the second tier application;~~
- (viii) ~~Uncertainty in the data; and~~
- (ix) ~~Length of exposure and persistence in the environment.~~

(b)) (3) Health impact assessment (HIA) protocol. The HIA presents data about the new or modified source and its built and natural environment. A HIA includes but is not limited to: Site description, TAP concentrations and toxicity, identification of exposed populations and an exposure assessment. The HIA protocol must be reviewed and approved by ecology prior to development of the HIA.

(4) The health impact assessment (~~shall~~) must utilize current scientific information. New scientific information on the toxicological characteristics of toxic air pollutants may be used by ecology to justify modifications of (~~upper bound~~) unit risk factors used to calculate ASILs in WAC 173-460-150 and/or absorption rates of individual toxic air pollutants if ecology determines there is compelling scientific data which demonstrates that the use of EPA recognized or approved methods are inappropriate.

(5) Additional information.

(a) If approved by ecology, newly discovered scientific information which was unavailable at the time of the original submission of the health assessment may be used to justify modifications of the original health assessment. Ecology may approve the additional information if the source exercised due diligence at the time of original submission.

(b) Within thirty days after receipt of the second tier analysis and all supporting data and documentation, ecology may require the submission of additional information needed to evaluate the second tier analysis.

(6) Determination.

(a) If the second tier analysis is approved by ecology, ecology will return the petition to the authority and the authority may approve the notice of construction.

(b) The authority shall specify allowable emissions consistent with ecology's second tier analysis evaluation determination expressed in weight of pollutant per unit time for each emissions unit involved in the application. The notice of construction shall also include all requirements necessary to assure that conditions of this chapter and chapter 173-400 WAC are satisfied.

(7) Public notification requirements.

Ecology decisions regarding second tier analysis or decisions under WAC 173-460-100 shall comply with public notification requirements contained in WAC 173-400-171.) risk-based concentrations.

(5) Background concentrations of TAPs will be considered as part of a second tier review. Background concentrations can be estimated using:

(a) The latest National Ambient Toxics Assessment data for the appropriate census tracts; or

(b) Ambient monitoring data for the project's location; or

(c) Modeling of emissions of the TAPs subject to second tier review from all stationary sources within 1.5 kilometers of the source location.

(6) Reduction of TAPs from existing emission units. For the purpose of offsetting emissions of a particular TAP, an applicant may propose reductions in actual emissions of that TAP from existing, unmodified emission units at the source or existing, unmodified emission units at other nearby sources. The health impact analysis must evaluate the benefits of the emission reductions. The reductions in TAP emissions authorized by this subsection must be included in an approval order as enforceable emission limits and must meet all requirements of WAC 173-460-071.

(7) Approval criteria for second tier review. Ecology may recommend approval of a project that is likely to cause an exceedance of acceptable source impact levels for one or more TAPs only if it determines that the emission controls for the new and modified emission units represent tBACT and the applicant demonstrates that the increase in emissions of TAPs is not likely to result in an increased cancer risk of more than one in one hundred thousand and ecology determines that the noncancer hazard is found to be acceptable.

(8) Application processing. Within thirty days after receiving a second tier petition ecology must either notify the applicant in writing that the application is complete or notify the applicant in writing of all additional information required to make it complete.

(9) Public involvement. All notice of construction approval orders with a second tier component are subject to the public notice and comment requirements of WAC 173-400-171, which may be integrated with the permitting authority's public notice and comment procedures.

(10) Recommendation. Within sixty days of determining that a petition is complete ecology must make a recommendation to the permitting authority.

(a) If ecology recommends approval of the second tier petition, the permitting authority may approve the notice of construction application. Any new emission limits or conditions specified by ecology must be incorporated into the approval order.

(b) If ecology recommends denial of the second tier petition, then the permitting authority may not approve the project.

AMENDATORY SECTION (Amending Order 93-19, filed 1/14/94, effective 2/14/94)

WAC 173-460-100 ((Request for risk management decision-)) Third tier review. (1) Applicability. ((The owner or operator of a source that emits Class A TAPs that

are likely to result in an increased cancer risk of more than one in one hundred thousand may request)) An applicant for a project that exceeds the second tier review thresholds may submit a third tier petition requesting that the director of ecology ((establish allowable emissions for the source)) approve the project based on a risk management analysis.

(2) Contents of the ~~((application))~~ petition.

The ~~((applicant shall))~~ petition must meet the submittal requirements of WAC 173-460-090((1) and submit all materials required under WAC 173-460-090 (4) and (5)). The applicant may submit the request for a risk management decision concurrently with the second tier ~~((analysis application))~~ petition. Prior denial of ~~((the))~~ a second tier ((analysis application)) petition submitted under WAC 173-460-090((6)) is not required.

(3) Criteria for approval. ~~((Ecology may approve the emissions of TAPs from a source where ambient concentrations are likely to result in an increased cancer risk of more than one in one hundred thousand only if the source first demonstrates the following))~~ Ecology's director must find that the following conditions are met before approving a third tier petition:

(a) Proposed emission controls represent ~~((all known available and reasonable technology))~~ at least tBACT; and

(b) ~~((Application of all known available toxic air pollution prevention methods to reduce, avoid, or eliminate toxic air pollutants prior to their generation including recycling, chemical substitution, and efforts to redesign processes))~~ A HIA has been completed as described in WAC 173-460-090(3); and

(c) ~~((The proposed changes))~~ Approval of the project will result in a greater environmental benefit to the ((environment as a whole)) state of Washington.

(4) Additional methods to reduce toxic air pollutants. In addition to the requirements in subsection (3) of this section, the ~~((owner or operator))~~ applicant may propose and ecology may consider measures that would reduce community exposure, especially exposure of that portion of the community subject to the greatest additional risk, to comparable toxic air pollutants provided that such measures are not already required.

(5) Application processing. Within thirty days of receiving a third tier petition ecology must determine if the petition includes the information required in WAC 173-460-090. If the petition is deemed complete, ecology must begin substantive review. If the petition is deemed incomplete, ecology must give written notification to the applicant of the information that is required to make the petition complete.

(6) Public involvement. Ecology will initiate public notice and comment within ~~((thirty))~~ sixty days of ((receipt of a completed risk management decision application)) determining that a third tier petition is complete. In addition to the public notice and comment requirements of WAC 173-400-171, the ~~((owner or operator shall))~~ applicant must hold a public hearing to:

(a) Present the results of the ~~((second tier))~~ health impact analysis, the proposed emission controls, pollution prevention methods, additional proposed measures, and remaining risks; and

(b) Participate in discussions and answer questions.

~~((6) Time limitation. The owner or operator shall commence construction within eighteen months of the director's approval.))~~ (7) Recommendation.

(a) If ecology recommends approval of the third tier petition, the permitting authority may approve the notice of construction application. Any new emission limits or conditions specified by ecology must be incorporated into the approval order.

(b) If ecology recommends denial of the third tier petition then the permitting authority may not approve the project.

AMENDATORY SECTION (Amending Order 93-19, filed 1/14/94, effective 2/14/94)

WAC 173-460-150 ((Class A toxic air pollutants: Known, probable and potential human carcinogens and acceptable source impact levels.)) Table of ASIL, SOER and de minimis emission values.

~~((1))~~ TABLE 1
CLASS A TOXIC AIR POLLUTANTS
Known and Probable Carcinogens

CAS #	SUBSTANCE
75-07-0	Acetaldehyde
53-96-3	2-Acetylaminofluorene
79-06-1	Acrylamide
107-13-1	Acrylonitrile
309-00-2	Aldrin
—	Aluminum smelter polyaromatic hydrocarbon emissions
117-79-3	2-Aminoanthraquinone
97-56-3	o-Aminoazotoluene
92-67-1	4-Aminobiphenyl
61-82-5	Amitrole
62-53-3	Aniline
90-04-0	o-Anisidine
C7440-38-2	Arsenic and inorganic arsenic compounds
1332-21-4	Asbestos
2465-27-2	Auramine (technical grade)
71-43-2	Benzene
92-87-5	Benzidine and its salts
56-55-3	Benzo(a)anthracene
50-32-8	Benzo(a)pyrene
205-99-2	Benzo(b)fluoranthene
205-82-3	Benzo(j)fluoranthene
207-08-9	Benzo(k)fluoranthene
1694-09-3	Benzyl violet 4b
7440-41-7	Beryllium and compounds
111-44-4	Bis(2-chloroethyl)ether
117-81-7	Bis(2-ethylhexyl)phthalate (DEHP)
542-88-1	Bis(chloromethyl)ether
75-25-2	Bromoform
106-99-0	1,3-Butadiene
3068-88-0	B-Butyrolactone
7440-43-9	Cadmium and compounds
56-23-5	Carbon tetrachloride
57-74-9	Chlordane
510-15-6	Chlorobenzilate

CAS #	SUBSTANCE	CAS #	SUBSTANCE
67-66-3	Chloroform	—	Isopropyl oils
107-30-2	Chloromethyl methyl ether (technical-grade)	—	Lead compounds
108-43-0	Chlorophenols	301-04-2	Lead acetate
126-99-8	Chloroprene	7446-27-7	Lead phosphate
C7440-47-3	Chromium, hexavalent metal and compounds	129-15-7	2-Methyl-1-nitroanthraquinone
—	Coke oven emissions	592-62-1	Methyl azoxymethyl acetate
8001-58-9	Creosote	3697-24-3	5-Methylchrysene
135-20-6	Cupferron	101-14-4	4,4'-Methylenebis(2-chloroaniline) (MBOCA)
94-75-7	2,4-D and esters	838-88-0	4,4'-Methylenebis(2-methylaniline)
3547-04-4	DDP (p,p'-Dichlorodiphenyldichloroethylene)	101-77-9	4,4-Methylene dianiline
50-29-3	DDT (1,1,1-Trichloro-2,2-Bis(p-chlorophenyl)-ethane)	13552-44-8	4,4-Methylenedianiline dihydrochloride
613-35-4	N,N-Diacetylbenzidine	64091-91-4	4-(Methylnitrosamino)-1-(3-pyridyl)-1-butanone
101-80-4	4,4'-Diaminodiphenyl ether	2385-85-5	Mirex
226-36-8	Dibenz(a,h)acridine	139-91-3	5-(Morpholinomethyl)-3-amino-2-oxazolidinone (furaltudone)
53-70-3	Dibenz(a,h)anthracene	134-32-7	1-Naphthylamine
224-42-0	Dibenz(a,j)acridine	C7440-02-0	Nickel and compounds (as nickel subsulfide or nickel refinery dust)
132-64-9	Dibenzofurans	531-82-8	N-(4-(5-Nitro-2-furyl)-2-thiazolyl)acetamide
189-64-0	Dibenzo(a,h)pyrene	602-87-9	5-Nitroacenaphthene
191-30-0	Dibenzo(a,l)pyrene	1836-75-5	Nitrofen
189-55-9	1,2,7,8-Dibenzopyrene (dibenzo(a,i)pyrene)	59-87-0	Nitrofurans
192-65-4	Dibenzo(a,e)pyrene	555-84-9	Nitrofurazone
764-41-0	1,4-Dichloro-2-butene	126-85-2	1-(5-Nitrofurfurylidene)amino-2-imidazolidinone
28434-86-8	3,3'-Dichloro-4,4'-diaminodiphenyl ether	302-70-5	Nitrogen mustard N-oxide
106-46-7	1,4-Dichlorobenzene	79-46-9	Nitrogen mustard N-oxide hydrochloride
91-94-1	3,3'-Dichlorobenzidine	924-16-3	2-Nitropropane
107-06-2	1,2-Dichloroethane (ethylene chloride)	759-73-9	N-Nitrosodi-n-butylamine
75-09-2	Dichloromethane (methylene chloride)	615-53-2	N-Nitroso-N-ethylurea (NEU)
696-28-6	Dichlorophenylarsine (arsenic group)	621-64-1	N-Nitroso-N-methylurethane
78-87-5	1,2-Dichloropropane	10595-95-6	N-Nitrosodi-n-propylamine
60-57-1	Dieldrin	59-89-2	N-Nitrosomethylurethane
1615-80-1	1,2-Diethylhydrazine	86-30-6	N-Nitrosomorpholine
101-90-6	Diglycidyl resorcinol ether	55-18-5	N-Nitrosodiphenylamine
119-90-4	3,3'-Dimethoxybenzidine (ortho-dianisidine)	62-75-9	N-Nitrosodiethylamine (diethylnitrosoamine) (DEN)
119-93-7	3,3-Dimethyl benzidine	2646-17-5	N-Nitrosodimethylamine
77-78-1	Dimethyl sulfate	794-93-4	Oil orange SS
540-73-8	1,2-Dimethylhydrazine	87-86-5	Panfuran S (dihydroxymethylfurazirine)
123-91-1	1,4-Dioxane	127-18-4	Pentachlorophenol
—	Dioxins and furans	63-92-3	Perchloroethylene (tetrachloroethylene)
122-66-7	1,2-Diphenylhydrazine	—	Phenoxybenzamine hydrochloride
106-89-8	Epichlorohydrin	1336-36-3	N-Phenyl-2-naphthylamine
106-93-4	Ethylene dibromide (dibromethane)	3761-53-3	Polyaromatic hydrocarbons (PAH)
75-21-8	Ethylene oxide	1120-71-4	Polychlorinated biphenyls (PCBs)
96-45-7	Ethylene thiourea	75-56-9	Ponceau-MX
50-00-0	Formaldehyde	1746-01-6	P(p)(alpha, alpha, alpha)-Tetra-chlorotoluene
67-45-8	Furazolidone	139-65-1	1,3-Propane sultone
765-34-4	Furium (nitrofurans group)	1314-20-1	Propylene oxide
76-44-8	Glycidialdehyde	95-80-7	2,3,7,8-Tetrachlorodibenzo-p-dioxin (2,3,7,8-TCDD)
118-74-1	Heptachlor	584-84-9	4,4'-Thiodianiline
319-84-6	Hexachlorobenzene	95-53-4	Thorium dioxide
319-85-7	Hexachlorocyclohexane (Lindane) Alpha-BHC	636-21-5	2,4-Toluene diamine
58-89-9	Hexachlorocyclohexane (Lindane) Beta-BHC	8001-35-2	2,4-Toluene diisocyanate
680-31-9	Hexachlorocyclohexane (Lindane) Gamma-BHC	—	o-Toluidine
302-01-2	Hexamethylphosphoramide	—	o-Toluidine hydrochloride
193-39-5	Hydrazine	—	Toxaphene
193-39-5	Indeno(1,2,3-cd)pyrene	—	

CAS #	SUBSTANCE
55738-54-0	Trans-2((Dimethylamino)methylimino)-5-(2-(5-nitro-2-furyl)vinyl)-1,3,4-oxadiazole
79-01-6	Trichloroethylene
88-06-2	2,4,6-Trichlorophenol
75-01-4	Vinyl chloride

(2) TABLE II
CLASS A TOXIC AIR POLLUTANTS
WITH ESTABLISHED
ACCEPTABLE SOURCE IMPACT LEVELS

CAS #	SUBSTANCE	10-6 RISK ASIL MICRO- GRAMS/M ³ ANNUAL AVERAGE
75-07-0	Acetaldehyde	0.4500000
79-06-1	Acrylamide	0.0007700
107-13-1	Acrylonitrile	0.0150000
309-00-2	Aldrin	0.0002000
62-53-3	Aniline	6.3000000
C7440-38-2	Arsenic and inorganic arsenic compounds	0.0002300
1332-21-4	Asbestos (Note: fibers/ml)	0.0000044
71-43-2	Benzene	0.1200000
92-87-5	Benzidine and its salts	0.0000150
50-32-8	Benzo(a)pyrene	0.0004800
7440-41-7	Beryllium and compounds	0.0004200
111-44-4	Bis(2-chloroethyl)ether	0.0030000
117-81-7	Bis(2-ethylhexyl)phthalate (DEHP)	2.5000000
542-88-1	Bis(chloromethyl)ether	0.0000160
75-25-2	Bromoform	0.9100000
106-99-0	1,3-Butadiene	0.0036000
7440-43-9	Cadmium and compounds	0.0005600
56-23-5	Carbon tetrachloride	0.0670000
57-74-9	Chlordane	0.0027000
510-15-6	Chlorobenzilate	0.2000000
67-66-3	Chloroform	0.0430000
108-43-0	Chlorophenols	0.1800000
C7440-47-3	Chromium, hexavalent metal and compounds	0.0000830
—	Coke oven emissions	0.0016000
3547-04-4	DDE (p,p'-dichlorodiphenyldichloroethylene)	0.1000000
50-29-3	DDT (1,1,1-Trichloro-2,2-Bis-(p-chlorophenyl)-ethane)	0.0100000
764-41-0	1,4-Dichloro-2-butene	0.0003800
106-46-7	1,4-Dichlorobenzene	1.5000000
91-94-1	3,3'-Dichlorobenzidine	0.0770000
107-06-2	1,2-Dichloroethane (ethylene chloride)	0.0380000
75-09-2	Dichloromethane (methylene chloride)	0.5600000
60-57-1	Dieldrin	0.0002200
119-93-7	3,3-Dimethylbenzidine	0.0038000
123-91-1	1,4-Dioxane	0.0320000
122-66-7	1,2-Diphenylhydrazine	0.0045000
106-89-8	Epichlorohydrin	0.8300000
106-93-4	Ethylene dibromide (dibromethane)	0.0045000
75-21-8	Ethylene oxide	0.0100000

CAS #	SUBSTANCE	10-6 RISK ASIL MICRO- GRAMS/M ³ ANNUAL AVERAGE
96-45-7	Ethylene thiourea	1.0000000
50-00-0	Formaldehyde	0.0770000
76-44-8	Heptachlor	0.0007700
118-74-1	Hexachlorobenzene	0.0022000
58-89-9	Hexachlorocyclohexane (Lindane) gamma-BHC	0.0026000
302-01-2	Hydrazine	0.0002000
C7440-02-0	Nickel and compounds (as nickel subsulfide or nickel refinery dust)	0.0021000
924-16-3	N-Nitrosodi-n-butylamine	0.0006300
55-18-5	N-Nitrosodiethylamine (diethylnitrosoamine)(DEN)	0.0000230
62-75-9	N-Nitrosodimethylamine	0.0000710
79-46-9	2-Nitropropane	0.0003700
87-86-5	Pentachlorophenol	0.3300000
127-18-4	Perchloroethylene (tetrachloroethylene)	1.1000000
1336-36-3	Polychlorinated biphenyls (PCB)	0.0045000
75-56-9	Propylene oxide	0.2700000
1746-01-6	2,3,7,8-Tetrachlorodibenzo-p-dioxin (2,3,7,8-TCDD)	0.0000003
95-80-7	2,4-Toluene diamine	0.0110000
95-53-4	o-Toluidine	0.1400000
636-21-5	o-Toluidine hydrochloride	0.1400000
8001-35-2	Toxaphene	0.0031000
79-01-6	Trichloroethylene	0.5900000
88-06-2	2,4,6-Trichlorophenol	0.3200000
75-01-4	Vinyl chloride	0.0120000

(3) TABLE III
CLASS A TOXIC AIR POLLUTANTS
WITH SPECIAL ACCEPTABLE SOURCE
IMPACT LEVELS

CAS #	SUBSTANCE	ASIL MICRO- GRAMS/M ³	AVERAGING TIME
—	Primary aluminum smelter uncontrolled roof-vent polyaromatic hydrocarbon (PAH) emissions (Note: Quantify according to WAC 173-460-050(4)(d))	0.0013	Annual
61-82-5	Amitrole	0.06	24 hour
90-04-0	o-Anisidine	1.7	24 hour
126-99-8	β-Chloroprene	120	24 hour
94-75-7	2,4-D and esters	33	24 hour
78-87-5	1,2-Dichloropropane	4.0	24 hour
77-78-1	Dimethyl sulfate	1.7	24 hour
540-73-8	1,2-Dimethylhydrazine	4.0	24 hour
319-84-6	Hexachlorocyclohexane (Lindane) alpha-BHC	1.7	24 hour
319-85-7	Hexachlorocyclohexane (Lindane) beta-BHC	1.7	24 hour

CAS #	SUBSTANCE	ASIL MICRO-GRAMS/M ³	AVERAGING TIME
—	Lead compounds	0.5	24 hour
101-14-4	4,4'-Methylenebis (2-Chloroaniline)- (MBOCA)	0.7	24 hour
101-77-9	4,4-Methylene dianiline	2.7	24 hour
—	Polyaromatic hydrocarbon (PAH) emissions (Note: Quantify according to WAC 173-460-050-(4)(d))	0.00048	Annual
584-84-9	2,4-Toluene diisocyanate	0.12	24 hour))

The following table lists the common name of toxic air pollutants, the chemical abstract service (CAS) number; the averaging period; the acceptable source impact level (ASIL); the small quantity emission rate (SQER); and de minimis emission values.

Common Name	CAS #	Averaging Period	ASIL (µg/m ³)	SOER (lb/averaging period)	De Minimis (lb/averaging period)
1,1,1,2-Tetrachloroethane	630-20-6	year	0.135	25.9	1.3
1,1,1,2-Tetrafluoroethane	811-97-2	24-hr	8.00E+04	10500	526
1,1,1-Trichloroethane	71-55-6	24-hr	1000	131	6.57
1,1,2,2-Tetrachloroethane	79-34-5	year	0.0172	3.3	0.165
1,1,2-Trichloroethane	79-00-5	year	0.0625	12	0.6
1,1-Dichloroethane	75-34-3	year	0.625	120	6
1,1-Dichloroethylene	75-35-4	24-hr	200	26.3	1.31
1,1-Difluoroethane	75-37-6	24-hr	4.00E+04	5260	263
1,1-Dimethylhydrazine	57-14-7	24-hr	0.5	0.0657	0.00329
1,2,3,4,6,7,8,9-Octachlorodibenzofuran	39001-02-0	year	0.000263	0.0505	0.00252
1,2,3,4,6,7,8,9-Octachlorodibenzo-p-Dioxin	3268-87-9	year	0.000263	0.0505	0.00252
1,2,3,4,6,7,8-Heptachlorodibenzofuran	67562-39-4	year	2.63E-06	0.000505	2.52E-05
1,2,3,4,7,8,9-Heptachlorodibenzofuran	55673-89-7	year	2.63E-06	0.000505	2.52E-05
1,2,3,4,6,7,8-Heptachlorodibenzo-p-dioxin	35822-46-9	year	2.63E-06	0.000505	2.52E-05
1,2,3,4,7,8-Hexachlorodibenzofuran	70648-26-9	year	2.63E-07	5.05E-05	2.52E-06
1,2,3,4,7,8-Hexachlorodibenzo-p-dioxin	39227-28-6	year	2.63E-07	5.05E-05	2.52E-06
1,2,3,6,7,8 Hexachlorodibenzo-p-dioxin	57653-85-7	year	2.63E-07	5.05E-05	2.52E-06
1,2,3,6,7,8-Hexachlorodibenzofuran	57117-44-9	year	2.63E-07	5.05E-05	2.52E-06
1,2,3,7,8,9-Hexachlorodibenzofuran	72918-21-9	year	2.63E-07	5.05E-05	2.52E-06
1,2,3,7,8,9-Hexachlorodibenzo-p-dioxin	19408-74-3	year	2.63E-07	5.05E-05	2.52E-06
1,2,3,7,8-Pentachlorodibenzofuran	57117-41-6	year	5.26E-07	0.000101	5.05E-06
1,2,3,7,8-Pentachlorodibenzo-p-dioxin	40321-76-4	year	2.63E-08	5.05E-06	2.52E-07
1,2,3-Trichloropropane	96-18-4	24-hr	1.84	0.242	0.0121
1,2-Dibromo-3-chloropropane	96-12-8	year	0.000526	0.101	0.00505
1,2-Dibromoethane	106-93-4	year	0.0141	2.71	0.135
1,2-Dichloroethane	107-06-2	year	0.0385	7.39	0.369
1,2-Dichloropropane	78-87-5	year	0.1	19.2	0.959
1,2-Dimethylhydrazine	540-73-8	year	6.25E-06	0.0012	6.00E-05
1,2-Diphenylhydrazine	122-66-7	year	0.004	0.768	0.0384
1,2-Epoxybutane	106-88-7	24-hr	20	2.63	0.131
1,3-Butadiene	106-99-0	year	0.00588	1.13	0.0564
1,3-Dichloropropene	542-75-6	year	0.0625	12	0.6
1,3-Propane Sultone	1120-71-4	year	0.00145	0.278	0.0139
1,4-Dichlorobenzene	106-46-7	year	0.0909	17.4	0.872
1,4-Dioxane	123-91-1	year	0.13	24.9	1.25
1,6-Dinitropyrene	42397-64-8	year	9.09E-05	0.0174	0.000872
1,6-Hexamethylene diisocyanate	822-06-0	24-hr	0.07	0.00920	0.000460

<u>Common Name</u>	<u>CAS #</u>	<u>Averaging Period</u>	<u>ASIL ($\mu\text{g}/\text{m}^3$)</u>	<u>SOER (lb/averaging period)</u>	<u>De Minimis (lb/averaging period)</u>
1,8-Dinitropyrene	42397-65-9	year	0.000909	0.174	0.00872
1-[(5-Nitrofurfurylidene)-amino]-2-imidazolidinone	555-84-0	year	0.00196	0.376	0.0188
1-Amino-2-methylanthraquinone	82-28-0	year	0.0233	4.47	0.224
1-Chloro-1,1-difluoroethane	75-68-3	24-hr	5.00E+04	6570	329
1-Nitropyrene	5522-43-0	year	0.00909	1.74	0.0872
2,3,3',4,4',5'-Hexachlorobiphenyl	69782-90-7	year	5.26E-05	0.0101	0.000505
2,3,3',4,4',5-Hexachlorobiphenyl	38380-08-4	year	5.26E-05	0.0101	0.000505
2,3,3',4,4'-Pentachlorobiphenyl	32598-14-4	year	0.000263	0.0505	0.00252
2,3,3',4,4',5,5'-Heptachlorobiphenyl	39635-31-9	year	0.000263	0.0505	0.00252
2',3,4,4',5-Pentachlorobiphenyl	65510-44-3	year	0.000263	0.0505	0.00252
2,3',4,4',5-Pentachlorobiphenyl	31508-00-6	year	0.000263	0.0505	0.00252
2,3,4,4',5-Pentachlorobiphenyl	74472-37-0	year	5.26E-05	0.0101	0.000505
2,3,4,6,7,8-Hexachlorodibenzofuran	60851-34-5	year	2.63E-07	5.05E-05	2.52E-06
2,3,4,7,8-Pentachlorodibenzofuran	57117-31-4	year	5.26E-08	1.01E-05	5.05E-07
2,3,7,8-Tetrachlorodibenzo-p-dioxin & Related Compounds, NOS	—	year	2.63E-08	5.05E-06	2.52E-07
2,3,7,8-Tetrachlorodibenzofuran	51207-31-9	year	2.63E-07	5.05E-05	2.52E-06
2,3,7,8-Tetrachlorodibenzo-p-dioxin	1746-01-6	year	2.63E-08	5.05E-06	2.52E-07
2,3',4,4',5,5'-Hexachlorobiphenyl	52663-72-6	year	0.000263	0.0505	0.00252
2,4,6-Trichlorophenol	88-06-2	year	0.05	9.59	0.48
2,4-Diaminoanisole	615-05-4	year	0.152	29.2	1.46
2,4-Diaminoanisole Sulfate	39156-41-7	year	0.27	51.8	2.59
2,4-Diaminotoluene	95-80-7	year	0.000909	0.174	0.00872
2,4-Dinitrotoluene	121-14-2	year	0.0112	2.15	0.107
2-Acetylaminofluorene	53-96-3	year	0.000769	0.148	0.00738
2-Amino-3-methyl-9H pyrido[2,3-b]indole	68006-83-7	year	0.00294	0.564	0.0282
2-Amino-3-methylimidazo[4,5-f]quinoline	76180-96-6	year	0.0025	0.48	0.024
2-Amino-5-(5-Nitro-2-Furyl)-1,3,4-Thiadiazol	712-68-5	year	0.000217	0.0416	0.00208
2-Aminoanthraquinone	117-79-3	year	0.106	20.3	1.02
2-Chloroacetophenone	532-27-4	24-hr	0.03	0.00394	0.000197
2-Ethoxyethanol	110-80-5	24-hr	70	9.20	0.460
2-Methoxyethanol	109-86-4	24-hr	60	7.89	0.394
2-Methyl-1-nitroanthraquinone	129-15-7	year	0.000833	0.16	0.00799
2-Methylphenol	95-48-7	24-hr	600	78.9	3.94
2-Naphthylamine	91-59-8	year	0.00196	0.376	0.0188
2-Nitrofluorene	607-57-8	year	0.0909	17.4	0.872
2-Nitropropane	79-46-9	24-hr	20	2.63	0.131
3,3',4,4',5,5'-Hexachlorobiphenyl	32774-16-6	year	0.000263	0.0505	0.00252
3,3',4,4',5-Pentachlorobiphenyl	57465-28-8	year	2.63E-07	5.05E-05	2.52E-06
3,3',4,4'-Tetrachlorobiphenyl	32598-13-3	year	0.000263	0.0505	0.00252
3,3'-Dichlorobenzidine	91-94-1	year	0.00294	0.564	0.0282
3,4,4',5-Tetrachlorobiphenyl	70362-50-4	year	0.000263	0.0505	0.00252
3-Amino-9-ethylcarbazole hydrochloride	6109-97-3	year	0.0455	8.73	0.437
3-Chloro-2-methyl-propene	563-47-3	year	0.025	4.8	0.24
3-Methylcholanthrene	56-49-5	year	0.000159	0.0305	0.00153
3-Methylphenol	108-39-4	24-hr	600	78.9	3.94
4,4'-Diaminodiphenyl Ether	101-80-4	year	0.025	4.8	0.24
4,4-Methylene bis(2-chloroaniline)	101-14-4	year	0.00233	0.447	0.0224
4,4-Methylene bis(2-Methylaniline)	838-88-0	year	0.00385	0.739	0.0369
4,4'-Methylene bis(n,n'-dimethyl)aniline	101-61-1	year	0.0769	14.8	0.738
4,4'-Methylenedianiline	101-77-9	year	0.00217	0.416	0.0208
4,4-Methylenedianiline Dihydrochloride	13552-44-8	year	0.00294	0.564	0.0282
4,4-Thiodianiline	139-65-1	year	0.000233	0.0447	0.00224

<u>Common Name</u>	<u>CAS #</u>	<u>Averaging Period</u>	<u>ASIL ($\mu\text{g}/\text{m}^3$)</u>	<u>SOER (lb/averaging period)</u>	<u>De Minimis (lb/averaging period)</u>
4-Aminobiphenyl	92-67-1	year	0.000167	0.032	0.0016
4-Chloro-o-phenylenediamine	95-83-0	year	0.217	41.6	2.08
4-Dimethylaminoazobenzene	60-11-7	year	7.69E+04	1.48E+07	7.38E+05
4-Methylphenol	106-44-5	24-hr	600	78.9	3.94
4-Nitropyrene	57835-92-4	year	0.00909	1.74	0.0872
5-Methylchrysene	3697-24-3	year	0.000909	0.174	0.00872
5-Nitroacenaphthene	602-87-9	year	0.027	5.18	0.259
5-Nitro-o-Anisidine	99-59-2	year	0.0714	13.7	0.685
6-Nitrochrysene	7496-02-8	year	9.09E-05	0.0174	0.000872
7,12-Dimethylbenz[a]anthracene	57-97-6	year	1.41E-05	0.00271	0.000135
7h-Dibenzo[c,g]carbazole	194-59-2	year	0.000909	0.174	0.00872
A-alpha-c(2-amino-9h-pyrido[2,3-b]indole)	26148-68-5	year	0.00877	1.68	0.0841
Acetaldehyde	75-07-0	year	0.37	71	3.55
Acetamide	60-35-5	year	0.05	9.59	0.48
Acetonitrile	75-05-8	year	60	1.15E+04	576
Acrolein	107-02-8	24-hr	0.06	0.00789	0.000394
Acrylamide	79-06-1	year	0.000769	0.148	0.00738
Acrylic Acid	79-10-7	24-hr	1	0.131	0.00657
Acrylonitrile	107-13-1	year	0.00345	0.662	0.0331
Actinomycin D	50-76-0	year	4.00E-07	7.68E-05	3.84E-06
Alar	1596-84-5	year	0.196	37.6	1.88
Aldrin	309-00-2	year	0.000204	0.0391	0.00196
Allyl Chloride	107-05-1	year	0.167	32	1.6
alpha-Hexachlorocyclohexane	319-84-6	year	0.0013	0.249	0.0125
Amitrole	61-82-5	year	0.0037	0.71	0.0355
Ammonia	7664-41-7	24-hr	70.8	9.31	0.465
Ammonium bisulfate	7803-63-6	1-hr	120	0.263	0.0131
Ammonium sulfate	7783-20-2	1-hr	120	0.263	0.0131
Aniline	62-53-3	year	0.625	120	6
Antimony Trioxide	1309-64-4	24-hr	0.2	0.0263	0.00131
Aramite	140-57-8	year	0.116	22.3	1.11
Arsenic & Inorganic Arsenic Compounds	—	year	0.000303	0.0581	0.00291
Arsine	7784-42-1	24-hr	0.05	0.00657	0.000329
Asbestos	1332-21-4	year	1.59E-05	0.00305	0.000153
Auramine	492-80-8	year	0.004	0.768	0.0384
Azaserine	115-02-6	year	0.000323	0.062	0.0031
Azathioprine	446-86-6	year	0.00196	0.376	0.0188
Azobenzene	103-33-3	year	0.0323	6.2	0.31
Barium Chromate	10294-40-3	year	1.49E-05	0.00286	0.000143
Benz[a]anthracene	56-55-3	year	0.00909	1.74	0.0872
Benzene	71-43-2	year	0.0345	6.62	0.331
Benzidine	92-87-5	year	7.14E-06	0.00137	6.85E-05
Benzo[a]pyrene	50-32-8	year	0.000909	0.174	0.00872
Benzo[b]fluoranthene	205-99-2	year	0.00909	1.74	0.0872
Benzo[j]fluoranthene	205-82-3	year	0.00909	1.74	0.0872
Benzo[k]fluoranthene	207-08-9	year	0.00909	1.74	0.0872
Benzyl Chloride	100-44-7	year	0.0204	3.91	0.196
Benzyl Violet 4B	1694-09-3	year	0.175	33.6	1.68
Beryllium & Compounds (NOS)	—	year	0.000417	0.08	0.004
Beryllium Oxide	1304-56-9	year	0.000417	0.08	0.004
Beryllium Sulfate	13510-49-1	year	1.16E-06	0.000223	1.11E-05
beta-Butyrolactone	3068-88-0	year	0.00345	0.662	0.0331
Beta-hexachlorocyclohexane	319-85-7	year	0.00233	0.447	0.0224
beta-Propiolactone	57-57-8	year	0.00025	0.048	0.0024

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Bis(chloroethyl)ether	111-44-4	year	0.00141	0.271	0.0135
Bis(chloromethyl)ether	542-88-1	year	7.69E-05	0.0148	0.000738
Bromodichloromethane	75-27-4	year	0.027	5.18	0.259
Bromoform	75-25-2	year	0.909	174	8.72
Butylated hydroxyanisole	25013-16-5	year	17.5	3360	168
C.I. Basic Red 9 Monohydrochloride	569-61-9	year	0.0141	2.71	0.135
Cadmium & Compounds	7440-43-9	year	0.000238	0.0457	0.00228
Captafol	2425-06-1	year	0.0233	4.47	0.224
Captan	133-06-2	year	1.52	292	14.6
Carbon disulfide	75-15-0	24-hr	800	105	5.26
Carbon monoxide	630-08-0	1-hr	23000	50.4	1.14
Carbon Tetrachloride	56-23-5	year	0.0238	4.57	0.228
Chlorambucil	305-03-3	year	7.69E-06	0.00148	7.38E-05
Chlordane	57-74-9	year	0.00294	0.564	0.0282
Chlordecone	143-50-0	year	0.000217	0.0416	0.00208
Chlorendic Acid	115-28-6	year	0.0385	7.39	0.369
Chlorinated Paraffins	108171-26-2	year	0.04	7.68	0.384
Chlorine	7782-50-5	24-hr	0.2	0.026	0.00131
Chlorine dioxide	10049-04-4	24-hr	0.2	0.026	0.00131
Chlorobenzene	108-90-7	24-hr	1000	131	6.57
Chlorobenzilate	510-15-6	year	0.0323	6.2	0.31
Chlorodifluoromethane	75-45-6	24-hr	5.00E+04	6570	328
Chloroform	67-66-3	year	0.0435	8.35	0.417
Chloromethyl methyl ether	107-30-2	year	0.00145	0.278	0.0139
Chloropicrin	76-06-2	24-hr	0.4	0.053	0.00263
Chlorothalonil	1897-45-6	year	1.12	215	10.7
Chlorozotocin	54749-90-5	year	1.45E-05	0.00278	0.000139
Chromic Acid	11115-74-5	year	1.51E-05	0.0029	0.000145
Chromic Trioxide	1333-82-0	year	1.28E-05	0.00246	0.000123
Chromic(VI) Acid	7738-94-5	year	1.51E-05	0.0029	0.000145
Chromium Hexavalent: Soluble, except Chromic Trioxide	—	year	6.67E-06	0.00128	6.40E-05
Chromium(VI)	18540-29-9	year	6.67E-06	0.00128	6.40E-05
Chrysene	218-01-9	year	0.0909	17.4	0.872
Cinnamyl Anthranilate	87-29-6	year	0.769	148	7.38
Cobalt	7440-48-4	24-hr	0.1	0.013	0.000657
Coke Oven Emissions	8007-45-2	year	0.00162	0.311	0.0155
Copper & Compounds	—	1-hr	100	0.219	0.011
Cumene	98-82-8	24-hr	400	52.6	2.63
Cupferron	135-20-6	year	0.0159	3.05	0.153
Cyclohexane	110-82-7	24-hr	6000	789	39.4
Cyclophosphamide (anhydrous)	50-18-0	year	0.00588	1.13	0.0564
Cyclophosphamide (Hydrated)	6055-19-2	year	0.00625	1.2	0.06
D & C Red No. 9	5160-02-1	year	0.667	128	6.4
Dacarbazine	4342-03-4	year	7.14E-05	0.0137	0.000685
Dantron	117-10-2	year	0.0455	8.73	0.437
DDD	72-54-8	year	0.0145	2.78	0.139
DDE	72-55-9	year	0.0103	1.98	0.0988
DDT	50-29-3	year	0.0103	1.98	0.0988
Di(2-ethylhexyl)phthalate	117-81-7	year	0.0417	8	0.4
Diazinon	333-41-5	24-hr	9	1.18	0.0591
Dibenz[a,h]acridine	226-36-8	year	0.00909	1.74	0.0872
Dibenz[a,h]anthracene	53-70-3	year	0.000833	0.16	0.00799
Dibenz[a,j]acridine	224-42-0	year	0.00909	1.74	0.0872
Dibenzof[a,e]pyrene	192-65-4	year	0.000909	0.174	0.00872

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Dibenzof[a,h]pyrene	189-64-0	year	9.09E-05	0.0174	0.000872
Dibenzof[a,i]pyrene	189-55-9	year	9.09E-05	0.0174	0.000872
Dibenzof[a,l]pyrene	191-30-0	year	9.09E-05	0.0174	0.000872
Dibromochloromethane	124-48-1	year	0.037	7.1	0.355
Dichloromethane	75-09-2	year	1	192	9.59
Dichlorvos	62-73-7	year	0.012	2.3	0.115
Dieldrin	60-57-1	year	0.000217	0.0416	0.00208
Diesel Engine Exhaust, Particulate	=	year	0.00333	0.639	0.032
Diethanolamine	111-42-2	24-hr	3	0.394	0.0197
Diethyl mercury	627-44-1	24-hr	1.00E-99	1.00E-99	1.00E-99
Diethylstilbestrol	56-53-1	year	1.00E-05	0.00192	9.59E-05
Diglycidyl Resorcinol Ether	101-90-6	year	0.00204	0.391	0.0196
Dihydrosafrole	94-58-6	year	0.0769	14.8	0.738
Dimethyl Mercury	593-74-8	24-hr	1.00E-99	1.00E-99	1.00E-99
Dimethylcarbamoyl Chloride	79-44-7	year	0.00027	0.0518	0.00259
Dimethylvinylchloride	513-37-1	year	7.69	1480	73.8
Direct Black 38	1937-37-7	year	4.76E+04	9.13E+06	4.57E+05
Direct Blue 6	2602-46-2	year	0.000476	0.0913	0.00457
Direct Brown 95	16071-86-6	year	0.000526	0.101	0.00505
Disperse Blue 1	2475-45-8	year	0.769	148	7.38
Disulfoton	298-04-4	24-hr	6	0.789	0.0394
Epichlorohydrin	106-89-8	year	0.0435	8.35	0.417
Estradiol 17b	50-28-2	year	9.09E-05	0.0174	0.000872
Ethyl Carbamate	51-79-6	year	0.00345	0.662	0.0331
Ethyl Chloride	75-00-3	24-hr	3.00E+04	3940	197
Ethylbenzene	100-41-4	year	0.4	76.8	3.84
Ethylene Glycol	107-21-1	24-hr	400	52.6	2.63
Ethylene glycol monobutyl ether	111-76-2	24-hr	1.30E+04	1710	85.4
Ethylene glycol monoethyl ether acetate	111-15-9	24-hr	300	39.4	1.97
Ethylene glycol monomethyl ether acetate	110-49-6	24-hr	90	11.8	0.590
Ethylene oxide	75-21-8	year	0.0114	2.19	0.109
Ethylene Thiourea	96-45-7	year	0.0769	14.8	0.738
Ethyleneimine	151-56-4	year	5.26E-05	0.0101	0.000505
Ferric Sulfate	10028-22-5	1-hr	120	0.263	0.0131
Fluoride containing chemicals, NOS	=	24-hr	13	1.71	0.0854
Fluorine gas F ₂	7782-41-4	24-hr	15.8	2.08	0.104
Formaldehyde	50-00-0	year	0.167	32	1.6
Furmecyclox	60568-05-0	year	0.116	22.3	1.11
Furylfuramide	3688-53-7	year	0.0145	2.78	0.139
gamma-Hexachlorocyclohexane	58-89-9	year	0.00323	0.62	0.031
Glu-P-1	67730-11-4	year	0.000714	0.137	0.00685
Glu-P-2	67730-10-3	year	0.0025	0.48	0.024
Glutaraldehyde	111-30-8	24-hr	0.08	0.0105	0.000526
Gyromitrin	16568-02-8	year	0.000345	0.0662	0.00331
HC Blue 1	2784-94-3	year	0.0667	12.8	0.64
Heptachlor	76-44-8	year	7.69E-05	0.0148	0.000738
Heptachlor epoxide	1024-57-3	year	0.000385	0.0739	0.00369
Heptachlorodibenzo-p-dioxins, NOS	37871-00-4	year	2.63E-06	0.000505	2.52E-05
Hexachlorobenzene	118-74-1	year	0.00196	0.376	0.0188
Hexachlorobutadiene	87-68-3	year	0.0455	8.73	0.437
Hexachlorocyclohexane	608-73-1	year	0.000909	0.174	0.00872
Hexachlorocyclopentadiene	77-47-4	24-hr	0.2	0.026	0.00131
Hexachlorodibenzo-p-Dioxins, NOS	34465-46-8	year	2.63E-07	5.05E-05	2.52E-06
Hexachloroethane	67-72-1	year	0.0909	17.4	0.872

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Hydrazine	302-01-2	year	0.000204	0.0391	0.00196
Hydrazine Sulfate	10034-93-2	year	0.00116	0.223	0.0111
Hydrogen chloride	7647-01-0	24-hr	9	1.18	0.0591
Hydrogen Cyanide	74-90-8	24-hr	9	1.18	0.0591
Hydrogen Fluoride	7664-39-3	24-hr	14	1.84	0.0920
Hydrogen Selenide	7783-07-5	1-hr	5	0.011	0.000548
Hydrogen Sulfide	7783-06-4	24-hr	2	0.263	0.0131
Indeno[1,2,3-cd]pyrene	193-39-5	year	0.00909	1.74	0.0872
Isophorone	78-59-1	24-hr	2000	2.63	13.1
Isopropyl Alcohol	67-63-0	1-hr	3200	7.01	0.35
Lasiocarpine	303-34-4	year	0.000455	0.0873	0.00437
Lead and compounds (NOS)		year	0.0833	16	10
Lead Acetate	301-04-2	year	0.0125	2.4	0.12
Lead Chromate	7758-97-6	year	4.14E-05	0.00794	0.000397
Lead Chromate Oxide	18454-12-1	year	7.01E-05	0.0135	0.000673
Lead Subacetate	1335-32-6	year	0.0909	17.4	0.872
Maleic Anhydride	108-31-6	24-hr	0.7	0.0920	0.00460
Manganese & Compounds	=	24-hr	0.04	0.00526	0.000263
Melphalan	148-82-3	year	2.70E-05	0.00518	0.000259
Melphalan HCl	3223-07-2	year	2.70E-05	0.00518	0.000259
Mercury, Elemental	7439-97-6	24-hr	0.09	0.0118	0.000591
Methyl Alcohol	67-56-1	24-hr	4000	526	26.3
Methyl Bromide	74-83-9	24-hr	5	0.657	0.0629
Methyl Chloride	74-87-3	24-hr	90	11.8	0.591
Methyl Ethyl Ketone	78-93-3	24-hr	5000	657	32.9
Methyl Isobutyl Ketone	108-10-1	24-hr	3000	394	19.7
Methyl Isocyanate	624-83-9	24-hr	1	0.131	0.00657
Methyl methacrylate	80-62-6	24-hr	700	92.0	4.60
Methyl Methanesulfonate	66-27-3	year	0.0357	6.85	0.343
Methyl Tertiary Butyl Ether	1634-04-4	year	3.85	739	36.9
Methylene diphenyl isocyanate	101-68-8	24-hr	0.7	0.0920	0.00460
Methylthiouracil	56-04-2	year	0.00909	1.74	0.0872
Michler's ketone	90-94-8	year	0.004	0.768	0.0384
Mirex	2385-85-5	year	0.000196	0.0376	0.00188
Mitomycin C	50-07-7	year	4.35E-07	8.35E-05	4.17E-06
Monocrotaline	315-22-0	year	0.000345	0.0662	0.00331
m-Xylene	108-38-3	24-hr	221	29.0	1.45
n,n-Dimethylformamide	68-12-2	24-hr	80	10.5	0.526
n-[4-(5-nitro-2-furyl)-2-thiazolyl]-acetamide	531-82-8	year	0.00233	0.447	0.0224
Naphthalene	91-20-3	year	0.0294	5.64	0.282
n-Hexane	110-54-3	24-hr	700	92.0	4.60
Nickel Refinery Dust	=	year	0.0042	0.806	0.0403
Nickel Subsulfide	12035-72-2	year	0.00204	0.391	0.0196
Nifurthiazole	3570-75-0	year	0.00152	0.292	0.0146
Nitric Acid	7697-37-2	1-hr	86	0.188	0.00942
Nitrilotriacetic acid	139-13-9	year	0.667	128	6.4
Nitrilotriacetic acid, trisodium salt monohydrate	18662-53-8	year	0.345	66.2	3.31
Nitrofen	1836-75-5	year	0.0435	8.35	0.417
Nitrofurazone	59-87-0	year	0.0027	0.518	0.0259
Nitrogen dioxide	10102-44-0	1-hr	470	1.03	0.457
n-Methyl-n-nitro-n-nitrosoguanidine	70-25-7	year	0.000417	0.08	0.004
n-Nitrosodiethanolamine	1116-54-7	year	0.00125	0.24	0.012
n-Nitrosodiethylamine	55-18-5	year	1.00E-04	0.0192	0.000959
n-Nitrosodimethylamine	62-75-9	year	0.000217	0.0416	0.00208

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n-Nitroso-di-n-butylamine	924-16-3	year	0.000323	0.062	0.0031
n-Nitrosodi-n-propylamine	621-64-7	year	0.0005	0.0959	0.0048
n-Nitrosodiphenylamine	86-30-6	year	0.385	73.9	3.69
n-Nitrosomorpholine	59-89-2	year	0.000526	0.101	0.00505
n-Nitroso-n-ethylurea	759-73-9	year	0.00013	0.0249	0.00125
n-Nitroso-n-methylethylamine	10595-95-6	year	0.000159	0.0305	0.00153
n-Nitroso-n-methylurea	684-93-5	year	2.94E-05	0.00564	0.000282
n-Nitroso-n-Methylurethane	615-53-2	year	3.23E-05	0.0062	0.00031
n-Nitrosornicotine	16543-55-8	year	0.0025	0.48	0.024
n-Nitrosopiperidine	100-75-4	year	0.00037	0.071	0.00355
n-Nitrosopyrrolidine	930-55-2	year	0.00167	0.32	0.016
o-Anisidine	90-04-0	year	0.025	4.8	0.24
o-Anisidine Hydrochloride	134-29-2	year	0.0323	6.2	0.31
o-Phenylphenate, Sodium	132-27-4	year	1.16	223	11.1
ortho-Aminoazotoluene	97-56-3	year	0.000909	0.174	0.00872
o-Toluidine	95-53-4	year	0.0196	3.76	0.188
o-Toluidine Hydrochloride	636-21-5	year	0.027	5.18	0.259
o-Xylene	95-47-6	24-hr	221	29.0	1.45
Ozone	10028-15-6	1-hr	180	0.394	0.0197
para-Cresidine	120-71-8	year	0.0233	4.47	0.224
p-Chloro-o-toluidine	95-69-2	year	0.013	2.49	0.125
Pentabromodiphenyl Ether	32534-81-9	24-hr	6	0.789	0.0394
Pentachlorophenol	87-86-5	year	0.217	41.6	2.08
Perchloroethylene	127-18-4	year	0.169	32.4	1.62
Phenacetin	62-44-2	year	1.59	305	15.3
Phenazopyridine	94-78-0	year	0.0204	3.91	0.196
Phenazopyridine hydrochloride	136-40-3	year	0.0233	4.47	0.224
Phenesterin	3546-10-9	year	2.33E-05	0.00447	0.000224
Phenobarbital	50-06-6	year	0.00769	1.48	0.0738
Phenol	108-95-2	24-hr	200	26.3	1.31
Phenoxybenzamine	59-96-1	year	0.00112	0.215	0.0107
Phenoxybenzamine hydrochloride	63-92-3	year	0.0013	0.249	0.0125
Phosgene	75-44-5	24-hr	0.3	0.0394	0.00197
Phosphine	7803-51-2	24-hr	0.8	0.105	0.00526
Phosphoric Acid	7664-38-2	24-hr	7	0.920	0.0460
Phosphorus	7723-14-0	24-hr	20	2.63	0.131
Phthalic Anhydride	85-44-9	24-hr	20	2.63	0.131
p-Nitrosodiphenylamine	156-10-5	year	0.159	30.5	1.53
Polybrominated Biphenyls	=	year	0.000116	0.0223	0.00111
Polychlorinated Biphenyls, NOS	1336-36-3	year	0.00175	0.336	0.0168
Ponceau 3R	3564-09-8	year	0.217	41.6	2.08
Ponceau MX	3761-53-3	year	0.769	148	7.38
Potassium Bromate	7758-01-2	year	0.00714	1.37	0.0685
Procarbazine	671-16-9	year	0.00025	0.048	0.0024
Procarbazine Hydrochloride	366-70-1	year	0.000294	0.0564	0.00282
Propylene	115-07-1	24-hr	3000	394	19.7
Propylene Glycol	57-55-6	24-hr	28.5	3.75	0.187
Propylene Glycol Dinitrate	6423-43-4	24-hr	0.276	0.0363	0.00181
Propylene glycol monomethyl ether	107-98-2	24-hr	7000	920	46.0
Propylene oxide	75-56-9	year	0.27	51.8	2.59
Propylthiouracil	51-52-5	year	0.00345	0.662	0.0331
p-Xylene	106-42-3	24-hr	221	29.0	1.45
Refractory Ceramic Fibers	=	24-hr	0.03 fibers/cm ³	0.00394	0.000197
Reserpine	50-55-5	year	0.000323	0.062	0.0031

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Safrole	94-59-7	year	0.0159	3.05	0.153
Selenium & Selenium Compounds (other than Hydrogen Selenide)	—	24-hr	20	2.63	0.131
Short-chain (C10-13) chlorinated paraffins	85535-84-8	year	0.04	7.68	0.384
Silica (crystalline, Respirable)	7631-86-9	24-hr	3	0.394	0.0197
Sodium Hydroxide	1310-73-2	1-hr	8	0.0175	0.000876
Sodium Sulfate	7757-82-6	1-hr	120	0.263	0.0131
Sterigmatocystin	10048-13-2	year	1.00E-04	0.0192	0.000959
Streptozotocin	18883-66-4	year	3.23E-05	0.0062	0.00031
Styrene	100-42-5	24-hr	900	118	5.91
Styrene Oxide	96-09-3	year	0.0217	4.16	0.208
Sulfallate	95-06-7	year	0.0185	3.55	0.178
Sulfur dioxide	7446-09-05	1-hr	660	1.45	0.457
Sulfur Mustard	505-60-2	24-hr	0.7	0.0920	0.00460
Sulfuric Acid	7664-93-9	24-hr	1	0.131	0.00657
Tetrabromodiphenyl Ether	40088-47-9	24-hr	6	0.789	0.0394
Thioacetamide	62-55-5	year	0.000588	0.113	0.00564
Thiourea	62-56-6	year	0.0476	9.13	0.457
Titanium Tetrachloride	7550-45-0	24-hr	0.1	0.0131	0.00657
Toluene	108-88-3	24-hr	5000	657	32.9
Toluene-diisocyanates	26471-62-5	24-hr	0.07	0.00920	0.000460
Toluene-2,4-diisocyanate	584-84-9	24-hr	0.07	0.00920	0.000460
Toluene-2,6-diisocyanate	91-08-7	24-hr	0.07	0.00920	0.000460
Toxaphene	8001-35-2	year	0.00294	0.564	0.0282
Trans-1,2-dichloroethene	156-60-5	24-hr	807	106	5.30
Trans-2[(dimethylamino)-methylimino]-5-[2-(5-nitro-2-furyl)-vinyl]-1,3,4-oxadiazole	55738-54-0	year	0.00769	1.48	0.0738
Trichloroethylene	79-01-6	year	0.5	95.9	4.8
Triethylamine	121-44-8	24-hr	200	26.3	1.31
Tris-(1-Aziridinyl)phosphine sulfide	52-24-4	year	0.000294	0.0564	0.00282
Tris(2,3-dibromopropyl)phosphate	126-72-7	year	0.00152	0.292	0.0146
Tryptophan-P-1	62450-06-0	year	0.000135	0.0259	0.0013
Tryptophan-P-2	62450-07-1	year	0.0011	0.211	0.0106
Vanadium	7440-62-2	24-hr	0.2	0.0263	0.00131
Vanadium Pentoxide	1314-62-1	1-hr	30	0.0657	0.00329
Vinyl acetate	108-05-4	24-hr	200	26.3	1.31
Vinyl Bromide	593-60-2	24-hr	3	0.394	0.00197
Vinyl Chloride	75-01-4	year	0.0128	2.46	0.123

NOS - Not otherwise specified. This applies to situations where emission factors for a group of pollutants is reported, but specific isomers, congeners, or chemicals are not reported.

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.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- | | |
|-----------------|---|
| WAC 173-460-110 | Acceptable source impact levels. |
| WAC 173-460-120 | Scientific review and amendment of acceptable source impact levels and lists. |

WAC 173-460-130

WAC 173-460-160

Fees.

Class B toxic air pollutants and acceptable source impact levels.