

WSR 09-12-002
EXECUTIVE ORDER
OFFICE OF THE GOVERNOR

[May 14, 2009]

EXECUTIVE ORDER 09-04

ESTABLISHING WASHINGTON COUNCIL ON AEROSPACE

WHEREAS, the aerospace industry accounts for a considerable portion of Washington's economy and is projected to grow significantly over the next 20 years; and

WHEREAS, the aerospace industry is the state's largest manufacturing industry; and

WHEREAS, for every aerospace job created, at least one and one-half other jobs are produced elsewhere in the economy; and

WHEREAS, aerospace companies do business in at least 30 counties throughout the state; and

WHEREAS, Washington leads the nation in cutting-edge training, education, research, and development, related to the aerospace industry; and

WHEREAS, these programs could be better coordinated and distributed statewide through the community and technical college system and Washington's universities; and

WHEREAS, better integrating cutting-edge technologies developed in research laboratories with the training programs offered through community and technical colleges can give Washington a sustained competitive advantage relative to other states in aerospace.

NOW THEREFORE, I, Christine O. Gregoire, Governor of the state of Washington, to ensure Washington's continued leadership in the aerospace industry do hereby create in the Office of the Governor the Washington Council on Aerospace.

The Council shall emulate national and international best practices concerning the aerospace industry to:

1. Improve coordination, responsiveness and integration of the state's aerospace training, education, research, and development programs to meet industry needs;
2. Enhance the state's economic climate for the industry;
3. Provide a forum for industry, labor and government to collaborate to ensure the needs of this vital industry are met in a timely and effective manner; and
4. Ensure that Washington remains the best place in the world to design and manufacture aircraft and grow jobs in the aerospace industry.

The composition of the Council shall be fourteen members representing the public and private sectors, as follows:

1. Nine public sector members, to include:
 - The Director of the Department of Commerce, who shall be the chair;
 - The Executive Director of the State Board for Community and Technical Colleges;

- The Executive Director of the Higher Education Coordinating Board;
 - The President of the University of Washington;
 - The President of Washington State University;
 - One member from each of the two largest caucuses of the House of Representatives, upon my invitation; and
 - One member from each of the two largest caucuses of the Senate, upon my invitation.
2. Five private sector representatives, to be appointed by the Governor to two-year terms, to include:
 - One member representing a labor organization of aerospace machinists;
 - One member representing a labor organization of aerospace engineers;
 - One member representing the state's largest aerospace manufacturer;
 - One member representing aerospace employers in Eastern Washington; and
 - One member representing aerospace employers in Western Washington.

The Council shall:

- Integrate research activities and newly developed technologies with education and training efforts to ensure our workforce is trained in the most cutting-edge aerospace technologies;
- Provide advice to the Governor and the Legislature on public policies that will strengthen the aerospace industry and support its job growth in Washington; and
- Beginning on January 1, 2010, and annually thereafter, report to the Governor and Legislature on the state of the state's aerospace industry and the activities and accomplishments of the Council in the previous calendar year.

With the oversight and guidance of the Council as a whole, its public sector members are charged with the following responsibilities:

- The Executive Director of the State Board for Community and Technical Colleges must ensure coordination of all aerospace training and apprenticeship programs under its authority;
- The Executive Director of the Higher Education Coordinating Board must ensure that all degree programs of interest to the aerospace industry are provided by and coordinated among the state's four-year institutions of higher education;
- The Presidents of the University of Washington and Washington State University must coordinate all aerospace-related research and development activities undertaken within their institutions and ensure that these activities are responsive to the industry's needs; and
- The Director of the Department of Commerce must carry out the state's activities to retain, attract, and grow aerospace companies and jobs.

The Council:

- May consult, as necessary, with the appropriate leaders of state agencies to assist in the development of policies to carry out its duties and responsibilities;
- Shall meet with the Governor on a periodic basis; and
- Shall be staffed by the Department of Commerce.

Signed and sealed with the official seal of the state of Washington on this 14th day of May 2009, at Renton, Washington.

By:

Christine O. Gregoire
Governor

BY THE GOVERNOR:

Sam Reed

Secretary of State

WSR 09-12-003

**NOTICE OF PUBLIC MEETINGS
STATUTE LAW COMMITTEE**

[Filed May 20, 2009, 2:46 p.m.]

Historically, the statute law committee meets two times each calendar year. The statute law committee meets at the call of the chair.

A statute law committee meeting has been scheduled for Wednesday, June 17, 2009. The meeting will begin at 1:30 p.m. and will end at approximately 3:30 p.m.

The meeting will be held in the Senate Rules Room located on the 2nd floor, southeast corner of the Legislative Building.

Debbie Deibert or K. Kyle Thiessen are the contact persons for information concerning this meeting and can be reached at (360) 786-6777.

WSR 09-12-004

**NOTICE OF PUBLIC MEETINGS
WALLA WALLA
COMMUNITY COLLEGE**

[Filed May 21, 2009, 8:04 a.m.]

The board of trustees of Walla Walla Community College, District Number Twenty, has canceled the following meeting: June 23, 2009 - *Special Budget Work Session*.

The board has also changed the time of its June 24, 2009, meeting from 9:30 a.m. to **9:00 a.m.**

Please direct any questions to jerri.ramsey@wwcc.edu or by phone (509) 527-4274.

WSR 09-12-005

**NOTICE OF PUBLIC MEETINGS
COMMISSION ON
PESTICIDE REGISTRATION**

[Filed May 21, 2009, 8:47 a.m.]

The Washington state commission on pesticide registration has approved the following dates and places for their meetings in the first half of fiscal year 2010.

| | |
|----------------------|---------------------------|
| September 22, 2009 | via teleconference |
| December 2 - 4, 2009 | in Ellensburg, Washington |

All meetings will begin at 10 a.m.

If there are any questions, contact Erin Gwinn, (509) 266-4305.

WSR 09-12-006

**NOTICE OF PUBLIC MEETINGS
LAKE WASHINGTON
TECHNICAL COLLEGE**

[Filed May 21, 2009, 8:47 a.m.]

Revised 2009 Board Meeting Dates

Pursuant to RCW 42.30.075, we are hereby notifying you of the following 2009 board meeting dates for the Lake Washington Technical College board of trustees.

- Regular board meetings are held on the first Monday of the month unless otherwise noted.
- Regular board meetings are held on the LWTC Campus, 11605 132nd Avenue N.E., Kirkland, WA 98034.
- Meetings begin at 5:45 p.m. in the Board Room (W305A).
- Study sessions (includes light refreshments) are held at 5:00 p.m., forty-five minutes prior to the board meeting in the President's Conference Room.
- No meetings are held in July or August 2009.

January 5, 2009

February 2, 2009

~~March 9, 2009~~ March 2, 2009

April 6, 2009

May 4, 2009

~~June 1, 2009~~ June 8, 2009

July 2009 (no meeting)

August 2009 (no meeting)

~~September 7, 2009~~ September 14, 2009

October 5, 2009

November 2, 2009

December 7, 2009

There is also one amended board meeting date:

| Original Date | New Date |
|-------------------|--------------------|
| June 1, 2009 | June 8, 2009 |
| September 7, 2009 | September 14, 2009 |

Appropriate advertising of this meeting change will take place ten days prior to the meeting. Work sessions begin at 5:00 p.m. in Room W302E; the regular meeting agenda begins at 5:45 p.m. in Room W305 at the college.

WSR 09-12-009

ATTORNEY GENERAL'S OFFICE

[Filed May 21, 2009, 10:18 a.m.]

NOTICE OF REQUEST FOR ATTORNEY GENERAL'S OPINION WASHINGTON ATTORNEY GENERAL

The Washington attorney general issues formal published opinions in response to requests by the heads of state agencies, state legislators, and county prosecuting attorneys. When it appears that individuals outside the attorney general's office have information or expertise that will assist in the preparation of a particular opinion, a summary of that opinion request will be published in the state register. If you are interested in commenting on a request listed in this volume of the register, you should notify the attorney general's office of your interest by June 24, 2009. This is not the due date by which comments must be received. However, if you do not notify the attorney general's office of your interest in commenting on an opinion request by this date, the opinion may be issued before your comments have been received. You may notify the attorney general's office of your intention to comment by calling (360) 586-0728, or by writing to the Office of the Attorney General, Solicitor General Division, Attention Jeffrey T. Even, Deputy Solicitor General, P.O. Box 40100, Olympia, WA 98504-0100. When you notify the office of your intention to comment, you may be provided with a copy of the opinion request in which you are interested; information about the attorney general's opinion process; information on how to submit your comments; and a due date by which your comments must be received to ensure that they are fully considered.

If you are interested in receiving notice of new formal opinion requests via e-mail, you may visit the attorney general's web site at www.atg.wa.gov/AGOPinions/default.aspx for more information on how to join our Opinions List-Serv.

The attorney general's office seeks public input on the following opinion request(s):

Opinion Docket No. 09-05-04
Request by Honorable Gregory Zempel
Kittitas County Prosecutor

1. Does RCW 90.44.050 restrict groundwater withdrawals without a permit for lawn and non-commercial gardening purposes to a subpart of the 5,000 gallons per day allocated to single or group domestic use, and thus

also limit those domestic uses of the exemption to a remainder?

2. If RCW 90.44.050 does not limit such groundwater withdrawals as mentioned above, may the Department of Ecology implement a rule imposing such a limit by permanently adopting WAC 173-539A Upper Kittitas Ground Water Rule?

3. Does RCW 90.44 preempt the local legislative authority of a county from setting a numeric gallon per day limit or group use limit upon the lawn and non-commercial gardening exemption from permitting?

4. Could Ecology and a county, by entering into an agreement, impose such a limit?

WSR 09-12-018

NOTICE OF PUBLIC MEETINGS

STATE INDEPENDENT LIVING COUNCIL

[Filed May 22, 2009, 9:35 a.m.]

Public Announcement

Quarterly Meeting and Public Forum

July 9, 2009 (Thursday)
Public Forum
4 - 6 p.m.

July 10, 2009 (Friday)
SILC meeting
8:30 a.m. - 3 p.m.

Hearing Speech and Deafness Center
1625 19th Avenue
Seattle, WA 98122

Interpreters and real-time captioning will be provided. Please contact Barbara Hathaway, (360) 725-3695 (voice), (360) 725-3693 (TTY) or message on TTY answering machine), 63.226.204.173 - VP (Video Phone), or by e-mail hathab@dshs.wa.gov for additional accommodation requests or information.

WSR 09-12-021

INTERPRETIVE OR POLICY STATEMENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed May 22, 2009, 2:14 p.m.]

Notice of Interpretive or Policy Statement

In accordance with RCW 34.05.230(12), following is a list of policy and interpretive statements issued by the department of social and health services.

**Health and Recovery Services Administration
Division of Rates and Finance**

Document Title: Public Notice.

Subject: Medicaid state plan amendment.

Effective Date: July 1, 2009.

Document Description: The department of social and health services, health and recovery services administration is updating the medicaid state plan with the following changes to the prescription drug program:

- Delete references to First Databank as drug file carrier;
- Update pharmacy payment rate for estimated acquisition cost (EAC). Effective July 1, 2009, EAC will pay at AWP-16%.

To receive a copy of the interpretive or policy statements, contact Ann Myers, Chief, Office of Rules and Publications, Health and Recovery Services Administration, Division of Legal Services, Office of Rules and Publications, P.O. Box 45504, Olympia, WA 98504, phone (360) 725-1345, TDD/TTY 1-800-848-5429, fax 1-360-586-9727, e-mail myerseas@dshs.wa.gov.

WSR 09-12-027

**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed May 26, 2009, 11:43 a.m.]

Notice of Interpretive or Policy Statement

In accordance with RCW 34.05.230(12), following is a list of policy and interpretive statements issued by the department of social and health services.

**Economic Services Administration
Division of Child Support (DCS)**

Document Title: Policy Clarification Memo 09-004: How DCS Works With Parents Who Become Unemployed.

Subject: How DCS works with parents who become unemployed.

Effective Date: May 21, 2009.

Document Description: This administrative policy explains to DCS staff and parents about what steps each may take when someone becomes unemployed or has a substantial change in income.

To receive a copy of the interpretive or policy statements, contact Jeff Kildahl, Division of Child Support, P.O. Box 11520, Tacoma, WA 98411-5520, phone (360) 664-5278, TDD/TTY (360) 753-9122, fax (360) 586-3274, e-mail JKildahl@dshs.wa.gov, web site <http://www.dshs.wa.gov/dcs/>.

WSR 09-12-029

**NOTICE OF PUBLIC MEETINGS
COMMUNITY COLLEGES
OF SPOKANE**

[Filed May 27, 2009, 8:52 a.m.]

The board of trustees of Washington State Community College District 17 will hold a special meeting on Monday, June 8, 2009, at 1:30 p.m., in the East and West Board Rooms of the Max M. Snyder Building, 2000 North Greene Street, Spokane, WA. The purpose for the meeting is a trustee work session on the 2009-2010 Community Colleges of Spokane operating budget. An executive session will be held for the purpose of reviewing the performance of public employees and to discuss with legal counsel pending and/or potential litigation pursuant to RCW 42.30.110. Action may be taken following the executive session. The meeting is scheduled to adjourn at 5:00 p.m.

Should you have questions please contact Christine Pearl, executive assistant to the chancellor/CEO and liaison to the board of trustees, at (509) 434-5006.

WSR 09-12-030

**NOTICE OF PUBLIC MEETINGS
FORENSIC INVESTIGATIONS COUNCIL**

[Filed May 27, 2009, 9:07 a.m.]

Pursuant to RCW 42.30.075, the forensic investigations council meeting scheduled for June 26, 2009, at the WA Counties Building in Olympia, Washington is being cancelled.

If you have questions or need further information, David McEachran can be reached at (360) 676-6784.

WSR 09-12-047

**INTERPRETIVE STATEMENT
DEPARTMENT OF REVENUE**

[Filed May 28, 2009, 9:29 a.m.]

INTERPRETIVE STATEMENT ISSUED

ETA 3043.2009

Income low-density light and power utility deduction

The department of revenue has revised excise tax advisory 3043.2009 Low-density light and power utility deduction (ETA 3043). This advisory explains the public utility tax deduction provided by RCW 82.16.053 to qualifying power and light businesses.

RCW 82.16.053 requires that the department determine the state average electric power rate each year and inform taxpayers of this rate. This rate is used by the power and light business to compute the amount of the deduction. The revised ETA 3043 updates the information to provide the rate to be used for the period of July 2009 through June 2010.

A copy of this document is available via the internet at <http://dor.wa.gov/content/FindALawOrRule/>.

Alan R. Lynn
Rules Coordinator

WSR 09-12-052

ATTORNEY GENERAL'S OFFICE

[Filed May 28, 2009, 10:57 a.m.]

**NOTICE OF REQUEST FOR ATTORNEY GENERAL'S OPINION
WASHINGTON ATTORNEY GENERAL**

The Washington attorney general issues formal published opinions in response to requests by the heads of state agencies, state legislators, and county prosecuting attorneys. When it appears that individuals outside the attorney general's office have information or expertise that will assist in the preparation of a particular opinion, a summary of that opinion request will be published in the state register. If you are interested in commenting on a request listed in this volume of the register, you should notify the attorney general's office of your interest by June 24, 2009. This is not the due date by which comments must be received. However, if you do not notify the attorney general's office of your interest in commenting on an opinion request by this date, the opinion may be issued before your comments have been received. You may notify the attorney general's office of your intention to comment by calling (360) 586-0728, or by writing to the Office of the Attorney General, Solicitor General Division, Attention Jeffrey T. Even, Deputy Solicitor General, P.O. Box 40100, Olympia, WA 98504-0100. When you notify the office of your intention to comment, you may be provided with a copy of the opinion request in which you are interested; information about the attorney general's opinion process; information on how to submit your comments; and a due date by which your comments must be received to ensure that they are fully considered.

If you are interested in receiving notice of new formal opinion requests via e-mail, you may visit the attorney general's web site at www.atg.wa.gov/AGOOpinions/default.aspx for more information on how to join our Opinions List-Serv.

The attorney general's office seeks public input on the following opinion request(s):

**Opinion Docket No. 09-05-07
Request by Honorable Ruth Kagi
State Representative, 32nd District**

May a municipal sewer district repair or replace private side sewers as part of a district-wide increased infiltration and inflow (I/I) reduction program where (1) aging and inadequate side sewers are the most significant contributor to I/I in the district's entire system; (2) the purpose of the program is to benefit the district and the public through lower long-term capital and maintenance costs, not private property owners; (3) repair or replacement would be subject to a right of entry from the private

property owner; and (4) the program costs will be paid back through the district's bimonthly sewer rates?

WSR 09-12-061

**NOTICE OF PUBLIC MEETINGS
BEER COMMISSION**

[Filed May 28, 2009, 3:27 p.m.]

The Washington beer commission will hold the following meetings:

| Date | Time | Meeting Type | Time/Location |
|-------------------|-----------|--------------|---|
| July 14, 2009 | 5:30 p.m. | Regular | Diamond Knot Brewing 621A Front Street Mukilteo, WA 98275 (425) 355-4488 |
| September 8, 2009 | 5:30 p.m. | Regular | Schooner Exact Brewing 9320 15th Avenue South, Unit CB Seattle, WA 98108 |
| November 10, 2009 | 5:30 p.m. | Regular | Hale's Ales 4301 Leary Way N.W. Seattle, WA 98107 (206) 706-1544 |

Meeting start times have changed from 6:00 p.m. to 5:30 p.m.

Commission meetings are open to the public.

WSR 09-12-065

**EXECUTIVE ORDER
OFFICE OF THE GOVERNOR**

[May 21, 2009]

EXECUTIVE ORDER 09-05

WASHINGTON'S LEADERSHIP ON CLIMATE CHANGE

WHEREAS, Washington is particularly vulnerable to the impacts of climate change, and without additional action to reduce carbon emissions, the severity of the impacts will negatively affect nearly every part of Washington's economy and environment; and

WHEREAS, Washington is already experiencing the effects of a changing climate and needs to address current and future projected impacts; and

WHEREAS, greenhouse gases are air contaminants within the meaning of the state's Clean Air Act and pose a serious threat to the health and welfare of Washington's citizens and the quality of the environment; and

WHEREAS, energy independence and security are vitally important, and maintaining Washington's leadership position in the development of clean energy and green jobs is critical to our economic and energy future; and

WHEREAS, RCW 70.235.020 establishes greenhouse gas emission reduction limits for Washington State, and RCW

47.01.440 establishes vehicle miles traveled benchmarks for Washington State; and

WHEREAS, alternative vehicle technologies can provide economic development opportunities and reduce Washington's transportation sector greenhouse gas emissions, criteria pollutants, and toxic air contaminants; and

WHEREAS, Washington's extensive forest resources play an important role in capturing and storing carbon dioxide; and

WHEREAS, it is critical to Washington's economic future that greenhouse gas reduction strategies be designed and implemented in a manner that minimizes cost impacts to Washington citizens and businesses; and

WHEREAS, President Obama and the United States Congress are actively working to establish a strong federal response to climate change, and regional and state level greenhouse gas reduction programs will inform and complement a federal program; and

WHEREAS, effective and immediate action to reduce greenhouse gas emissions - preferably at the federal level but at the regional or state level as necessary - is essential to the future well being of all Washingtonians.

NOW, THEREFORE, I, Christine O. Gregoire, Governor of the state of Washington by virtue of the power vested in me by the Constitution and statutes of the state of Washington do, effective immediately, hereby order and direct:

1. The Director of the Department of Ecology to:

- (a) Continue to participate in the Western Climate Initiative to develop a regional greenhouse gas emission reduction program and to work with the federal Administration, Washington's congressional delegation and appropriate committees to help design a national greenhouse gas emission reduction program that reflects Washington State priorities. Those priorities include: protecting small businesses and families, particularly those with low incomes, in the transition to a clean energy future; investing in clean energy development, demonstration and deployment; ensuring appropriate credit for early emission reductions; providing a level playing field that allows Washington's businesses to fairly compete; recognizing Washington's unique electricity-generating portfolio, its forest industry and other important resources; and ensuring the program spurs the creation of green jobs.
- (b) By December 1, 2009, provide to each facility that the Department of Ecology believes is responsible for the emission of 25,000 metric tons or more of carbon dioxide equivalent each year in Washington with (1) the Department's best estimate of each facility's baseline greenhouse gas emissions; and (2) each facility's proportionate share greenhouse gas emission reduction necessary to achieve the state's 2020 emission reduction in RCW 70.135.020; and (3) a request to each facility, or groups of facilities representing a sector of Washington's economy, for

any recommended strategies or actions they believe would achieve the needed reductions. By October 1, 2010, the Department of Ecology shall develop emission reduction strategies and actions, including complementary policies, to achieve the state's 2020 emissions reduction targets.

- (c) In consultation with business and other interested stakeholders, develop emission benchmarks, by industry sector, for facilities the Department of Ecology believes will be covered by a federal or regional cap and trade program. The Department of Ecology shall support the use of these emission benchmarks in any federal or regional cap and trade program as an appropriate basis for the distribution of emission allowances, and as a means to recognize and reward those businesses that have invested in achieving emission reductions. These benchmarks shall be based on industry best practices, reflecting emission levels from highly efficient, lower emitting facilities in each industry sector. The benchmarks shall be developed to allow their application as state-based emissions standards, should they be needed to complement the federal program, or in the absence of a federal program. Recommendations on industry benchmarks, and the appropriate use of these benchmarks in achieving the state emission reduction targets, shall be submitted to the Governor by July 1, 2011;
- (d) Work with the existing coal-fired plant within Washington that burns over one million tons of coal per year, TransAlta Centralia Generation LLC, to establish an agreed order that will apply the greenhouse gas emissions performance standards in RCW 80.80.040(1) to the facility by no later than December 31, 2025. The agreed order shall include a schedule of major decision making and resource investment milestones;
- (e) In consultation with the Department of Natural Resources and the forest carbon sector working group, develop by September 1, 2010, recommendations for forestry offset protocols as well as other financial incentives for forestry and forest products. The starting point for this work should be the 2008 forest sector working group report; and
- (f) In consultation with the Departments of Commerce and Transportation, assess whether the California low-carbon fuel standards; standards developed or proposed in other states, provinces or for the nation; or modified standards or alternative requirements to reduce carbon in transportation fuels would best meet Washington's greenhouse gas emissions reduction targets. By July 1, 2010, provide to the Governor a recommendation regarding which standards or requirements should be adopted for Washington, either by rule or legislation.

2. The Secretary of the Department of Transportation to:

- (a) In consultation with the Departments of Ecology and Commerce, and in collaboration with local governments, business, and environmental representatives, estimate current and future state-wide levels of vehicle miles traveled, evaluate potential changes to the vehicle miles traveled benchmarks established in RCW 47.01.440 as appropriate to address low- or no-emission vehicles, and develop additional strategies to reduce emissions from the transportation sector. Findings and recommendations from this work shall be reported to the Governor by December 31, 2010; and
 - (b) Work with the Puget Sound Regional Council, Spokane Regional Transportation Council, Southwest Washington Regional Transportation Council and Thurston Regional Planning Council to cooperatively develop and adopt regional transportation plans that will, when implemented, provide people with additional transportation alternatives and choices, reduce greenhouse gases and achieve the statutory benchmarks to reduce annual per capita vehicle miles traveled in those counties with populations greater than 245,000. By December 1, 2011, the Department will report to the Governor on which regional transportation planning organizations have developed, or are developing, plans with greenhouse gas strategies, which strategies appear to have the greatest potential to achieve the benchmarks, and what policy or funding issues need to be resolved to ensure implementation;
3. The Office of the Governor shall work with affected state agencies to develop and seek federal funds to implement a project for the electrification of the West Coast interstate highway and associated metropolitan centers, including request for federal funding to purchase electric vehicles and install public infrastructure for electric and other high-efficiency, zero- or low-carbon vehicles. The Office shall invite the collaboration of the states of Oregon and California and participation by the private sector in developing and implementing this project and in requesting federal support.
4. The Director of the Department of Ecology shall evaluate the potential impacts of sea level rise on the state's shoreline areas, including the potential increases in storm surge and coastal flooding, increased erosion, and loss of habitat and ecosystems, and develop recommendations for addressing these impacts. The Department shall invite the Washington State Association of Counties and the Association of Washington Cities to collaborate in conducting the evaluation and developing recommendations.

5. The Director of the Department of Ecology and the Secretary of the Department of Health, in consultation with other affected state, local and federal agencies, shall develop specific guidelines, tools, and recommendations to assist the state and its water users to meet the anticipated changes in water resources due to climate change impacts.
6. In implementing all aspects of this Executive Order, the state and its agencies shall consult, on a government-to-government basis with Washington's Native American Tribes.
7. The Director of the Department of Ecology, in cooperation with affected agencies shall provide a progress report to the Office of the Governor by December 31, 2010.

Signed and sealed with the official seal of the state of Washington on this 21st day of May 2009 at Seattle, Washington.

By:

Christine O. Gregoire
Governor

BY THE GOVERNOR:

Sam Reed
Secretary of State

WSR 09-12-073

**DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed May 29, 2009, 12:15 p.m.]

**NOTICE OF CHANGES TO STATE OF WASHINGTON NURSING
FACILITY
MEDICAID PAYMENT RATE METHODOLOGY**

Please address any comments or questions concerning this notice to Edward H. Southon, Department of Social and Health Services, Aging and Disability Services Administration, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2469, fax (360) 493-9484. Comments should be submitted within fourteen days after appearance of this notice.

BACKGROUND: Effective February 18, 2009, for state fiscal year (SFY) 2009, the legislature passed and the governor signed into law ESHB 1694 that reduced the statewide average payment rate for nursing facility medicaid payment rates from \$165.04 to \$163.72. The reduction required the department to apply RCW 74.46.421 commonly referred to as the "budget dial" and resulted in the reduction reflected in the April 1, 2009, rates.

ESHB 1694 Sec. 205(2), for purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate shall not exceed \$159.34 for fiscal year 2008 and shall not exceed \$163.72 for fiscal year 2009, including the rate add-on described in subsection (9) of this section.

Aging and disability services administration (hereafter, department), under RCW 74.46.421 adjusted all nursing facilities medicaid April 1, 2009, rates. The department gave public notice of this change to the nursing facility medicaid payment rates in the Washington state register (WSR). The notices can be viewed at the following links: <http://apps.leg.wa.gov/documents/laws/wsr/2009/06/09-06-012.htm> and <http://apps.leg.wa.gov/documents/laws/wsr/2009/09/09-09-014.htm>.

JUSTIFICATION: In the SFY 2009 final operating budget (ESHB 1244 Sec. 1106), which was signed into law by the Governor on May 19, 2009, the legislature restored most of the reduction in the statewide average payment rate it had passed in February 2009. Instead of \$163.72, for SFY 2009, the legislature set the statewide average payment rate at \$164.85.

CHANGES TO THE MEDICAID NURSING FACILITY RATE METHODOLOGY: To implement this restoration, the department calculated a new rate for the month of June 2009. The department established a "restoration adjustment" factor of 7.8681% to calculate the June 1, 2009, rates. The June 1, 2009, rate will be in effect for June 2009 only. For SFY 2010, beginning July 1, 2009, the department will rebase the rates. The following is a brief explanation of how the department determined the restoration adjustment factor.

The department:

- Took the facility's rate from the April 1, 2009, before application of the "budget dial's" percentage reduction factor (PRF);
- Subtracted the low-wage worker add-on paid to the facility, since that amount was not subject to the "budget dial";
- Multiplied the resulting number by the restoration factor of 7.8681%; and
- Added the resulting number to the facility's rate, which included the low-wage worker add-on from the April 1, 2009, rate setting after application of the "budget dial's" PRF.

The department calculated all nursing facilities' June 1, 2009, medicaid rates using a facility's medicaid average case mix index (with defaults) from the fourth quarter of 2008 (October through December 2008) final RUG report. The department calculated a facility's July 1, 2008, medicaid payment rate using the facility's medicaid average case mix index (with defaults) from the first quarter of 2008 (January through March 2008) final RUG report.

For SFY 2009, the legislature appropriated funding to restore partially the statewide average payment rate. The department will use the entire appropriation to pay June 2009 rates to all nursing facilities for their care of medicaid residents.

WSR 09-12-074

DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed May 29, 2009, 12:16 p.m.]

NOTICE OF CHANGES TO STATE OF WASHINGTON NURSING FACILITY MEDICAID PAYMENT RATE METHODOLOGY

The 2009 Washington state legislature made changes to the method for determining facility-specific, per resident day medicaid payment rates for nursing facility care. Unless otherwise indicated the changes are effective July 1, 2009. This notice includes a justification, description, and estimated rate impact of the changes.

Please address any comments or questions concerning the changes to Edward H. Southon, Department of Social and Health Services, Aging and Disability Services Administration, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2469, fax (360) 493-9484. Comments should be submitted within fourteen days after appearance of this notice.

JUSTIFICATION: In the final operating budget (ESHB 1244 Sec. 1106) and in EHB 2357, the Washington state legislature made changes to the medicaid nursing facility payment system. On May 19, 2009, the governor signed ESHB 1244 (Sec. 206) and EHB 2357 into law.

CHANGES TO THE MEDICAID NURSING FACILITY RATE METHODOLOGY: (1) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate shall not exceed \$156.37 for state fiscal year (SFY) 2010 and shall not exceed \$158.74 for SFY 2011, including the rate add-on described in subsection (12) of this section.

- There will be no adjustments for economic trends and conditions in SYF [SFY] 2010 and SFY 2011.
- The economic trends and conditions factor or factors defined in the Biennial Appropriations Act shall not be compounded with the economic trends and conditions factor or factors defined in any other biennial appropriations acts before applying it to the component rate allocations established in accordance with chapter 74.46 RCW.
- When no economic trends and conditions factor for either fiscal year is defined in a Biennial Appropriations Act, no economic trends and conditions factor or factors defined in any earlier Biennial Appropriations Act shall be applied solely or compounded to the component rate allocations established in accordance with chapter 74.46 RCW.

(2) In accordance with chapter 74.46 RCW, the department shall issue no additional certificates of capital authorization for SFY 2010 and no new certificates of capital authorization for SFY 2011.

(3) The long-term care program may develop and pay enhanced rates for exceptional care to nursing homes for persons with traumatic brain injuries who are transitioning from hospital care. The cost per patient day for caring for these clients in a nursing home setting may be equal to or less than the cost of caring for these clients in a hospital setting...

(12) Within the funds provided, the department shall continue to provide an add-on per medicaid resident day per

facility not to exceed \$1.57. The add-on shall be used to increase wages, benefits, and/or staffing levels for certified nurse aides; or to increase wages and/or benefits for dietary aides, housekeepers, laundry aides, or any other category of worker whose statewide average dollars-per-hour wage was less than \$15 in calendar year 2008, according to cost report data.

The add-on may also be used to address resulting wage compression for related job classes immediately affected by wage increases to low-wage workers. Aging and disability services administration (hereafter, department) shall continue reporting requirements and a settlement process to ensure that the funds are spent according to this subsection. The department shall adopt rules to implement the terms of this subsection.

EHB 2357 Sec. 1 affirmed that when setting the direct care, therapy care, support services, and operations component rates the economic trends and conditions factor or factors defined in the Biennial Appropriations Act shall not be compounded with the economic trends and conditions factor or factors defined in any other biennial appropriations acts before applying it to the direct care, therapy care, support services, and operations component rate allocations established in accordance with chapter 74.46 RCW. When no economic trends and conditions factor or factors for either fiscal year are defined in a biennial appropriations act, no economic trends and conditions factor or factors defined in any earlier biennial appropriations act shall be applied solely or compounded to the direct care, therapy care, support services, and operations component rate allocations established in accordance with chapter 74.46 RCW.

[ESHB 2357] Sec. 2 amended RCW 74.46.485 to set the parameters for implementing minimum data set (MDS) 3.0.

(1) The department shall: (a) Employ the resource utilization group III case mix classification methodology. The department shall use the forty-four group index maximizing model for the resource utilization group III grouper version 5.10, but the department may revise or update the classification methodology to reflect advances or refinements in resident assessment or classification, subject to federal requirements; and (b) implement MDS 3.0 under the authority of this section and RCW 74.46.431(3). The department must notify nursing home contractors twenty-eight days in advance of the date of implementation of the MDS 3.0. In the notification, the department must identify for all quarterly rate settings following the date of MDS 3.0 implementation a previously established quarterly case mix adjustment established for the quarterly rate settings that will be used for quarterly case mix calculations in direct care until MDS 3.0 is fully implemented. After the department has fully implemented MDS 3.0, it must adjust any quarter in which it used the previously established quarterly case mix adjustment using the new MDS 3.0 data.

(2) A default case mix group shall be established for cases in which the resident dies or is discharged for any purpose prior to completion of the resident's initial assessment. The default case mix group and case mix weight for these cases shall be designated by the department.

In combination with a variety of other factors, including adjustments to reported costs done in accordance with chapter 74.46 RCW and chapter 388-96 WAC, the methodological changes are estimated to result in a statewide average nursing facility medicaid payment rate of \$156.37 per resident day for SFY 2010 running from July 1, 2009, to June 30, 2010, and \$158.74 for SFY 2011 running from July 1, 2010, to June 30, 2011.

WSR 09-12-080

NOTICE OF PUBLIC MEETINGS

NOXIOUS WEED CONTROL BOARD

[Filed June 1, 2009, 7:38 a.m.]

The meeting schedule of the Washington state noxious weed control board for July 2009 is July 14, 2009, at 8:30 a.m., at the Confluence Technology Center, 285 Technology Center Way, Wenatchee, WA 98801.

WSR 09-12-081

NOTICE OF PUBLIC MEETINGS

WASHINGTON STATE UNIVERSITY

[Filed June 1, 2009, 8:50 a.m.]

Pursuant to RCW 42.30.075, the Washington State University (WSU) board of regents remaining meetings for 2009 are (There are some slight changes to what was previously submitted.):

| | |
|----------------------|--|
| July 22-23 | Retreat - Woodinville (location has now been selected) |
| September 3-4, 2009 | Pullman |
| October 8-9, 2009 | Spokane |
| November 19-20, 2009 | Pullman (previously scheduled in Seattle) |

The board of regents also adopted its 2010 board meeting schedule as listed below:

| | |
|----------------------|------------|
| January 28-29, 2010 | Vancouver |
| March 25-26, 2010 | Tri-Cities |
| May 6-7, 2010 | Pullman |
| September 2-3, 2010 | Pullman |
| October 7-8, 2010 | Spokane |
| November 18-19, 2010 | Pullman |

Inquires [Inquiries] about the meeting can be directed to the WSU board of regents office, (509) 335-6666.

WSR 09-12-082**NOTICE OF PUBLIC MEETINGS
COMMUNITY ECONOMIC
REVITALIZATION BOARD**

[Filed June 1, 2009, 9:20 a.m.]

2009-2011 Biennium Meeting Schedule

Meetings usually begin at 9:00 a.m.

| 2009 Meetings | Location |
|---|--|
| July 16, 2009 - Cancelled | SeaTac, Red Lion Hotel |
| July 30, 2009 | SeaTac, Red Lion Hotel |
| September 16, 2009 | Projects Tour - Benton, Franklin, Walla Walla counties |
| September 17, 2009 | TriCities or SeaTac, To Be Determined |
| November 19, 2009 | To Be Determined |
| | |
| 2010 Meetings | Location |
| January 21, 2010 | Olympia, To Be Determined |
| March 18, 2010 | SeaTac, Red Lion Hotel |
| May 20, 2010 | SeaTac, Red Lion Hotel |
| July 15, 2010 | SeaTac, Red Lion Hotel |
| September 16, 2010 | SeaTac, Red Lion Hotel |
| November 18, 2010 | SeaTac, Red Lion Hotel |
| | |
| 2011 Meetings | Location |
| January 20, 2011 | SeaTac, Red Lion Hotel |
| March 17, 2011 | SeaTac, Red Lion Hotel |
| May 19, 2011 | SeaTac, Red Lion Hotel |
| June 30, 2011 is the end of the 2009-2011 biennium | |
| July 21, 2011 | SeaTac, Red Lion Hotel |
| September 15, 2011 | SeaTac, Red Lion Hotel |
| November 17, 2011 | SeaTac, Red Lion Hotel |

All regularly scheduled community economic revitalization board (CERB) meetings will be held on the third Thursday of every other month. Please note that the regularly scheduled July 16, 2009, meeting has been cancelled and a special meeting is scheduled for July 30, 2009.

In accordance with Executive Order 79-03, the meeting site has been selected to be barrier free to the greatest extent feasible. Braille or taped agenda items for the visually impaired and interpreters for those with hearing impairments will be provided if requested at least ten working days in advance.

Any questions regarding the CERB meetings should be sent to Matthew Ojennus, Community Economic Revitalization Board, Department of Community, Trade and Economic Development, 128 10th Avenue S.W., P.O. Box 42525, Olympia, WA 98504-2525, (360) 725-4047, MatthewO@cted.wa.gov.

WSR 09-12-083**NOTICE OF PUBLIC MEETINGS
RECREATION AND CONSERVATION
OFFICE**

[Filed June 1, 2009, 9:21 a.m.]

The next public meeting of the recreation and conservation funding board will be Thursday, July 9 from 9:00 a.m. to 3:30 p.m., at the Kitsap Conference Center at Bremerton Harborside, Bremerton, WA.

For further information, please contact Patty Dickason at (360) 902-3085 or check recreation and conservation office (RCO)'s web page at <http://www.rco.wa.gov/rcfb/board/schedule.htm>.

The RCO schedules all public meetings at barrier free sites. Persons who need special assistance, such as large type materials, may contact Patty Dickason at least two weeks prior to the meeting date at the number listed above or by e-mail at Patty.Dickason@rco.wa.gov.

WSR 09-12-088**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed June 1, 2009, 11:21 a.m.]

Notice of Interpretive or Policy Statement

In accordance with RCW 34.05.230(12), following is a list of policy and interpretive statements issued by the department of social and health services.

**Health and Recovery Services Administration
Division of Rates and Finance**

Document Title: Public Notice.

Subject: Notice of rule changes.

Effective Date: July 1, 2009.

Document Description: The department is proposing changes to disproportionate share hospital (DSH) payment methods to comply with state rules and the state's 2009 - 2011 budget. This will include: DSH payment redistribution; eliminating small rural, small rural indigent assistance, and nonrural indigent assistance DSH programs; adding an outpatient component to general assistance - unemployable (GAU) DSH; and possible other revisions.

To receive a copy of the interpretive or policy statements, contact Ann Myers, Office of Rules and Publications, P.O. Box 45504, Olympia, WA 98504-5504, phone (360) 725-1345, TDD/TTY 1-800-848-5429, fax 1-360-586-9727, e-mail myrsea@dshs.wa.gov.

WSR 09-12-095
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed June 2, 2009, 7:28 a.m.]

Notice of Interpretive or Policy Statement

In accordance with RCW 34.05.230(12), following is a list of policy and interpretive statements issued by the department of social and health services.

Health and Recovery Services Administration
Division of Healthcare Services

Document Title: Public Notice.
 Subject: First steps recipients.
 Effective Date: July 1, 2009.

Document Description: First steps program, the department will redefine the eligibility criteria. The new criteria will reduce the number of pregnant women and their infants who qualify for enhanced maternity support services and infant case management. The maximum number of units eligible clients may receive has been reduced.

To receive a copy of the interpretive or policy statements, contact Ann Myers, Chief, Office of Rules and Publications, Health and Recovery Services Administration, Division of Legal Services, Office of Rules and Publications, DSHS, P.O. Box 45504, Olympia, WA 98504-5504, phone (360) 725-1345, TDD/TTY 1-800-848-5429, fax 1-360-586-9727, e-mail MYERSEA@dshs.wa.gov, web site <http://for-tress.wa.gov/dshs/maa/>.

WSR 09-12-106
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed June 2, 2009, 12:06 p.m.]

Notice of Interpretive or Policy Statement

In accordance with RCW 34.05.230(12), following is a list of policy and interpretive statements issued by the department of social and health services.

Health and Recovery Services Administration
Division of Rates and Finance

Document Title: Public Notice.
 Subject: SPA 09-021.
 Effective Date: July 1, 2009.

Document Description: In order to comply with the state's 2009-2010 budget, the department is proposing to eliminate the monthly per member per month (PMPM) graduate medical education (GME) payments provided by HRSA directly to the University of Washington Medical Center and the Harborview Medical Center for GME related to healthy options care.

To receive a copy of the interpretive or policy statements, contact Sandy Stith, Financial Operations, P.O. Box 5500, Olympia, WA 98504, phone (360) 725-1949,

TDD/TTY (800) 848-5429, fax (360) 753-9152, e-mail stiths@dshs.wa.gov.

WSR 09-12-107
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed June 2, 2009, 12:12 p.m.]

Notice of Interpretive or Policy Statement

In accordance with RCW 34.05.230(12), following is a list of policy and interpretive statements issued by the department of social and health services.

Health and Recovery Services Administration (HRSA)
Division of Rates and Finance

Document Title: HRSA Numbered Memorandum.
 Subject: Program and fee schedule changes and procedure code updates.

Effective Date: July 1, 2009.

Document Description: The numbered memoranda listed below, and sent by HRSA to affected provider groups and managed care organizations, describe HRSA's program and fee schedule changes and procedure code updates that will be implemented as of July 1, 2009. The memoranda describe adjustments in certain medicaid payments that HRSA will implement in accordance with the operating budget as passed by the legislature for state fiscal years 2010 and 2011. These memoranda may be accessed, downloaded, and printed at <http://hrsa.dshs.wa.gov>.

| Memo Number | Subject/Program |
|--------------------|---|
| 09-24 | July 1, 2009, fee schedule and procedure code changes. |
| 09-25 | Blood bank services. |
| 09-26 | Chiropractic services for children. |
| 09-27 | Dental program. |
| 09-28 | Diabetes education program. |
| 09-29 | Wheelchairs, durable medical equipment, and supplies. |
| 09-30 | Enteral nutrition. |
| 09-31 | Early periodic screening, diagnosis and treatment program. |
| 09-32 | Family planning providers, HRSA-approved hearing aids and services. |
| 09-33 | Kidney center services. |
| 09-34 | Medical nutrition therapy. |
| 09-35 | Mental health services for children. |
| 09-36 | Neurodevelopmental centers. |
| 09-37 | Occupational therapy program. |
| 09-38 | Oxygen program. |
| 09-39 | Physical therapy program hospital services. |

| Memo Number | Subject/Program |
|-------------|---|
| 09-40 | Physician-related services. |
| 09-41 | Planned home births and births in birthing centers. |
| 09-42 | Prosthetic and orthotic devices. |
| 09-43 | Prenatal diagnosis genetic counseling. |
| 09-44 | Psychologist. |
| 09-45 | School-based healthcare services. |
| 09-46 | Speech/audiology program. |
| 09-47 | Vision care. |
| 09-48 | Nondurable medical supplies and equipment. |
| 09-49 | Chemical dependency. |

To receive a copy of the interpretive or policy statements, contact Amber Dassow, Office of Rules and Publications, P.O. Box 45504, Olympia, WA 98504-5504, phone (360) 725-1349, TDD/TTY (800) 848-5429, fax (360) 586-9727, e-mail dassoal@dshs.wa.gov, web site <http://hrs.a.dshs.wa.gov> (click the Billing Instructions and Numbered Memorandum link to download and print).

WSR 09-12-110

INTERPRETIVE OR POLICY STATEMENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed June 2, 2009, 3:04 p.m.]

Notice of Interpretive or Policy Statement

In accordance with RCW 34.05.230(12), following is a list of policy and interpretive statements issued by the department of social and health services.

Health and Recovery Services Administration Division of Healthcare Services

Document Title: Public Notice.

Subject: State Plan Amendment 09-022.

Effective Date: July 1, 2009.

Document Description: The department is amending the Title XIX medicaid state plan to redefine the eligibility criteria for the first steps program, in accordance with the operating budget as passed by the legislature for state fiscal years 2010 and 2011. The new criteria will reduce the number of pregnant women and their infants who qualify for enhanced maternity support services and infant case management, and reduce the maximum number of units that eligible clients may receive.

To receive a copy of the interpretive or policy statements, contact Ann Myers, Office of Rules and Publications, P.O. Box 45504, Olympia, WA 98504, phone (360) 725-1345, TDD/TTY 1-800-848-5429, fax (360) 586-9727, e-mail MYERSEA@dshs.wa.gov, web site <http://hrs.a.dshs.wa.gov>.

WSR 09-12-120

DEPARTMENT OF ECOLOGY

[Filed June 3, 2009, 10:49 a.m.]

PUBLIC NOTICE

Announcing a Modification of the Phase II Municipal Stormwater General Permit for Eastern Washington

On June 17, 2009, the department of ecology (ecology) issues a permit modification of the "national pollutant discharge elimination system (NPDES) and state waste discharge general permit for discharges from small municipal separate stormwater sewers in eastern Washington." The permit is also known as the "eastern Washington phase II municipal stormwater permit." This eastern Washington phase II municipal stormwater permit modification becomes effective July 17, 2009.

What is regulated by this permit and who is affected?

This permit regulates discharges to waters of the state from small municipal separate storm sewers pursuant to federal Water Pollution Control Act Title 22 United States Code, Section 1251 et seq., state Water Pollution Control Act, chapter 90.48 RCW, and Washington waste discharge general permit regulation WAC 173-226-130. The following cities, towns, and counties in eastern Washington are covered by this permit:

Cities and Towns: Asotin, Clarkston, East Wenatchee, Ellensburg, Kennewick, Moses Lake, Pasco, Pullman, Richland, Selah, Spokane, Spokane Valley, Sunnyside, Union Gap, Walla Walla, Wenatchee, West Richland and Yakima

Counties: Asotin, Chelan, Douglas, Franklin, Spokane, Walla Walla and Yakima.

This permit modification also applies to special purpose districts that are secondary permittees located within those jurisdictions.

Purpose of the General Permit Modification: The eastern Washington phase II municipal stormwater permit modification implements orders of the pollution control hearings board as outcomes of permit appeals, makes minor permit corrections and clarifications, and provides interim measures for financial relief in the following sections of the permit:

- S4 Compliance with Standards.
- S5 Stormwater Management Program for Cities, Towns and Counties.
- S6 Stormwater Management Program for Secondary Permittees.
- S7 Total Maximum Daily Load Requirements.
- S8 Monitoring.
- General Condition 3 Notification of Discharges Including Spills.
- General Condition 20 Noncompliance Notification.
- Definitions and Appendices 2, 3, and 4.

How to Obtain a Copy of the Permit: The modified permit, fact sheet, and response to comments are available online at <http://www.ecy.wa.gov/programs/wq/stormwater/municipal/permitMOD.html>. To obtain printed copies of the permit, fact sheet, and response to comments contact Jocelyn Winz, Department of Ecology, P.O. Box 47696, Olympia,

WA 98504-7696, phone (360) 407-7529, fax (360) 407-6426, e-mail jwin461@ecy.wa.gov.

Appeal Process: The modified portions of the permit may be appealed within thirty days. Pursuant to chapter 43.21B RCW, appeals must be filed with the pollution control hearings board and served on the department of ecology within thirty days of issuance of the modification.

Your notice of appeal must be filed with the Pollution Control Hearings Board, 4224 6th Avenue S.E., Rowe Six, Building 2, P.O. Box 40903, Lacey, WA 98504-0903.

Your notice of appeal must also be served on Appeals Coordinator, The Department of Ecology, P.O. Box 47608, Olympia, WA 98504-7608.

In addition, please send a copy of your notice of appeal to Kathleen Emmett, Water Quality Program, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600.

WSR 09-12-121

DEPARTMENT OF ECOLOGY

[Filed June 3, 2009, 10:50 a.m.]

PUBLIC NOTICE

Announcing a Modification of the Municipal Stormwater Phase I General Permit

On June 17, 2009, the department of ecology (ecology) issues a permit modification for the "national pollutant discharge elimination system and state waste discharge general permit for discharges from large and medium municipal separate stormwater sewers." The permit is also referred to as the "phase I municipal stormwater permit," or the "phase I permit." This phase I municipal stormwater permit modification becomes effective on July 17, 2009.

What Is Regulated by this Permit and Who Is Affected? The phase I permit regulates discharges to waters of the state from large and medium municipal separate storm sewers pursuant to federal Water Pollution Control Act, Title 22 United States Code, Section 1251 et seq., state Water Pollution Control Act, chapter 90.48 RCW, and Washington waste discharge general permit regulation, WAC 173-226-130.

This phase I municipal stormwater permit modification applies to the cities of Seattle and Tacoma and the unincorporated areas of Clark, King, Pierce, and Snohomish counties. This permit modification [modification] also applies to special purpose districts that are located within those jurisdictions that are secondary permittees, including the Ports of Tacoma and Seattle.

Purpose of the Permit Modification: The phase I permit modification implements orders of the pollution control hearings board and settlement agreements as outcomes of permit appeals, makes minor permit corrections and clarifications, and provides interim measures for financial relief in the following sections of the permit:

- S4 Compliance with Standards.
- S5 Stormwater Management Program.
- S6 Co-Permittees and Secondary Permittees.

- S7 Compliance with Total Maximum Daily Load Requirements.
- S8 Monitoring.
- S9 Reporting Requirements.
- General Condition 3 Notification of Discharges Including Spills.
- General Condition 20 Noncompliance Notification.
- Definitions.
- Appendices 1, 2, 3, 4, 9 and adds Appendix 10.

How to Obtain a Copy of the Permit: The final phase I permit, fact sheet, and response to comments are available online at <http://www.ecy.wa.gov/programs/wq/stormwater/municipal/permitMOD.html>. To obtain printed copies of the final Phase I permit, fact sheet, and response to comments contact Jocelyn Winz, Department of Ecology, P.O. Box 47696, Olympia, WA 98504-7696, phone (360) 407-7529, fax (360) 407-6426, e-mail jwin461@ecy.wa.gov.

Appeal Process: The modified portions of the permit may be appealed within thirty days. Pursuant to chapter 43.21B RCW, appeals must be filed with the pollution control hearings board and served on the department of ecology within thirty days of issuance of the modification.

Your notice of appeal must be filed with the Pollution Control Hearings Board, 4224 6th Avenue S.E., Rowe Six, Building 2, P.O. Box 40903, Lacey, WA 98504-0903.

Your notice of appeal must also be served on [the] Appeals Coordinator, Department of Ecology, P.O. Box 47608, Olympia, WA 98504-7608.

In addition, please send a copy of your notice of appeal to Kathleen Emmett, Water Quality Program, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600.

WSR 09-12-122

DEPARTMENT OF ECOLOGY

[Filed June 3, 2009, 10:51 a.m.]

PUBLIC NOTICE

Announcing Modification of the Phase II Municipal Stormwater Permit Modification for Western Washington

On June 17, 2009, the department of ecology (ecology) is issuing a general permit modification of the "national pollutant discharge elimination system (NPDES) and state waste discharge general permit for discharges from small municipal separate stormwater sewers in western Washington." The permit is also referred to as the "western Washington phase II municipal stormwater permit." This western Washington phase II municipal stormwater permit modification becomes effective on July 17, 2009.

What Is Regulated by this Permit and Who Is Affected? This permit regulates discharges to waters of the state from small municipal separate storm sewers pursuant to federal Water Pollution Control Act, Title 22 United States Code, Section 1251 et seq., state Water Pollution Control Act, chapter 90.48 RCW, and Washington waste discharge general permit regulation, WAC 173-226-130. The follow-

ing cities, towns, and counties in western Washington are covered by this permit:

Cities and Towns: Aberdeen, Algona, Anacortes, Arlington, Auburn, Bainbridge Island, Battle Ground, Bellevue, Bellingham, Black Diamond, Bonney Lake, Bothell, Bremerton, Brier, Buckley, Burien, Burlington, Camas, Centralia, Clyde Hill, Covington, Des Moines, DuPont, Duvall, Edgewood, Edmonds, Enumclaw, Everett, Federal Way, Ferndale, Fife, Fircrest, Gig Harbor, Granite Falls, Issaquah, Kelso, Kenmore, Kent, Kirkland, Lacey, Lake Forest Park, Lake Stevens, Lakewood, Longview, Lynnwood, Maple Valley, Marysville, Medina, Mercer Island, Mill Creek, Milton, Monroe, Mountlake Terrace, Mount Vernon, Mukilteo, Newcastle, Normandy Park, Oak Harbor, Olympia, Orting, Pacific, Port Angeles, Port Orchard, Poulsbo, Puyallup, Redmond, Renton, Sammamish, SeaTac, Sedro-Woolley, Shoreline, Snohomish, Steilacoom, Sumner, Tukwila, Tumwater, University Place, Vancouver, Washougal, and Woodinville.

Counties: Cowlitz, Kitsap, Thurston, Skagit, and Whatcom.

This permit modification also applies to special purpose districts that are secondary permittees located within those jurisdictions.

Purpose of the Permit Modification: The western Washington phase II municipal stormwater permit modification implements orders of the pollution control hearings board as outcomes of permit appeals, makes minor permit corrections, and provides interim measures for financial relief in the following sections:

- S4 Compliance with Standards.
- S5 Stormwater Management Program for Cities, Towns and Counties.
- S6 Stormwater Management Program for Secondary Permittees.
- S7 Compliance with Total Maximum Daily Load Requirements.
- S8 Monitoring.
- S9 Reporting Requirements.
- General Condition 3 Notification of Discharges Including Spills.
- General Condition 20 Noncompliance Notification.
- Definitions and Appendices 1, 2, 3, 4, and 7.

How to Obtain a Copy of the Permit Modification:

The modified permit, fact sheet, and response to comments are available online at <http://www.ecy.wa.gov/programs/wq/stormwater/municipal/permitMOD.html>. To obtain printed copies of the permit, fact sheet, and response to comments contact Jocelyn Winz, Department of Ecology, P.O. Box 47696, Olympia, WA 98504-7696, phone (360) 407-7529, fax (360) 407-6426, e-mail jwin461@ecy.wa.gov.

Appeal Process: The modified portions of the permit may be appealed within thirty days. Pursuant to chapter 43.21B RCW, appeals must be filed with the pollution control hearings board and served on the department of ecology within thirty days of issuance of the modification.

Your notice of appeal must be filed with the Pollution Control Hearings Board, 4224 6th Avenue S.E., Rowe Six, Building 2, P.O. Box 40903, Lacey, WA 98504-0903.

Your notice of appeal must also be served on [the] Appeals Coordinator, Department of Ecology, P.O. Box 47608, Olympia, WA 98504-7608.

In addition, please send a copy of your notice of appeal to Kathleen Emmett, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600.

WSR 09-12-130

**NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON**

[Filed June 3, 2009, 11:55 a.m.]

The chair of the board of regents, with the concurrence of the board, has changed the start time of the meeting of the board of regents on Thursday, July 16, 2009. The original notice of the meeting said it would begin at 3:00 p.m. The revised start time is 9:00 a.m.

The meeting location is unchanged, the UW Tower, Board Room, 22nd Floor.