

WSR 10-16-029
AGENDA
DEPARTMENT OF HEALTH
STATE BOARD OF HEALTH

[Filed July 26, 2010, 9:37 a.m.]

July 2010
Rules Agenda

This report details current and anticipated rule-making activities for the department of health (DOH) and the state board of health (SBOH). If you have any questions regarding this report or department of health rule-making activities, please contact Tami Thompson at (360) 236-4044. If you have any questions regarding state board of health rule-making activities please contact Craig McLaughlin at (360) 236-4106.

This agenda is for information purposes, and the noted dates of anticipated rule-making actions are estimates. Any errors in this agenda do not affect the rules and rule-making notices filed with the office of the code reviser and published in the Washington State Register. There may be additional DOH rule-making activities that cannot be forecasted as the department initiates rule making to implement new state laws, meet federal requirements, or meet unforeseen circumstances. See the "Key" at the end of the tables for explanations of terms and acronyms.

State Board of Health
Rule Making

RCW or Session Law	Authority	WAC and Rule Title	CR-101 Filing WSR # and Date	CR-102 Filing WSR # and Date	CR-105 Filing WSR # and Date	CR-103 Filing WSR # and Date	Program Staff Contact
RCW 28A.210.020	State board of health	WAC 246-760-100 Vision screening in schools.		10-10-125 5/5/2010	10-04-069 1/29/2010 CR-105 turned into a CR-101 due to an objection	Anticipate filing 8/2010	Teresa Cooper (360) 236-3530
RCW 28A.210.140	State board of health	WAC 246-105-040 Requirements based on national immunization guidelines.	Anticipate filing 8/2010	Anticipate filing 10/2010		Anticipate filing 11/2010	Jeff Wise (360) 236-3483
RCW 43.20.050	State board of health	WAC 246-100-191 Animals, birds, pets—Measures to prevent human disease. WAC 246-100-201 Birds—Measures to prevent psittacosis.	07-10-117 5/2/2007	Anticipate filing 8/2010			Liz Dykstra (360) 236-3223
RCW 43.20.050	State board of health	Chapter 246-101 WAC, Notifiable conditions.	09-18-008 8/20/2009	Anticipate filing 9/2010			Pamela Lovinger (360) 236-4225
RCW 43.20.050	State board of health	Chapter 246-272A WAC, On-site sewage systems, this rule making will explore creation of a process for the approval and state registration of drain field remediation technologies. The state board of health does	06-12-108 6/7/2006	On hold			Melissa McEachron (360) 236-3265

RCW or Session Law	Authority	WAC and Rule Title	CR-101 Filing WSR # and Date	CR-102 Filing WSR # and Date	CR-105 Filing WSR # and Date	CR-103 Filing WSR # and Date	Program Staff Contact
		not currently regulate remediation technologies.					
RCW 43.20.050	State board of health	Chapter 246-291 WAC, Group B public water supplies.	07-14-147 7/5/2007	Anticipate filing 9/2010			Theresa Phillips (360) 236-3147
RCW 43.20.050	State board of health	Chapter 246-390 WAC, Drinking water laboratory certification.	06-23-077 11/13/2006				Theresa Phillips (360) 236-3147
RCW 43.20.050	State board of health (delegated to department of health)	Chapter 246-290 WAC, Group A public water supplies—Lead and copper.	09-15-040 1/8/2009	Anticipate filing by 7/2011			Theresa Phillips (360) 236-3147
RCW 43.20.050	State board of health (delegated to the department of health)	Chapter 246-260 WAC, Water recreation facilities and chapter 246-262 WAC, Recreational water contact facilities.	Proposal is exempt under RCW 34.05.310(4)	10-12-056 5/27/2010		Anticipate filing 9/2010	Mark Soltman (360) 236-3366
RCW 43.20.050 43.20.145	State board of health	Chapter 246-205 WAC, Food service.	10-04-068 1/29/2010				Joe Graham (360) 236-3305
RCW 43.20.050 70.119A.080	State board of health	WAC 246-203-103 Keeping of animals.	09-17-132 8/19/2009				Ned Therien (360) 236-4103
RCW 43.20.050 70.119A.080	State board of health (delegated to department of health)	Chapter 246-290 WAC, Group A public water supplies—Groundwater.	07-24-072 12/4/2007	10-14-094 6/1/2010		Anticipate filing 10/2010	Theresa Phillips (360) 236-3147
RCW 69.30.030	State board of health (delegated to the department of health)	WAC 246-282-005 Sanitary control of shellfish—Minimum performance standards.	Proposal is exempt under RCW 34.05.310(4)	Anticipate filing by 11/2010			Brandy Brush (360) 236-33425 [236-3342]
RCW 70.62.240	State board of health	Chapter 246-360 WAC, Transient accommodations.	07-14-148 7/5/2007	On hold			John Hilger (360) 236-2929

Department of Health

RCW or Session Law	Authority	WAC and Rule Title	CR-101 Filing WSR # and Date	CR-102 Filing WSR # and Date	CR-105 Filing WSR # and Date	CR-103 Filing WSR # and Date	Program Staff Contact
RCW 18.35.161	Board of hearing and speech	WAC 246-828-XXX Prohibiting the use of the title "audioprosthologist."	09-11-116 5/20/2009				Janette Benham (360) 236-4857
RCW 18.35.161 18.130.064 18.130.075	Board of hearing and speech	WAC 246-828-305 Temporary practice permits.	Proposal is exempt under RCW 34.05.310(4)	10-10-101 5/4/2010		Anticipate filing 8/2010	Janette Benham (360) 236-4857

RCW or Session Law	Authority	WAC and Rule Title	CR-101 Filing WSR # and Date	CR-102 Filing WSR # and Date	CR-105 Filing WSR # and Date	CR-103 Filing WSR # and Date	Program Staff Contact
RCW 18.52.071	Board of nursing home administrators	WAC 246-843-010, 246-843-070, 246-843-071, 246-843-073, 246-843-090, 246-843-093, 246-843-095, 246-843-230 and 246-843-231, application for initial license and endorsement.	06-12-109 6/7/2006				Kendra Pitzler (360) 236-4723
RCW 18.54.070	Board of optometry	WAC 246-851-XXX Optometry multicultural education.	10-05-060 2/11/2010				Judy Haenke (360) 236-4947
RCW 18.54.070(2) 18.53.010	Board of optometry	WAC 246-851-570 and 246-851-600, certification required for use or prescription of drugs, administration of epinephrine.	10-12-055 5/27/2010	Anticipate filing 8/2010			Judy Haenke (360) 236-4947
Chapters 18.57 and 18.57A RCW	Board of osteopathic medicine and surgery	WAC 246-853-XXX (osteopathic physician) and 246-854-XXX (osteopathic physician assistant), pain management.	10-13-102 6/17/2010	Anticipate filing 1/2011			Erin Obenland (360) 236-4945
RCW 18.130.050 18.57.005 18.57A.020	Board of osteopathic medicine and surgery	Chapter 246-853 WAC, Osteopathic physicians; chapter 246-854 WAC, Osteopathic physician assistants—Sedation and anesthesia.	07-16-141 8/1/2007	Anticipate filing supplemental 8/2010			Erin Obenland (360) 236-4945
RCW 18.130.050 18.57.005 18.57A.020	Board of osteopathic medicine and surgery	Chapter 246-853 WAC, Osteopathic physician; chapter 246-854 WAC, Osteopathic physician assistant, delegation and supervision of nonsurgical cosmetic procedure.	07-16-143 8/1/2007	Anticipate filing 9/2010			Erin Obenland (360) 236-4945

RCW or Session Law	Authority	WAC and Rule Title	CR-101 Filing WSR # and Date	CR-102 Filing WSR # and Date	CR-105 Filing WSR # and Date	CR-103 Filing WSR # and Date	Program Staff Contact
RCW 18.64.005 (7)	Board of pharmacy	WAC 246-865-060 Extended care facility—Pharmaceutical services, allowing pharmacies to register as a controlled substance registrant to receive outdated, discontinued, or unwanted controlled substance prescription from extended care facilities.	04-21-078 10/20/2004	Anticipate withdrawal 9/2010			Doreen Beebe (360) 236-4834
RCW 18.64.005	Board of pharmacy	Chapter 246-886 WAC, Animal control—Legend drug sodium pentobarbital.	09-11-049 5/13/2009	Anticipate filing 9/2010			Doreen Beebe (360) 236-4834
RCW 18.64.005 69.50.320	Board of pharmacy	WAC 246-887-280 Approved controlled substances.		Expedited rule-making notice filed under RCW 34.05.353	Anticipate filing 7/2010		Doreen Beebe (360) 236-4834
RCW 18.64.005 18.64.165	Board of pharmacy	New chapter 246-874 WAC, Pharmaceutical services—Correctional facilities, the board of pharmacy is considering developing rules that will establish minimum enforceable requirements specifically for Washington correctional facilities in safe handling, storage, recordkeeping and administration of pharmaceuticals.	07-14-145 7/5/2007	Anticipate filing 10/2010			Doreen Beebe (360) 236-4834
RCW 18.130.075 18.130.064 18.64.005	Board of pharmacy	WAC 246-863-035 Temporary practice permit pharmacists.	Proposal is exempt under RCW 34.05.310(4)	Anticipate filing 8/2010			Doreen Beebe (360) 236-4834
RCW 18.83.050 18.130.050	Board of psychology	WAC 246-924-485, repeal delegation of authority to initiate investigations.		Expedited rule-making notice filed under RCW 34.05.353	Anticipate filing 9/2010		Betty Moe (360) 236-4912
RCW 18.83.050 18.130.064 18.130.075	Board of psychology	WAC 246-924-483 Temporary practice permits.	Proposal is exempt under RCW 34.05.310(4)	10-06-018 2/22/2010		Anticipate filing 7/2010	Betty Moe (360) 236-4912
RCW 18.25.0171	Chiropractic quality assurance commission	WAC 246-808-150 Continuing education.	09-09-031 4/7/2009				Leann Yount (360) 236-4856

RCW or Session Law	Authority	WAC and Rule Title	CR-101 Filing WSR # and Date	CR-102 Filing WSR # and Date	CR-105 Filing WSR # and Date	CR-103 Filing WSR # and Date	Program Staff Contact
RCW 18.25.0171 18.130.050 (1) and (12)	Chiropractic quality assurance commission	WAC 246-808-XXX Future care contracts prohibited chiropractic quality assurance commission.	10-06-017 2/22/2010				Leann Yount (360) 236-4856
RCW 18.25.0171 18.130.050 (1) and (12)	Chiropractic quality assurance commission	Chapter 246-808 WAC, Chiropractic quality assurance commission (CQAC), is considering amending the documentation of care rule. In addition, CQAC may amend the continuing education rule as well.	07-20-038 9/25/2007	10-02-079 1/5/2010		Anticipate filing 7/2010	Leann Yount (360) 236-4856
Chapter 18.32 RCW	Dental quality assurance commission	Chapter 246-817 WAC, Pain management.	10-13-099 6/17/2010	Anticipate filing 1/2011			Jennifer Santiago (360) 236-4893
RCW 18.32.040 18.130.064	Dental quality assurance commission	WAC 246-817-310 and 246-817-XXX, maintenance and retention of dental records and dental treatment records.	09-13-097 6/17/2009				Jennifer Santiago (360) 236-4893
RCW 18.32.040 18.130.064	Dental quality assurance commission	WAC 246-817-701 Administration of anesthetics agents for dental procedures and WAC 246-817-722 Defibrillator.	09-15-115 7/17/2009	Anticipate filing 9/2010			Jennifer Santiago (360) 236-4893
RCW 18.32.040 18.130.064	Dental quality assurance commission	WAC 246-817-XXX Inactive status.	09-03-108 1/21/2009	Anticipate filing 10/2010			Jennifer Santiago (360) 236-4893
RCW 18.19.050	Department of health	WAC 246-810-010 and 246-810-016, adding counties as a facility eligible to hire agency affiliated counselors.		Expedited rule-making notice filed under RCW 34.05.353	10-13-096 6/16/2010		Leann Yount (360) 236-4856
RCW 43.70.110 43.70.040	Department of health	Chapter 246-314 WAC, revising the construction review services standards.	09-17-054 8/13/2009	Anticipate filing 8/2010			John Hilger (360) 236-2929

RCW or Session Law	Authority	WAC and Rule Title	CR-101 Filing WSR # and Date	CR-102 Filing WSR # and Date	CR-105 Filing WSR # and Date	CR-103 Filing WSR # and Date	Program Staff Contact
Chapter 18.135 RCW Chapter 43, Laws of 2009	Department of health	Chapter 246-826 WAC, expand the scope of practice for health care assistants to administer certain medications.	09-15-189 7/22/2009	10-10-051 4/29/2010		Anticipate filing 9/2010	Erin Obenland (360) 236-4945
RCW 18.130.040	Department of health	New chapter 246-852 WAC, Genetic counselors.	09-17-055 8/13/2009	Anticipate filing 8/2010			Jennifer Sommer (360) 236-4766
RCW 18.130.040	Department of health	New chapter 246-XXX WAC, relating to certification of animal massage practitioners.	07-18-016 8/24/2007				Judy Haneke [Haenke] (360) 236-4828
RCW 18.36A.060	Department of health	WAC 246-836-010 and 246-836-210, amending existing sections and adding a new section to identify nonsurgical cosmetic procedures for naturopathic physicians.	10-15-098 7/20/2010				Susan Gragg (360) 236-4941
RCW 18.36A.060	Department of health	WAC 246-836-080 Continuing competency program, requirements for naturopathic physicians.	08-17-041 8/14/2008	Anticipate filing 9/2010			Susan Gragg (360) 236-4941
RCW 18.84.040	Department of health	WAC 246-926-180, amending the parenteral procedures for radiologic technologists.	10-15-101 7/20/2010				Susan Gragg (360) 236-4941
RCW 18.36A.060 18.36A.100	Department of health	Chapter 246-836 WAC, amending accreditation requirements for naturopathic medical educational institutions.	10-15-097 7/20/2010				Susan Gragg (360) 236-4941
RCW 43.21C.120 43.70.040	Department of health	WAC 246-03-140 SEPA committee.	Proposal is exempt under RCW 34.05.310(4)	10-15-118 7/21/2010		Anticipate filing 9/2010	Vicki Bouvier (360) 236-3011
RCW 43.70.040 70.38.135	Department of health	WAC 246-310-XXX Hospital acute care bed methodology.	09-16-118 8/4/2009				John Hilger (360) 236-2929

RCW or Session Law	Authority	WAC and Rule Title	CR-101 Filing WSR # and Date	CR-102 Filing WSR # and Date	CR-105 Filing WSR # and Date	CR-103 Filing WSR # and Date	Program Staff Contact
RCW 43.70.120 and 7 C.F.R. 246	Department of health	WAC 246-790-010 through 246-790-130, women, infant, and children's nutrition program authorized retailers.	10-14-093 7/6/2010	Anticipate filing 9/2010			Peter Gayton (360) 236-3788
RCW 43.70.150 chapter 70.58 RCW	Department of health	Chapter 246-XXX WAC, Electronic death registration system (EDRS).	07-08-051 3/29/2007				Philip Freeman (360) 236-4330
RCW 43.70.340	Department of health	WAC 246-358-990 Temporary worker housing fee, 246-359-990 Temporary worker housing construction standard fees, 246-361-990 Cherry harvest camp fees.	07-17-171 8/22/2007				John Hilger (360) 236-2929
RCW 43.70.700 and chapter 215, Laws of 2008	Department of health	WAC 246-780-001 through 246-780-060, Farmers market nutrition program (FMNP).	08-19-012 9/4/2008	10-13-172 6/23/2010		Anticipate filing 9/2010	Janice Boden (360) 236-3610
RCW 70.118B.040	Department of health	Chapter 246-272B WAC, Large on-site sewage system (LOSS) regulations.	08-03-065 1/14/2008	Anticipate filing 10/2010			Melissa McEachron (360) 236-3265
RCW 70.119.050	Department of health	Chapter 246-292 WAC, Waterworks operator certification.	09-21-043 10/13/2009	Anticipate filing 3/2011			Theresa Phillips (360) 236-3147
Chapter 70.185 RCW	Department of health	Chapter 246-562 WAC, J-1 physician visa waiver regulations.	08-14-077 6/26/2008				HSQA - Jennell Prentice (360) 236-2814
Chapter 70.225 RCW	Department of health	Title 246 WAC, adding new chapter for prescription monitoring program (PMP).	08-15-085 7/16/2008	Note: Rule making is suspended at this time.			Doreen Beebe (360) 236-4834
RCW 70.119A.170	Department of health	Chapter 246-296 WAC, Drinking water state revolving fund loan program.	10-05-030 2/29/2010	Anticipate filing 4/2011			Theresa Phillips (360) 236-3147
RCW 70.41.030	Department of health	Chapter 246-320 WAC, Hospital licensing regulations construction standards only.	09-20-090 10/6/2009	10-11-117 5/18/2010		Anticipate filing 9/2010	John Hilger (360) 236-2929

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Chapter 70.54 RCW	Department of health	Chapter 246-102 WAC, Cancer registry.	09-15-186 7/22/2009	10-13-097 6/6/2010		Anticipate filing 8/2010	Katie Golub (360) 236-3624
RCW 70.98.050	Department of health	Chapter 246-231 WAC, Packaging and transportation of radioactive material and chapter 246-240 WAC, Radiation protection—Medical use of radioactive material.	Proposal is exempt under RCW 34.05.310(4)	10-14-098 7/6/2010		Anticipate filing 9/2010	Traci Black (360) 236-3259
RCW 70.98.050	Department of health	Chapter 246-247 WAC, Radiation protection—Air emission.	05-12-140 6/1/2005	Anticipate filing 1/2011			Traci Black (360) 236-3259
RCW 70.98.050	Department of health	Chapters 246-249 and 246-250 WAC, Radioactive waste use of the commercial disposal site.	Proposal is exempt under RCW 34.05.310(4)	Anticipate filing 8/2010			Traci Black (360) 236-3259
RCW 70.98.050	Department of health	Chapter 246-255A WAC, Dental X-ray radiation safety and diagnostic imaging quality standards.	09-16-141 8/5/2009	Anticipate filing 9/2010			Andrew Thatcher (360) 236-3231
RCW 43.70.250 43.70.110	Department of health	Chapter 246-XXX WAC, Fee increases health professions license fees by the department of health: Acupuncture, dental, dental assistant, dentist, mental health counselor, midwives, nursing, nursing assistant, optometry, radiologic technologist, recreational therapy, respiratory therapy, social worker, and X-ray technician.	Proposal is exempt under RCW 34.05.310(4)	Anticipate filing 7/2010			Dianna Staley (360) 236-4997
RCW 90.46.015	Department of health	Chapter 246-XXX WAC, Greywater.	09-15-188 7/22/2009	Anticipate filing 10/2010			Lilia Lopez (360) 236-3071
RCW 43.70.040 70.38.135	Department of health	WAC 246-310-XXX Revising and updating the certificate of need adjudicative proceeding rules.	Anticipate filing 8/2010				John Hilger (360) 236-2929

RCW or Session Law	Authority	WAC and Rule Title	CR-101 Filing WSR # and Date	CR-102 Filing WSR # and Date	CR-105 Filing WSR # and Date	CR-103 Filing WSR # and Date	Program Staff Contact
RCW 70.168.050 70.168.060	Department of health	WAC 246-976-001 through 246-976-400, 246-976-890, 246-976-920, 246-976-950, EMS and trauma pre-hospital rules and standards.	08-16-037 7/29/2008	10-08-092 4/6/2010		Anticipate filing 8/2010	Mike Lopez (360) 236-2841
RCW 70.98.050 70.98.080	Department of health	WAC 246-220-010 Definitions, radio protection, 246-249-010 Definitions, 246-249-090 Transfer for disposal and manifests, 246-250-010 Definitions, licensing land disposal.	Proposal is exempt under RCW 34.05.310(4)	Anticipate filing 10/2010			Traci Black (360) 236-3259
RCW 18.71.017	Medical quality assurance commission	WAC 246-919-XXX, Definitions and credentialing of physicians for teaching—Research and fellowship limited licenses.	Anticipate filing 12/2010				Beverly Teeter (360) 236-4788
RCW 18.71.017	Medical quality assurance commission	WAC 246-919-480 Retired active credential.	09-20-075 10/21/2009	Anticipate filing 10/2010			Julie Kitten (360) 236-2757
RCW 18.71.017	Medical quality assurance commission	WAC 246-919-601 Safe and effective analgesia and anesthetic administration in office-based surgical settings. The commission is considering proposed rules for physicians who perform surgery within their offices.	07-03-178 1/24/2007	09-24-109 12/2/2009 and supplemental 10-09-095 4/20/2010		Anticipate filing 7/2010	Beverly Teeter (360) 236-2758
RCW 18.130.050(1) 18.71.017	Medical quality assurance commission	WAC 246-919-615 (physicians) and 246-918-010 (physician assistants), repeal delegated authority to initiate investigations.		Expedited rule-making notice filed under RCW 34.05.353	10-12-019 5/21/2010	Anticipate [filing] 8/2010	Julie Kitten (360) 236-2757

RCW or Session Law	Authority	WAC and Rule Title	CR-101 Filing WSR # and Date	CR-102 Filing WSR # and Date	CR-105 Filing WSR # and Date	CR-103 Filing WSR # and Date	Program Staff Contact
RCW 18.130.050 18.71A.020	Medical quality assurance commission	New sections in chapter 246-918 WAC, Safe and effective analgesia and anesthesia administration in office-based surgery settings as it applies to physician assistants.	07-23-125 11/21/2007				Beverly Teeter (360) 236-4788
Chapters 18.71, 18.71A RCW	Medical quality assurance commission	WAC 246-919-XXX Physicians and 246-918-XXX Physician assistants, pain management.	10-13-094 6/16/2010	Anticipate filing 1/2011			Julie Kitten (360) 236-2757
RCW 18.71.017 18.130.050 and 18.71.430	Medical quality assurance commission	WAC 246-919-430 (physicians) and 246-918-XXX (physician assistants), requiring additional practice information at renewal.	09-14-114 6/30/2009				Julie Kitten (360) 236-2757
Chapter 18.79 RCW	Nursing care quality assurance commission	WAC 246-840-XXX Pain management.	10-13-100 6/17/2010	Anticipating filing 1/2011			Terry West (360) 236-4712
RCW 18.79.110 18.130.050	Nursing care quality assurance commission	Chapter 246-840 WAC, Early remediation program.	10-01-179 12/22/2009	10-08-091 4/6/2010		Anticipate filing 8/2010	Terry West (360) 236-4712
RCW 18.79.010 18.79.110	Nursing care quality assurance commission	WAC 246-840-010, 246-840-020, 246-840-111, 246-840-120, definitions, documents issued to nurses in Washington, expired license, inactive credential, continuing competency.	09-23-081 11/16/2009	Anticipate filing 8/2010			Terry West (360) 236-4712
RCW 18.79.010 18.79.110	Nursing care quality assurance commission	WAC 246-840-XXX Mandatory continuing competency.	08-13-092 6/18/2008	Anticipate filing 8/2010			Terry West (360) 236-4712
RCW 18.59.090 18.130.050	Occupational therapy practice board	WAC 246-847-030 Occupational therapists acting in a consulting capacity, 246-847-055 Initial application for individuals who have not practiced within the past four years, 246-847-068 Expired	08-15-088 7/17/2008	Anticipate filing 10/2010			Janette Benham (360) 236-4857

RCW or Session Law	Authority	WAC and Rule Title	CR-101 Filing WSR # and Date	CR-102 Filing WSR # and Date	CR-105 Filing WSR # and Date	CR-103 Filing WSR # and Date	Program Staff Contact
		license, 246-847-070 Inactive credential, 246-847-125 Applicants currently licensed in other states or territories, and 246-847-XXX Renewal for those that have not practiced in four years.					
Chapter 18.22 RCW	Podiatric medical board	WAC 246-922-XXX Pain management.	10-13-103 6/17/2010	Anticipate filing 1/2011			Erin Obenland (360) 236-4945
RCW 18.22.015 18.130.050	Podiatric medical board	Chapter 246-922 WAC, creating rules on the administration of sedation and anesthesia in the offices of podiatric physicians. The rule making may include necessary training and equipment requirements for podiatric physicians to perform office-based surgery.	07-16-139 8/1/2007	10-06-020 2/22/2010 Anticipate filing supplemental 10/2010			Erin Obenland (360) 236-4945
RCW 18.22.015 18.130.050	Podiatric medical board	WAC 246-922-010 Definitions, adding new sections to chapter 246-922 WAC to establish standards for prescribing orthotic devices by podiatrists.	07-16-140 8/1/2007	Anticipate filing 10/2010			Erin Obenland (360) 236-4945
RCW 18.92.030	Veterinary board of governors	WAC 246-933-460 Courses approved by the veterinary board, amending the list of approved organizations.	10-13-095 6/16/2010				Judy Haenke (360) 236-4947

KEY

CR means "code reviser" on the notice forms created by the office of the code reviser for use by all state agencies.

CR-101 is a preproposal statement of inquiry filed under RCW 34.05.310.

CR-102 is a proposed rule-making notice filed under RCW 34.05.320 or 34.05.340.

Proposal is exempt under RCW 34.05.310(4) means a rule that does not require the filing of a CR-101 notice under RCW 34.05.310(4).

CR-105 is an expedited rule-making notice filed under RCW 34.05.353. This is an accelerated rule-adoption process with no public hearing required.

CR-103 is [a] rule-making order permanently adopting a rule, and filed under RCW 34.05.360 and 34.05.380.

EMERGENCY rules are temporary rules filed under RCW 34.05.350 and 34.05.380 by using a CR-103 rule-making order. Emergency rules may be used to meet certain urgent circumstances. These rules are effective for one hundred twenty days after the filing date, and may be extended in certain circumstances.

Dashed cells in tables mean the anticipated filing date is not known at the time this rules agenda is filed.

Blank cells in tables mean the anticipated filing date is not known at the time this rules agenda is filed.

TBD - To be determined is when a date is still being discussed.

RCW is the Revised Code of Washington.

WAC is the Washington Administrative Code.

WSR number is the Washington State Register official filing reference number given by the office of the code reviser when a notice is filed.

DOH is the department of health.

HSQA is the health systems quality assurance division.

EH is the environmental health division.

EHSPHL is the epidemiology health statistics and public health labs division.

CFH is the community family health division.

SBOH is the state board of health.

WSR 10-17-005

AGENDA

**DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed August 5, 2010, 9:39 a.m.]

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 10-18 issue of the Register.

WSR 10-17-006

**NOTICE OF PUBLIC MEETINGS
CENTRAL WASHINGTON UNIVERSITY**

[Filed August 5, 2010, 10:51 a.m.]

The university's board of trustees meetings for the next academic year are listed below.

Regular meetings of the Central Washington University board of trustees will be held at 1:00 p.m. in Barge Hall, Room 412, on the Central Washington University Ellensburg campus, except where noted, on the following dates:

October 1, 2010	CWU-Moses Lake
December 3, 2010	
February 4, 2011	
March 4, 2011	
May 6, 2011	
June 10, 2011	
July 28-29, 2011	Retreat

WSR 10-17-009

**NOTICE OF PUBLIC MEETINGS
CLARK COLLEGE**

[Filed August 5, 2010, 1:02 p.m.]

AMENDED NOTICE

The following regularly scheduled meeting of the board of trustees of Clark College have been changed as noted below:

Original Date: Tuesday, December 28, 2010.

New Date: Tuesday, December 14, 2010.

The meeting will be held in the Ellis Dunn Community Room, GHL 213 on the Clark College campus. The board of trustees will have work sessions from 4:00 - 5:00 p.m. and the regular meeting will begin at approximately 5:00 p.m.

Call 992-2101 for information.

WSR 10-17-010

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

[Filed August 5, 2010, 2:11 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.

**Medicaid Purchasing Administration
Division of Rates and Finance**

Document Title: Public Notice.

Subject: Title XIX Medicaid State Plan Amendment #10-018.

Effective Date: July 1, 2010.

Document Description: The department is proposing to change the reimbursement methodology for certain medic-aid-covered air ambulance services to a reasonable cost methodology. The purpose of this change, which is anticipated to increase medicaid expenditures by \$2.7M annually, is to ensure access to air ambulance services.

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 1-360-725-1345, TDD/TTY 1-800-848-5429, fax 1-360-586-9727, e-mail myersea@dshs.wa.gov.

WSR 10-17-011

**INTERPRETIVE STATEMENT
DEPARTMENT OF REVENUE**

[Filed August 5, 2010, 2:41 p.m.]

**UPDATED INTERPRETIVE STATEMENT
ETA 3006 - Direct Seller's Use of the Internet, Mail
Orders, Direct Calls, etc.**

RCW 82.04.423 provides a business and occupation (B&O) tax exemption for wholesale and retail sales by cer-

tain out-of-state businesses that make sales in this state exclusively to or through a "direct seller's representative." This exemption is often referred to as the "direct seller's exemption" and the person claiming the exemption is referred to as the "direct seller."

ETA 3006 discusses the use of the internet, mail orders, direct calls, and other methods used by direct sellers to make sales directly to customers in this state. The ETA explains when these methods satisfy or fail to satisfy RCW 82.04.423 requirement that the direct seller make "sales in this state exclusively to or through a direct seller's representative."

ETA 3006 has been updated to recognize that the exemption provided by RCW 82.04.423 expired May 1, 2010. See chapter 23, Laws of 2010, 1st sp. sess. (2ESSB 6143, Part IV).

A copy of this document is available via the internet at Recent Rule and Interpretive Statements, Adoptions, and Repeals.

Alan R. Lynn
Rules Coordinator

WSR 10-17-013

NOTICE OF PUBLIC MEETINGS STATE INDEPENDENT LIVING COUNCIL

[Filed August 5, 2010, 2:57 p.m.]

Public Announcement
Quarterly Council Meeting

When: Friday, October 8, 2010
Time: 9:00 a.m. to 3:00 p.m.
Where: Alley Cats Artist
414 North Main
(Behind Sazon)
Ellensburg, WA

To promote accessibility, a live stream of the CART/captions will be available to participants in remote locations via a web site. Please access this web site on your computer at <http://www.streamtext.net/text.aspx?event=SILC>. The event will be available shortly before the beginning of the meeting.

You may also call in: 877-216-1555, Passcode: 815648 # (Pound Sign) to participate in the meeting.

ASL interpreters and real-time captioning will be provided. For foreign speaking interpreters, please contact Barbara Hathaway, (360) 725-3695 (voice), 866-890-4539 (VP (Video Phone)), (360) 725-3693 (TTY/TDD) or by e-mail hathab@dshs.wa.gov or honanrw@dshs.wa.gov, (360) 725-3695 (v) for additional accommodation requests or information.

WSR 10-17-014

NOTICE OF PUBLIC MEETINGS STATE INDEPENDENT LIVING COUNCIL

[Filed August 5, 2010, 2:57 p.m.]

Public Announcement
Public Forum

When: Thursday, October 7, 2010
Time: 6:00 p.m. to 8:00 p.m.
Where: Alley Cats Artist
414 North Main
(Behind Sazon)
Ellensburg, WA

To promote accessibility, a live stream of the CART/captions will be available to participants in remote locations via a web site. Please access this web site on your computer at <http://www.streamtext.net/text.aspx?event=SILC>. The event will be available shortly before the beginning of the meeting.

You may also call in: 877-216-1555, Passcode: 815648 # (Pound Sign) to participate in the meeting.

ASL interpreters and real-time captioning will be provided. For foreign speaking interpreters, please contact Barbara Hathaway, (360) 725-3695 (voice), 866-890-4539 (VP (Video Phone)), (360) 725-3693 (TTY/TDD) or by e-mail hathab@dshs.wa.gov or honanrw@dshs.wa.gov, (360) 725-3695 (v) for additional accommodation requests or information.

WSR 10-17-019

NOTICE OF PUBLIC MEETINGS EDMONDS COMMUNITY COLLEGE

[Filed August 6, 2010, 11:26 a.m.]

Please be advised of the following revision to the 2010 regular meeting schedule of the Edmonds Community College board of trustees.

A special executive session has been scheduled on the Edmonds Community College campus on August 10, 8:00 a.m., Snohomish Hall 304.

If you have any questions, please feel free to contact Patty Michajla at (425) 640-1516.

WSR 10-17-020

NOTICE OF PUBLIC MEETINGS LIFE SCIENCES DISCOVERY FUND AUTHORITY

[Filed August 6, 2010, 4:08 p.m.]

Please note the updated or new information in bold below for the life sciences discovery fund authority (agency #3560) 2010 board meetings. Note as well that we will post our public meeting agenda and any call-in information as appropriate on our web site <http://www.lsdfa.org/about/staff/meetings.html> prior to each meeting.

2010 Public Board Meeting Dates

(times are approximate and subject to change)

Tuesday, September 14	11:30 a.m.-5 p.m.	Washington Research Foundation Office 2815 Eastlake Avenue East Suite 300 Seattle, WA
Tuesday, November 16	8:30 a.m.-5 p.m.	Washington Research Foundation Office 2815 Eastlake Avenue East Suite 300 Seattle, WA
Tuesday, December 7	8:30 a.m.-5 p.m.	Washington Research Foundation Office 2815 Eastlake Avenue East Suite 300 Seattle, WA
Tuesday, February 1, 2011	8:30 a.m.-5 p.m.	Talaris Conference Center Seattle, Washington
Tuesday, February 8	10:30 a.m.-11:00 a.m.	(via telecon)
Tuesday, April 26	8:30 a.m.-5 p.m.	Talaris Conference Center Seattle, Washington

WSR 10-17-021

NOTICE OF PUBLIC MEETINGS

BELLINGHAM TECHNICAL COLLEGE

[Filed August 8, 2010, 8:40 a.m.]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College will be held on Thursday, August 19, 2010, from 9:00 - 11:00 a.m., in the College Services Board Room on the Bellingham Technical College campus. Call 752-8334 for information.

WSR 10-17-022

NOTICE OF PUBLIC MEETINGS

BENTON CLEAN AIR AGENCY

[Filed August 9, 2010, 8:59 a.m.]

SCHEDULE OF FY 11 REGULAR BOARD MEETINGS

July 1, 2010 - June 30, 2011

3rd Thursday of Each Month at 5:30 p.m. in Board Room of Benton Clean Air Agency
(unless otherwise advertised)

2010 Meetings

- July 15
- August 19
- September 16
- October 21
- November 18
- December 16

2011 Meetings

- January 20
- February 17
- March 17
- April 21
- May 19
- June 16

WSR 10-17-023

**NOTICE OF PUBLIC MEETINGS
CENTER FOR CHILDHOOD
DEAFNESS AND HEARING LOSS**

[Filed August 9, 2010, 9:00 a.m.]

The Washington State Center for Childhood Deafness and Hearing Loss (formerly Washington School for the Deaf) board of trustees will be holding "special meetings" on the following dates/times. All meetings will be held on the WSD campus. There will be no decisions made at these meetings.

- August 12, 2010 (1 - 7 p.m.)
- August 13, 2010 (8:30 a.m. - 2 p.m.)

WSR 10-17-024

NOTICE OF PUBLIC MEETINGS

SHORELINE COMMUNITY COLLEGE

[Filed August 9, 2010, 9:00 a.m.]

In compliance with the Open Public Meetings Act, the Shoreline Community College board of trustees will hold two special meetings.

- Thursday, August 12, 2010, from 9:00 a.m. - 4:00 p.m.: Trends and analysis presentations and policy governance and accreditation discussions.
- Friday, August 13, 2010, from 9:00 a.m. - 2:00 p.m.: 2010 - 2011 Board goals, board self-evaluation and 2010 - 2011 President's goals discussions.

Both special meetings will take place in Room 5 at the Center for Business and Continuing Education at Shoreline Community College at Lake Forest Park, located in the Lake Forest Park Towne Center, 17171 Bothell Way N.E., Suite A220, Lake Forest Park, WA 98155.

Please call (206) 546-4552 or e-mail Lori Y. Yonemitsu at lyonemitsu@shoreline.edu if you need further information.

WSR 10-17-025
NOTICE OF PUBLIC MEETINGS
JOINT LEGISLATIVE AUDIT
AND REVIEW COMMITTEE
 (Task Force on Tax Preference Reform)
 [Filed August 9, 2010, 9:00 a.m.]

ESSB 6444 (2010 supplemental operating budget) established the task force on tax preference reform. Following is the schedule of meetings the task force plans to hold:

Meeting Date	Time	Location
August 18, 2010	9:00 a.m. - 12:30 p.m.	Senate Hearing Room 3 John A. Cherberg Building Olympia
August 31, 2010	9:00 a.m. - 12:30 p.m.	Senate Hearing Room 3 John A. Cherberg Building Olympia
September 20, 2010	9:00 a.m. - 12:30 p.m.	Senate Hearing Room 3 John A. Cherberg Building Olympia
October 27, 2010	9:00 a.m. - 12:30 p.m.	Senate Hearing Room 3 John A. Cherberg Building Olympia
November 15, 2010	9:00 a.m. - 12:30 p.m.	Senate Hearing Room 3 John A. Cherberg Building Olympia

Distribution of agendas to all individuals and groups on the joint legislative audit and review committee's mailing list also provides notice of these meetings. To be added to the mailing list, please contact Lisa Hennessy at (360) 786-5288, or hennessy.lisa@leg.wa.gov.

WSR 10-17-030
DEPARTMENT OF AGRICULTURE
 [Filed August 9, 2010, 1:09 p.m.]

PUBLIC NOTICE FOR *SPARTINA* TREATMENT IN WESTERN WASHINGTON

LEGAL NOTICE: The Washington state department of agriculture (WSDA) plant protection division is hereby notifying the affected public that the herbicides glyphosate (e.g. Aquamaster®, Aquaneat®, or Rodeo®) and imazapyr (e.g. Habitat® or Polaris AQ®), surfactants (e.g. Agri-Dex™, Class Act Next Generation™, Competitor™, Dyne-Amic™, Kinetic™, or LI-700™) and marker dyes may be used to control invasive *Spartina* grass species between June 1, 2010, and October 31, 2010. Properly licensed pesticide applicators who have obtained coverage under the WSDA national pollutant discharge elimination system (NPDES) waste discharge general permit may apply glyphosate or imazapyr to control the noxious weed *Spartina* on the saltwater tidelflats of Grays Harbor, Hood Canal, Willapa Bay, Puget Sound, and the north and west sides of the Olympic Peninsula.

Use of herbicides is one of the options used to control *Spartina*. These infestations may also be treated, but not eradicated, by mowing, digging, crushing, or covering.

For more information, including locations of possible application sites or information on *Spartina*, contact the

WSDA *Spartina* control program at (360) 902-1923. Or write WSDA *Spartina* Program, P.O. Box 42560, Olympia, WA 98504-2560. To contact the WSDA NPDES permit coordinator, call Brad White at (360) 902-2071. The Washington state department of ecology 24-hour emergency number for reporting concerns about *Spartina* treatments is (360) 407-6283.

WSR 10-17-038
NOTICE OF PUBLIC MEETINGS
CONVENTION CENTER
 [Filed August 10, 2010, 10:00 a.m.]

A regular meeting of the Washington state convention center board of directors will be held on **Tuesday, August 17, 2010**, at 1:30 p.m. The meeting will take place in Room TCC-201 of The Conference Center (TCC), 800 Pike Street, Seattle.

TCC is located at the northeast corner of Eighth Avenue and Pike Street, directly across from the convention center building.

If you have any questions regarding the board meeting, please call (206) 694-5000.

WSR 10-17-039
NOTICE OF PUBLIC MEETINGS
CONVENTION CENTER
 [Filed August 10, 2010, 10:00 a.m.]

An organizational meeting of the Washington state convention center public facilities district board of directors will be held on **Tuesday, August 17, 2010**, at 2:30 p.m. The meeting will take place in Room TCC-201 of The Conference Center (TCC), 800 Pike Street, Seattle.

TCC is located at the northeast corner of Eighth Avenue and Pike Street, directly across from the convention center building.

If you have any questions regarding the board meeting, please call (206) 694-5000.

WSR 10-17-041
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 [Filed August 10, 2010, 3:23 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.

Medicaid Purchasing Administration
Division of Rates and Finance

Document Title: Public Notice.

Subject: Title XIX Medicaid State Plan Amendment #10-018.

Effective Date: July 1, 2010.

Document Description: The department is proposing to change the reimbursement methodology for certain medic-aid-covered air ambulance services to a reasonable cost methodology - a process where costs for major air ambulance providers are identified and compared to direct fee-for-ser-vice payments. Based on this comparison, additional pay-ment or recovery of payment will be made to assure the total of payment equals cost. This change is intended to ensure access to air ambulance services and is anticipated to increase medicaid expenditures by \$2.7M annually.

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

WSR 10-17-049

NOTICE OF PUBLIC MEETINGS

LAW ENFORCEMENT OFFICERS' AND FIREFIGHTERS' PLAN 2 RETIREMENT BOARD

[Filed August 11, 2010, 11:41 a.m.]

The law enforcement officers' and firefighters' plan 2 retirement board has cancelled their August 17, 2010, board meeting.

The next regularly scheduled meeting is **Wednesday, September 22**, at 9:30 a.m. located in the Washington state investment board room.

Please feel free to contact Jessica Burkhart at (360) 586-2322 or by e-mail at jessica.burkhart@leoff.wa.gov should you have any questions.

WSR 10-17-051

NOTICE OF PUBLIC MEETINGS

BELLEVUE COLLEGE

[Filed August 11, 2010, 12:47 p.m.]

The board of trustees of Community College District VIII, state of Washington, 3000 Landerholm Circle S.E., Bel-levue, WA, will meet on September 22, 2010, instead of the previously published date of October 6, 2010. This all-day retreat will be held at the Community Center at Mercer View, 8236 S.E. 24th Street, Mercer Island, WA 98040.

WSR 10-17-052

PUBLIC RECORDS OFFICER

DEPARTMENT OF RETIREMENT SYSTEMS

[Filed August 11, 2010, 4:45 p.m.]

Pursuant to RCW 42.56.580 Public records officers, the director of the department of retirement systems designates

as the agency's public records officer, Ken Goolsby, P.O. Box 48380, Olympia, WA 98504-8380, phone (360) 664-7291, fax (360) 753-5397, e-mail pdr@drs.wa.gov.

Please don't hesitate to contact deputy director Marcie Frost at 664-7224 if you need additional information.

Steven R. Hill
Director

WSR 10-17-064

NOTICE OF PUBLIC MEETINGS

DEPARTMENT OF GENERAL ADMINISTRATION

(State Capitol Committee)

[Filed August 13, 2010, 9:15 a.m.]

The state capitol committee (SCC) meeting scheduled for Thursday, August 19, 2010, has been canceled due to lack of a quorum.

The next SCC meeting is scheduled for Thursday, Octo-ber 28, 2010, at 10:00 a.m. to 12:00 p.m., at the General Administration Building, Room 326, 210 11th Avenue, Olympia, WA 98504.

If you have any questions, please contact Martin Casey at (360) 902-7225 or Kim M. Buccarelli at (360) 902-0955.

WSR 10-17-065

NOTICE OF PUBLIC MEETINGS

OFFICE OF

CIVIL LEGAL AID

(Civil Legal Aid Oversight Committee)

[Filed August 13, 2010, 10:42 a.m.]

The civil legal aid oversight committee established by section 4, chapter 105, Laws of 2005, will meet and conduct business on Friday, December 11 [3], 2009 [2010].

What: Quarterly Meeting of the Civil Legal Aid Over-sight Committee
When: Friday, December 3, 2010
Time: 9:30 a.m. - 3:00 p.m.
Where: K&L Gates PLLC
29th Floor Conference Room
925 Fourth Avenue
Suite 2900
Seattle, WA

The agenda will include action on oversight committee business matters, receipt of the quarterly report from the director of the office of civil legal aid and other matters within the charge of the oversight committee. A detailed agenda will be available at the meeting.

Accommodations: The civil legal aid oversight commit-tee fully complies with applicable laws ensuring access for persons with disabilities. Upon request, the civil legal aid oversight committee will make reasonable accommodation to ensure full accessibility and meaningful opportunity for inter-

ested individuals to participate in the meeting, regardless of physical, mental, cognitive or other disabilities. Requests for translation services or assistive technology should be submitted at least forty-eight hours prior to the meeting in order to allow the oversight committee to accommodate.

For further information about this meeting and/or to request reasonable accommodation, please contact James A. Bamberger, Director, Office of Civil Legal Aid, 1112 Quince Street S.E., Mailstop 41183, Olympia, WA 98504, (360) 704-4135, jim.bamberger@ocla.wa.gov.

WSR 10-17-068

**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF HEALTH**

[Filed August 13, 2010, 2:53 p.m.]

**NOTICE OF ADOPTION OF AN INTERPRETIVE STATEMENT
OR POLICY STATEMENT**

Title of Interpretive or Policy Statement: Certified Radiologic Technologists Performing PET/CT - Positron Emission Tomography (PET) combined with Computed Tomography (CT).

Issuing Entity: Department of Health.

Subject Matter: This interpretive statement describes the issue of certification requirements to perform PET/CT procedures (fusion imaging) and determines that certified nuclear medicine technologists who obtain CT certification through the American Registry of Radiologic Technologists (ARRT) or diagnostic radiologic technologists who have obtained PET certification through the Nuclear Medicine Technology Certification Board (NMTCB) may perform fusion imaging PET/CT procedures.

Effective Date: July 1, 2010.

Contact Person: Susan Gragg, Program Manager, Department of Health, Health Professions and Facilities, Radiologic Technology Program, P.O. Box 47852, Olympia, WA 98504-7852, (360) 236-4941.

WSR 10-17-076

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

[Filed August 16, 2010, 9:56 a.m.]

Pursuant to RCW 42.30.075, the board of trustees for Washington State Community College District 17 has cancelled the regular meeting scheduled for August 17, 2010. The new chancellor and the board of trustees will be holding a planning retreat during the time of the regularly scheduled meeting, 8:30 a.m. - 12:00 noon, in Conference Room 515, of the Academic Center Building, WSU Spokane Campus, 600 North Riverpoint Boulevard, Spokane, WA 99202.

Should you have questions regarding this memo, please contact Cheryl Churchill, executive assistant to the chancellor and liaison to the board of trustees, at (509) 434-5006.

WSR 10-17-077

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

[Filed August 16, 2010, 9:57 a.m.]

BOARD OF TRUSTEES SPECIAL MEETING

The board of trustees of Washington State Community College District 17 will hold a special meeting on Tuesday, August 17, 2010, at 8:30 a.m., in the 5th Floor Conference Room (#515) of the WSU Spokane Academic Center Building, 600 North Riverpoint Boulevard, Spokane, WA. The purpose for the meeting is a workshop regarding strategic planning. Adjournment is scheduled for 1:00 p.m. No action will be taken.

WSR 10-17-078

**NOTICE OF PUBLIC MEETINGS
CENTER FOR CHILDHOOD
DEAFNESS AND HEARING LOSS**

[Filed August 16, 2010, 9:57 a.m.]

The Washington State Center for Childhood Deafness and Hearing Loss (formerly Washington School for the Deaf) board of trustees has changed it[s] board meeting dates for the 2010/2011 school year. All of the meetings listed below (except where noted) will be held on the WSD campus from 9 a.m. - 3 p.m.

October 1, 2010

November 5, 2010

February 4, 2011

April 15, 2011 (location to be determined)

June 3, 2011

WSR 10-17-079

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
GENERAL ADMINISTRATION**

(State Capitol Committee)

[Filed August 16, 2010, 9:57 a.m.]

The state capitol committee meeting scheduled for Thursday, August 19, 2010, has been cancelled.

If you have any questions, please contact Searetha Kelly at (360) 902-0951.

WSR 10-17-084

**RULES COORDINATOR
CONSERVATION COMMISSION**

[Filed August 16, 2010, 11:58 a.m.]

Pursuant to RCW 34.05.312, the rules coordinator for the Washington state conservation commission is Ron

Shultz, Director of Policy and Intergovernmental Relations, 300 Desmond Drive S.E., Lacey, WA 98503, mailing address P.O. Box 47721, Olympia, WA 98504, e-mail Ron.Shultz@sc.wa.gov, phone (360) 407-6200, fax (360) 407-6215.

Mark Clark
Executive Director

WSR 10-17-097
RULES COORDINATOR
ATTORNEY GENERAL'S OFFICE

[Filed August 17, 2010, 11:10 a.m.]

Pursuant to RCW 34.05.312, the rules coordinator for the attorney general's office is Rebecca Podszus, P.O. Box 40100, Olympia, WA 98504-0100, phone (360) 586-2683, fax (360) 664-0228, e-mail rebeccap3@atg.wa.gov.

Randy Pepple
Chief of Staff

WSR 10-17-104
NOTICE OF PUBLIC MEETINGS
COMMISSION ON
JUDICIAL CONDUCT

[Filed August 17, 2010, 12:49 p.m.]

The location for the December 3, 2010, commission on judicial conduct business meeting, previously scheduled at the Holiday Inn Express Hotel & Suites, 19621 International Boulevard, SeaTac, WA, has been changed. The meeting will now be held at 11:00 a.m. at the Radisson Hotel Gateway, 18118 International Boulevard, SeaTac, WA 98188.

WSR 10-17-121
DEPARTMENT OF ECOLOGY

[Filed August 18, 2010, 9:53 a.m.]

PUBLIC NOTICE

Announcing a Draft Aquatic Plant and Algae Management General Permit for Review and Comment

Proposed Permit: Ecology is proposing to reissue the aquatic plant and algae management general permit and is seeking comment on the draft permit.

Purpose of the Permit: The aquatic plant and algae management general permit (permit) is a joint national pollutant discharge elimination system (NPDES) and state waste discharge general permit. The permit covers the discharge of products used to control aquatic plants and algae in Washington lakes. The permit also allows treatment of emergent plants along roadsides and ditch banks. Control products include aquatic herbicides, algaecides, biological clarification products, aquatic dyes, adjuvants, and nutrient inactivation products such as alum.

Ecology Contact: Kathy Hamel, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone

(360) 407-6562, fax (360) 407-6426, e-mail kathy.hamel@ecy.wa.gov.

Copies of the Draft Permit: You may download copies of the draft permit and fact sheet from the web site at http://www.ecy.wa.gov/programs/wq/pesticides/final_pesticide_permits/aquatic_plants/aquatic_plant_permit_index.html.

You may request a copy of the draft permit or fact sheet from Julie Robertson at (360) 407-6575 or by e-mail at julie.robertson@ecy.wa.gov.

Submitting Written Comments: Ecology will accept written comments on the draft permit and fact sheet until **5 p.m., October 15, 2010**. Ecology prefers comments be submitted by e-mail. E-mailed comments must contain the commenter's name and postal address. Comments should reference specific permit text when possible. Comments may address the following:

- Technical issues,
- Accuracy and completeness of information,
- The scope of facilities proposed for coverage,
- Adequacy of environmental protection and permit conditions, or
- Any other concern that would result from issuance of the modified permit.

Submit Comments by E-mail to: AquaticPermitComments@ecy.wa.gov.

Submit Written Comments to: Kathy Hamel, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600.

You must send e-mail comments before **5 p.m., October 15, 2010**. Written comments must be postmarked no later than **5 p.m., October 15, 2010**.

Hearings and Workshops: There are two public workshops and hearings scheduled on the draft general permit. The purpose of the workshops is to explain the general permit, explain the changes from the current permit, and answer questions in order to facilitate meaningful testimony during the hearing. The purpose of the hearings is to provide an opportunity for people to give formal oral testimony and comments on the proposed permit. Written comments will receive the same consideration as oral testimony.

October 4, 2010 (1 p.m.) Workshop and Hearing: Lacey Community Center, Banquet Room A&B, 6729 Pacific Avenue S.E., Lacey, WA 98503.

October 6, 2010 (1 p.m.) Workshop and Hearing: CenterPlace, 2426 North Discovery Place, Spokane Valley, WA 99216.

Issuing the Permit: The final permit will be issued after ecology receives and considers all public comments. If public comments cause a substantial change in the permit conditions from the original draft permit, another public notice of draft and comment period may ensue. Ecology expects to issue the general permit in the spring of 2011.

WSR 10-17-122
DEPARTMENT OF ECOLOGY
 [Filed August 18, 2010, 9:54 a.m.]

PUBLIC NOTICE
Announcing the Issuance of the Modified Phase I
Municipal Stormwater General Permit

Permit Issuance: The Washington state department of ecology (ecology) will issue the final modified Phase I municipal stormwater general permit (permit) on September 1, 2010. The permit was issued on January 17, 2007, then first modified June 17, 2009, and modified for the second time September 1, 2010. The permit modification incorporates ecology's equivalency determination of Clark County's flow control program by updating Appendix 10 of the Phase I permit. The modification also incorporates minor updates to King County and the City of Seattle equivalency documents.

Purpose of the Permit: Federal and state water quality laws require a permit for the discharge of stormwater (see 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 permit addresses these legal requirements and controls the discharge of pollutants to protect surface water and ground water quality in Washington state. The permit requires municipalities and secondary permittees covered by the permit to develop and implement a stormwater management program to control stormwater runoff into and from their storm sewer system.

Public Notice Process and Comments: Ecology accepted public comments on the draft permit and fact sheet from April 21, 2010, until June 7, 2010. Ecology held a hearing and workshop in Vancouver, Washington, on May 27, 2010. Ecology received comments from five commenters during the public comment period and responded to comments in a response to comments appended to the fact sheet. The response to comments, permit, and the fact sheet are available for review at ecology's web site at <http://www.ecy.wa.gov/programs/wq/stormwater/municipal/permitMOD.html>.

Copies of the Permit: You may download the permit, response [respond] to comments, and fact sheet at <http://www.ecy.wa.gov/programs/wq/stormwater/municipal/permitMOD.html>.

You may request a copy of the permit, response to comments, and fact sheet from Julie Robertson at (360) 407-6575 or by e-mail at julie.robertson@ecy.wa.gov.

Ecology Contact: Julie Lowe, Washington State Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6470, fax (360) 407-6426, e-mail julie.lowe@ecy.wa.gov.

Your Right to Appeal: You have a right to appeal this permit to the pollution control hearing[s] board (PCHB) within thirty days of the date of receipt of this notification. The appeal process is governed by chapters 43.21B RCW and 371-08 WAC. "Date of receipt" is defined in RCW 43.21B-001(2).

To appeal you must do the following within thirty days of the date of receipt of this letter of notification:

- File your appeal and a copy of the permit cover page with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and the permit cover page on ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

You must also comply with other applicable requirements in chapters 43.21B RCW and 371-08 WAC.

Address and Location Information	
Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive S.E. Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk P.O. Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 4224 6th Avenue S.E. RoweSix, Building 2 Lacey, WA 98503	Pollution Control Hearings Board P.O. Box 40903 Olympia, WA 98504-0903