

**WSR 18-15-004**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**WASHINGTON STATE PATROL**

[Filed July 6, 2018, 7:21 a.m.]

Subject of Possible Rule Making: Ignition interlock device and fee modification.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.43.395, 43.37.005, and 46.04.215.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Updates to WAC 204-50-050 Modifications to a certified ignition interlock device and 204-50-070 Variable calibration of an ignition interlock device are necessary to cleanup and provide clarification to the existing language to ensure the rules reference and comply with current laws in the state of Washington.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of licensing and attorney general. The Washington state patrol (WSP) anticipates providing draft language to impacted stakeholders for review and input as part of the process.

Process for Developing New Rule: WSP welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, WSP will file a proposed rule making (CR-102) with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kimberly Mathis, Agency Rules Coordinator, 106 11th Avenue S.W., Olympia, WA, phone 360-596-4017, email [Kimberly.mathis@wsp.wa.gov](mailto:Kimberly.mathis@wsp.wa.gov), web site [wsp.wa.gov/rules-development/](http://wsp.wa.gov/rules-development/); or Sergeant Brandon Villanti, 811 East Roanoke Street, Seattle, WA 98102, email [Brandon.villanti@wsp.wa.gov](mailto:Brandon.villanti@wsp.wa.gov).

John R. Batiste  
Chief

**WSR 18-15-016**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF LICENSING**

[Filed July 9, 2018, 1:36 p.m.]

Subject of Possible Rule Making: Specifying commercial driver licenses (CDL) training provider requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110, 46.25.060, and 46.25.140.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amending WAC 308-100-033 and adding a new section to chapter 308-100 WAC to bring the department into compliance with federal CDL regulations.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state patrol, Washington Trucking Association, utilities and transportation commission, office [of] superintendent of public instruction, and workforce training and education coordination board.

Process for Developing New Rule: Internal review and stakeholder input.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tandy Alexander, Department of Licensing, P.O. Box 9030, Olympia, WA 98507-9030, phone 360-902-3808, email [talexander@dol.wa.gov](mailto:talexander@dol.wa.gov).

July 9, 2018  
Damon Monroe  
Rules Coordinator

**WSR 18-15-018**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF LICENSING**

[Filed July 10, 2018, 7:58 a.m.]

Subject of Possible Rule Making: Commercial driver licenses (CDL) training and examination requirements, amending WAC 308-100-005, 308-100-031, 308-100-035, 308-100-040, 308-100-100, 308-100-110, 308-100-140, 308-100-150, 308-100-160, 308-100-170 and 308-100-180; and repealing WAC 308-100-038.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110, 46.25.010, 46.25.060, and 46.25.-140.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To bring the department into compliance with federal CDL regulations.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal Motor Carrier Safety Administration, Washington state patrol, Washington Trucking Association, utilities and transportation commission, office [of] superintendent of public instruction, workforce training and education coordination board, Washington state transit insurance pool, Washington traffic safety commission.

Process for Developing New Rule: Internal review and stakeholder input.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tandy Alexander, Department of Licensing, P.O. Box 9030, Olympia, WA 98507-9030, phone 360-902-3893, email [talexander@dol.wa.gov](mailto:talexander@dol.wa.gov).

July 10, 2018  
Damon Monroe  
Rules Coordinator

**WSR 18-15-019**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**

[Docket U-180525—Filed July 10, 2018, 8:37 a.m.]

Subject of Possible Rule Making: This inquiry will consider whether investor-owned utility deployment of advanced metering infrastructure (AMI) technologies requires modifi-

cation of existing rules in chapter 480-100 WAC, Electric companies and chapter 480-90 WAC, Gas companies related to consumer protection and meters. This inquiry addresses key concerns expressed by regulated companies, commission staff, and utility stakeholders regarding data privacy; remote disconnection functionality; customer deposits and prepaid services; billing requirements; customer notification; and meter testing, identification, and accuracy requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040 and 80.04.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: As required by the public service laws, the commission regulates investor-owned electric and natural gas companies to ensure that the rates, services, facilities, and practices of those companies are consistent with the public interest. AMI technologies present unique challenges to existing consumer protection rules. For example, the volume and type of data available to utilities raises concerns that the existing rules may not adequately define the level of data aggregation and security measures necessary to protect customers' individual usage data and personal information. The technology also provides the capability for utilities to disconnect electric customers remotely without a field staff visit to the customer premises, which may require alternative and additional consumer protections. Additionally, these technologies afford a variety of other billing and payment practice changes, such as utility service prepayment, which may require a modification to existing rules to ensure an appropriate balance of benefits and risks between the utilities and their customers.

Process for Developing New Rule: The commission is issuing a notice of opportunity to comment concurrently with the CR-101 filing and plans to host a stakeholder workshop in November 2018. The commission may also conduct other processes to gather the information necessary to determine which rules require modification.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250 or 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, phone 360-664-1174, fax 360-586-1150, email [records@utc.wa.gov](mailto:records@utc.wa.gov), web site [www.utc.wa.gov/e-filing](http://www.utc.wa.gov/e-filing), deadline for interested persons to file comments with the commission is September 7, 2018, by 5:00 p.m.

Additional comments: For specific information regarding opportunities for written comments and to ensure receipt of further information concerning this rule making.

July 10, 2018  
Mark L. Johnson  
Executive Director  
and Secretary

### WSR 18-15-020

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed July 10, 2018, 10:36 a.m.]

Subject of Possible Rule Making: The department is proposing to amend WAC 388-478-0015 Need standards for cash assistance; and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.770, 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is required by RCW 74.04.770 to establish standards of need for cash assistance programs on an annual basis.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: The department of social and health services (DSHS) welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sarah Garcia, P.O. Box 45470, Olympia, WA 98504-5470, phone 360-725-4949, fax 360-725-4905, email [roddisl@dshs.wa.gov](mailto:roddisl@dshs.wa.gov).

July 9, 2018  
Katherine I. Vasquez  
Rules Coordinator

### WSR 18-15-031

#### PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

[Filed July 11, 2018, 10:12 a.m.]

Subject of Possible Rule Making: WAC 182-551-1860 Concurrent care for hospice clients age twenty and younger; and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.06.160; 42 C.F.R. Sec. 441, Subpart B.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is amending WAC 182-551-1860 Concurrent care for hospice clients age twenty and younger, to remove language related to exception to rule and allow for medical necessity review of noncovered services. These changes comply with early and periodic screening, diagnostic and treatment (EPSDT) program rules under 42 C.F.R. Sec. 441, Subpart B, and WAC 182-534-0100 EPSDT. During the course of this review, the agency

may identify additional changes that are required in order to improve clarity or update policy.

Process for Developing New Rule: The agency welcomes the public to take part in developing this rule. If interested, contact the person identified below to receive an early rule draft to review. After the early review, the agency will send a notice of proposed rule making (CR-102) to everyone receiving this notice and anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Katie Pounds, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1346, fax 360-586-9727, telecommunication relay system (TRS) 711, email [katherine.pounds@hca.wa.gov](mailto:katherine.pounds@hca.wa.gov), web site [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking).

July 11, 2018  
Wendy Barcus  
Rules Coordinator

#### WSR 18-15-034

##### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF COMMERCE

[Filed July 12, 2018, 10:26 a.m.]

Subject of Possible Rule Making: Amending chapter 365-220 WAC, relating to the development[al] disabilities endowment trust fund program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.330.437.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of commerce on behalf of the developmental disabilities endowment trust fund governing board proposes amending chapter 365-220 WAC to better conform such chapter to: (1) Recent changes in RCW citation for the program's authority and (2) current program practices.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Peter Tassoni, P.O. Box 42525, Olympia, WA 98504-2525, phone 360-725-3125, email [peter.tassoni@commerce.wa.gov](mailto:peter.tassoni@commerce.wa.gov).

July 12, 2018  
Jaime Rossman  
Rules Coordinator

#### WSR 18-15-036

##### PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

[Filed July 12, 2018, 1:49 p.m.]

Subject of Possible Rule Making: WAC 182-512-0550 SSI-related medical—All other excluded resources and 182-512-0700 SSI-related medical—Income eligibility.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency plans to replace references to retirement, survivors, disability insurance and Social Security disability insurance with old age, survivors, and disability insurance (OASDI). This change is to provide consistent references to the OASDI benefits provided under Title II of the Social Security Act in the agency's supplemental security income-related income and resource rules for medicaid. Both of these WAC refer to the same three types of benefits that the Social Security Administration (SSA) pays to eligible beneficiaries. A person who receives one or more of these cash payments is automatically related by category to one or more medicaid eligibility groups. A common term for these SSA benefits is the OASDI program.

Process for Developing New Rule: The agency welcomes the public to take part in developing this rule. If interested, contact the person identified below to receive an early rule draft to review. After the early review, the agency will send a notice of proposed rule making (CR-102) to everyone receiving this notice and anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Amy Emerson, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1348, fax 360-586-9727, Telecommunication relay services (TRS) 711, email [amy.emerson@hca.wa.gov](mailto:amy.emerson@hca.wa.gov), web site [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking).

July 12, 2018  
Wendy Barcus  
Rules Coordinator

#### WSR 18-15-045

##### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Economic Services Administration)

[Filed July 13, 2018, 9:37 a.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-478-0055 How much do I get from my state supplemental payments (SSP)?, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: With the passing of SHB 2651 (chapter 137, Laws of 2018), the maximum personal needs allowance (PNA) standard has increased to seventy

dollars for those in medical institutions and residential settings. PNA is comprised of a Social Security withholding of thirty dollars and the rest of PNA is supplemented with state supplemental payments (SSP). WAC 388-478-0055 needs to be amended to update the monthly SSP rate for those in medical institutions effective January 1, 2019.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: The department of social and health services (DSHS) welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jared Beard, P.O. Box 45440, Olympia, WA 98504-5470, phone 360-725-4617, email BeardJT@dshts.wa.gov.

July 11, 2018  
Katherine I. Vasquez  
Rules Coordinator

**WSR 18-15-066**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**OFFICE OF**  
**FINANCIAL MANAGEMENT**

[Filed July 16, 2018, 3:58 p.m.]

Subject of Possible Rule Making: HB 2669 which adds part-time employees to state civil service by amending RCW 41.06.070.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.06.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Currently the definitions of part-time and temporary are unclear. Therefore, we will be clarifying these definitions so it is clear in civil service rules.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: All state agencies and higher education institutions.

Process for Developing New Rule: Draft rules will be posted on the office of financial management (OFM) web site under "Rule-making activities" with information about how to submit comments. Draft rules will also be sent to a list of stakeholders as well as presented for discussion at stakeholder meetings to solicit comments and recommendations prior to publication of the rules for the rule-making hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kristie Wilson, OFM State HR, P.O. Box 47500, Olympia, WA 98501, phone 360-407-4139, fax 360-586-4694, TTY 711 or 1-800-833-6384, email Kristie.wilson@ofm.wa.gov, web site <https://ofm.wa.gov/about/rule-making-activities>.

July 16, 2018  
Roselyn Marcus  
Assistant Director of  
Legal and Legislative Affairs

**WSR 18-15-072**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed July 17, 2018, 9:39 a.m.]

Subject of Possible Rule Making: The department is considering a possible fee increase for the following rules: Contractor registration (chapter 296-200A WAC, Contractor certificate of registration renewals—Security—Insurance); elevators (chapter 296-96 WAC, Safety regulations and fees for all elevators, dumbwaiters, escalators and other conveyances); and factory assembled structures (chapter 296-150C WAC, Commercial coaches; chapter 296-150F WAC, Factory-built housing and commercial structures; chapter 296-150I WAC, Manufactured home installer training and certification program; chapter 296-150M WAC, Manufactured homes; chapter 296-150P WAC, Recreational park trailers; chapter 296-150R WAC, Recreational vehicles; chapter 296-150T WAC, Factory-built temporary worker housing structures; and chapter 296-150V WAC, Conversion vendor units and medical units).

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 18.27, 70.87, 43.22, and 43.22A RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of this rule making is to consider increasing fees by 4.00 percent (office of financial management's maximum allowable fiscal growth factor for fiscal year 2019) for the contractor registration, elevator, and factory assembled structures programs. The department evaluated the programs' budgets and projected revenue and determined fee increases are necessary to help cover the cost of ongoing services.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Interested parties can participate in the decision to adopt the new rules and formulation of the proposed rules before publication by contacting the individual listed below. The public can also participate, after amendments are proposed, by providing written comments and/or testimony during the public hearing and comment process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Alicia Curry, Department of Labor and Industries, P.O. Box 44400, Olympia, WA 98504-4400, phone 360-902-6244, fax 360-902-5292, email Alicia.Curry@Lni.wa.gov, web site [www.lni.wa.gov](http://www.lni.wa.gov).

July 17, 2018  
Joel Sacks  
Director

**WSR 18-15-074****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF ECOLOGY**

[Order 18-06—Filed July 17, 2018, 11:42 a.m.]

Subject of Possible Rule Making: Chapter 173-400 WAC, General regulations for air pollution sources, establishes the regulatory framework to ensure that healthy air quality exists in Washington, including meeting federal air quality standards. We are proposing to revise:

- WAC 173-400-040(7) to add an alternative emission standard for sulfur dioxide from a petroleum refinery sulfur recovery unit that would apply during startup and shutdown. The change will allow the petroleum refineries with sulfur recovery units to comply with the Environmental Protection Agency's (EPA) direction in the Startup Shutdown Malfunction State Implementation Plan Call (SSM SIP Call) (80 F.R. 33840). We started this discussion during the 2018 SSM rule making and plan to complete this work as part of this rule making.
- WAC 173-400-030 to add any definitions needed to support changes.
- WAC 173-400-025 to update our adoption-by-reference of federal rules. We need to adopt federal rules before they can apply to a facility, including changes since our last adoption.
- Other sections to update and make simple changes to clarify and simplify the application of the rule.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.94 RCW, RCW 70.94.331.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: See subject of possible rule making.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Ecology will communicate with and seek input from EPA to ensure compliance with EPA's decision on the treatment of emissions from startup, shutdown, and malfunction published in 80 F.R. 33840 on June 12, 2015. Ecology will also coordinate with the local clean air authorities and regional offices, especially the two local authorities that regulate petroleum refineries.

Process for Developing New Rule: Ecology will follow the standard process for the adoption of rules under the Administrative Procedure Act (chapter 34.05 RCW).

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Colleen Stinson, Department of Ecology, Air Quality Program, P.O. Box 47600, Olympia, WA 98504-7600, phone 360-407-6837, people with speech disability may call TTY 877-833-6341, people with impaired hearing may call Washington relay service at 711, email Colleen.Stinson@ecy.wa.gov, web site <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC173-400Jun18>, sign up to receive email notices <http://listserv.ecology.wa.gov/scripts/wa-ECOLOGY.exe?A0=ECY-AQ-RULE-AND-SIP-UPDATES&X=OF7D460E8D17CE2B31F&Y=egui461%40ecy.wa.gov>.

Additional comments: Interested parties can stay informed about the rule making and public involvement opportunities as described above. Ecology will extend an offer for government-to-government consultation with tribal governments during each phase of rule development.

July 17, 2018

Stuart A. Clark

Air Quality Program Manager

**WSR 18-15-089****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
CHILDREN, YOUTH, AND FAMILIES**

[Filed July 18, 2018, 8:50 a.m.]

Subject of Possible Rule Making: Chapter 110-425 WAC, Early childhood education and assistance program (ECEAP).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.216.065 and 43.216.525.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Implementing chapter 178 (SSSB [2SSB] 5107), Laws of 2017, which facilitates local funding and involvement in expanding early childhood education and assistance program eligibility.

Process for Developing New Rule: Collaborative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rules Coordinator, P.O. Box 40975, phone 360-902-7956, fax 360-902-7903, email [dcyf.rules.coordinator@dcyf.wa.gov](mailto:dcyf.rules.coordinator@dcyf.wa.gov), web site <https://www.dcyf.wa.gov/practice/policy-laws-rules/rule-making>, <https://del.wa.gov/PolicyProposalComment/Detail.aspx>.

July 18, 2018

Brenda Villarreal

Rules Coordinator

**WSR 18-15-090****WITHDRAWL OF  
PREPROPOSAL STATEMENT OF INQUIRY  
OFFICE OF THE  
INSURANCE COMMISSIONER**

[Filed July 18, 2018, 9:01 a.m.]

The office of the insurance commissioner is withdrawing the CR-101 for R 2015-06: Payee Notifications. The code reviser's office published this rule in WSR 15-13-068. We previously withdrew the CR-102 on October 17, 2016, which was published in WSR 16-21-070.

Our agency's reason for proposing the rule was to protect consumers in cases where an attorney received the settlement proceeds from an insurer for his client but then failed to fully transfer those proceeds to the consumer. However, additional information developed during stakeholder conversations lead me to believe that, at this time, this rule is not needed given the issue involved does not appear to be wide spread; the pro-

posed rule may impact attorney-client relationships; and due to unforeseen impediments to implementation of this rule. For this reason, our agency is withdrawing the CR-101.

We will contact individuals that provided comments during the CR-101 and CR-102 comment periods, to notify them that we have withdrawn the CR-101.

Mike Kreidler  
Insurance Commissioner

### WSR 18-15-093

#### PREPROPOSAL STATEMENT OF INQUIRY

#### DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

(Aging and Long-Term Support Administration)

[Filed July 18, 2018, 9:14 a.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-106-0905(3) to correct an eligibility error for medical care services (MCS) that occurred during the implementation of the community first choice program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: At the time of implementing the community first choice program, the department changed the eligibility for medicaid personal care to exclude nursing facility level of care (NFLOC), which inadvertently changed eligibility for MCS. The department filed an emergency rule as WSR 18-14-009 on June 22, 2018, that restores NFLOC eligibility for MCS. Without the rule change, vulnerable people with no other options for care may be harmed.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: The department of social and health services (DSHS) welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Angel Sullivan, P.O. Box 45600, Olympia, WA 98504-5600, phone 360-725-2495, fax 360-438-8633, TTY 1-800-833-6388, email angel.sullivan@dshs.wa.gov.

July 17, 2018  
Katherine I. Vasquez  
Rules Coordinator

### WSR 18-15-096

#### PREPROPOSAL STATEMENT OF INQUIRY

#### DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed July 18, 2018, 9:42 a.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-418-0005 How will I know what changes to report?, 388-470-0005 How do resources affect my eligibility for cash assistance and basic food?, 388-470-0070 How vehicles are counted toward the resource limit for cash assistance, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090, 74.08A.120, 74.04.005, 74.04.300, and chapter 40, Laws of 2018.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is planning to amend WAC 388-418-0005, 388-470-0005, 388-470-0070, and any other related rules as may be required to comply with legislation (ESSHB [E2SHB] 1831, chapter 40, Laws of 2018) in order to increase resource limits used to determine cash assistance eligibility to \$6,000 and the vehicle equity limit to \$10,000.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Angela Aikins, P.O. Box 45440, Olympia, WA 98504-5470, phone 360-725-4784, email Angela.Aikins@dshs.wa.gov.

July 17, 2018  
Katherine I. Vasquez  
Rules Coordinator

### WSR 18-15-099

#### PREPROPOSAL STATEMENT OF INQUIRY

#### DEPARTMENT OF ECOLOGY

[Order 18-07—Filed July 18, 2018, 11:11 a.m.]

Subject of Possible Rule Making: Chapter 173-460 WAC, Controls for new sources of toxic air pollutants, this rule includes air quality permitting requirements for businesses that emit toxic air pollutants.

The rule making will use the latest, best available health effects information to:

- Update the list of toxic air pollutants.
- Recalculate:

- o Acceptable source impact levels.
- o Small quantity emission rates.
- o De minimis emission values.
- Update the rule to support the changes described above.

We are starting a different process we call an exploratory rule-making process to assess possible amendments to the rest of chapter 173-460 WAC. Find out more about this process <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-460-Exploratory-rulemaking>.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.94 RCW, RCW 70.94.152, 70.94.331.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: We intend to update the list of toxic air pollutants to:

- Add or subtract chemicals based on updated toxicity information available from the United States Environmental Protection Agency (EPA), California Office of Environmental Health Hazard Assessment, and Agency for Toxic Substances and Disease Registry. Our list of toxic air pollutants is based on the inhalation toxicity values established by these three agencies.
- Review ammonium sulfate as a toxic air pollutant and its associated toxicity value. This is in response to a request from the Far West Agribusiness Association to remove ammonium sulfate from the list of toxic air pollutants.
- Evaluate whether the rule should continue to list criteria pollutants as toxic air pollutants. If determined it should, retain criteria pollutants on the list of toxic air pollutants.
- Evaluate whether to establish additional acceptable source impact levels for specific groups of chemicals with established toxic equivalency factors. This approach would consider mixtures of similar chemicals (i.e., dioxin-like compounds and carcinogenic polycyclic aromatic hydrocarbons) to be a single toxic air pollutant based on toxic equivalency. If determined it should, update the toxic air pollutants list to include new acceptable source impact levels.
- Revise the small quantity emission rates and de minimis values based on updates to the acceptable source impact levels and the use of the latest version of EPA's AER-SCREEN air quality dispersion model.
- Evaluate the use of early life adjustment factors when deriving acceptable source impact levels for chemicals that are considered to cause cancer through a mutagenic mode of action. These chemicals may pose a greater risk to infants and children than is reflected in their toxicity value.
- Update the rule to support changes described above.

See the "Guidance for Updating the Toxic Air Pollutants List" on our rule-making web page for the process we will use to evaluate the list of toxic air pollutants.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: In addition to coordinating with the ecology's air quality program, industrial section, and the nuclear waste program, we will seek input from, and coordinate with, the seven local clean air agencies and the energy facility site evaluation council throughout the rule-making process.

Process for Developing New Rule: Ecology will follow the standard process for adopting rules as listed in the Administrative Procedure Act (chapter 34.05 RCW).

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Elena Guilfoil, Department of Ecology, Air Quality Program, P.O. Box 47600, Olympia, WA 98504-7600, phone 360-407-6855, to request ADA accommodation, call ecology at 360-407-7668, 711 (relay service), or 877-833-6341 (TTY), email [elena.guilfoil@ecy.wa.gov](mailto:elena.guilfoil@ecy.wa.gov), web site <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC173-460>, sign up to receive email notices from our new air toxics rule-making distribution list <http://listserv.ecology.wa.gov/scripts/wa-ECOLOGY.exe?A0=AIR-TOXICS-RULEMAKING&Y=egui461%40ecy.wa.gov>.

Additional comments: Attend the first stakeholder meeting for this rule making on August 20. Find out more at our rule-making web site (<https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC173-460>).

Ecology will extend an offer for government-to-government consultation with tribal governments during each phase of rule development.

We will start a different rule-making process to assess possible changes to other parts of chapter 173-460 WAC called an exploratory rule-making process. Find out more about this process at <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-460-Exploratory-rulemaking>. Attend a public workshop on this process on August 8.

July 18, 2018

Stuart A. Clark

Air Quality Program Manager

### WSR 18-15-100

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed July 18, 2018, 11:16 a.m.]

Subject of Possible Rule Making: Chapter 16-157 WAC, Organic food standards and certification, the Washington state department of agriculture (WSDA) is considering changes to the certification fee schedules and changes to the organic and transitional logos.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.86.060, 15.86.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 15.86.070 requires rules to include a fee schedule that will provide for the recovery of the full cost of the program. WSDA certification fees have not been significantly adjusted since the implementation of the United States Department of Agriculture (USDA) organic regulations over fifteen years ago.

Since 2002 the USDA organic regulation and the certification agency accreditation requirements have changed in response to emerging issues and markets; WSDA must implement additional requirements to ensure market access

for WSDA certified organic products. Continued growth in the organic industry has caused a demand for services that are not outlined within the current fee schedules. Program operating costs have also changed significantly over the last fifteen years. The increase in expenses in addition to the inability to charge for services provided, has caused operating expenses to exceed the certification program's annual revenue.

WSDA is considering changes to chapter 16-157 WAC to ensure the continuation of quality services to all Washington business who want to produce, handle, and market organic products. An update to the WSDA organic program logos is being considered to increase public awareness and assist producers and handlers in the marketing of WSDA certified organic products.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: USDA National Organic Program (NOP) - WSDA will communicate any rule amendments with NOP.

Process for Developing New Rule: Agency study; and WSDA staff will discuss rule making with affected stakeholders. Affected stakeholders will also have an opportunity to submit written comments on the proposed rules during the public comment period and will also be able to present oral testimony at the public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brenda Book, WSDA Organic Program Manager, 1111 Washington Street S.E., P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-1805, TTY 800-833-6388 or 711, email [organic@agr.wa.gov](mailto:organic@agr.wa.gov), web site [agr.wa.gov/foodanimal/organic](http://agr.wa.gov/foodanimal/organic).

July 18, 2018  
Steve Fuller  
Assistant Director  
Food Safety and  
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